

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cost recovery and allocation issues for
number pooling trials in Florida.

DOCKET NO. 001503-TP
ORDER NO. PSC-04-0759-PCO-TP
ISSUED: August 5, 2004

ORDER GRANTING OFFICIAL RECOGNITION

I. Background

This docket was established to address cost recovery and allocation issues for number pooling trials in Florida. By Order No. PSC-02-0466-PAA-TP, issued April 5, 2002, this Commission ordered that carriers shall be allowed the opportunity to seek recovery of their costs associated with state-mandated pooling trials. This Commission further ordered that regulated carriers seeking recovery shall file a petition with this Commission for a cost recovery mechanism that meets federal and state law, including all supporting documents related to their cost analysis.

On August 5, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed its Petition for Cost Recovery of its carrier-specific costs associated with state-mandated number pooling trials. By Order No. PSC-03-1096-PAA-TP, issued October 2, 2003, BellSouth's Petition for Cost Recovery was granted in part.

On September 30, 2002, Sprint-Florida, Incorporated (Sprint) filed its Petition for Cost Recovery. By Order No. PSC-03-1270-PAA-TP, issued November 10, 2003, granted in part Sprint's Petition for Cost Recovery.

The Office of Public Counsel (OPC) filed its protest of Order No. PSC-03-1096-PAA-TP granting in part BellSouth's Petition on October 22, 2003. OPC also filed its protest of PSC-03-1270-PAA-TP granting in part Sprint's Petition on November 26, 2003. Pursuant to OPC's protest, this matter has been scheduled for a Section 120.57(1), Florida Statutes, administrative hearing on May 24 and 25, 2004.

By Order No. PSC-04-0395-PCO-TP, issued April 14, 2004, BellSouth, Sprint, and OPC Joint Motion to Amend Procedural Schedule was granted in part. Along with the Motion, the Parties' Joint Stipulation of the Record of BellSouth, Sprint and OPC was approved.

On June 10, 2004, both BellSouth and Sprint filed Motions for Official Recognition for orders issued from North Carolina.¹ BellSouth also requests official recognition of the Michigan

¹ In the Matter of Area Code Relief of North Carolina's 704/910/919 Numbering Plan Areas, in Docket P-100, Sub 137. In the Matter of Petition by Carolina Telephone and Telegraph Company and Central Telephone Company for Approval of Price Regulation Plans Pursuant to G.S. 62-133.5, in Docket No. P-7, Sub 825 and Docket No. P-10, Sub 479.

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Public Service Commission's Order on Reconsideration.² On June 11, 2004, OPC filed its Response to the Motions for official recognition. In its Response, OPC states that it has no objection to the official recognition, even if it does not believe that these orders provide no basis for the Commission to grant a surcharge on customer's rates in the cases pending before this Commission.

Section 120.569(2)(i), Florida Statutes, states that "[w]hen official recognition is requested, the parties should be notified and given an opportunity to examine and contest the material." Given that the parties are in agreement that official recognition may be taken of the North Carolina order and Michigan order, I find it appropriate to grant the Motions for Official Recognition. This Order does not, however, make a determination as to the relevancy or applicability of these orders in this proceeding.

Based on the foregoing, it is

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Official Recognition of Orders is hereby granted. It is further

ORDERED that Sprint-Florida, Incorporated's Motion for Official Recognition of Order is hereby granted.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 5th day of August, 2004.


BRAULIO L. BAEZ
Chairman and Prehearing Officer

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² In the matter, on the Commission's own motion, to consider the implementation of limited number pooling trials, Case No. U-13086, Opinion and Order, issued February 1, 2002.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.