

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of storm cost recovery surcharge, and stipulation with Office of Public Counsel, by Sprint-Florida, Incorporated.	DOCKET NO. 050374-TL ORDER NO. PSC-05-0757-PCO-TL ISSUED: July 19, 2005
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ORDER APPROVING PROCEDURAL STIPULATION

BY THE COMMISSION:

On May 25th, 2005, Sprint-Florida, Incorporated (Sprint/Company) filed a Petition for Approval of Storm Cost Recovery Surcharge and Stipulation (Stipulation) with the Florida Public Service Commission (Commission). The Stipulation involves an agreement between Sprint and the Office of the Public Counsel (OPC) of the facts concerning the extent of storm damage sustained by Sprint, the number of customers affected, and the amount of costs subject to recovery in order for this Commission to determine whether Sprint's Petition meets the criteria set forth in Section 364.051(4), Florida Statutes. The Stipulation also includes the parties' agreement that an abbreviated procedure consistent with Section 120.57(2), Florida Statutes, would be appropriate in this proceeding.

By PAA Order No. PSC-05-0735-PAA-TL, issued July 8, 2005, we approved the substantive portion of Sprint and OPC's stipulation. Upon consideration, I find it appropriate and reasonable to approve the parties' procedural stipulation. The parties' initial briefs were filed on July 8, 2005. Reply briefs will be due on July 25, 2005. The parties' briefs shall address the following agreed upon issues:

1. Do the costs incurred by Sprint as a result of the 2004 hurricanes constitute a compelling showing of a substantial change in circumstances pursuant to Section 364.051(4), Florida Statutes?
- 2(a). If Issue 1 is answered in the affirmative, how much, if any, of the costs set forth in the stipulation may be recovered from Sprint's basic local service customers?
- 2(b). If any costs are determined to be recoverable, how should these costs be recovered?
3. Should this docket be closed?

The parties' briefs shall be limited to 20 pages.

DOCUMENT NUMBER-DATE

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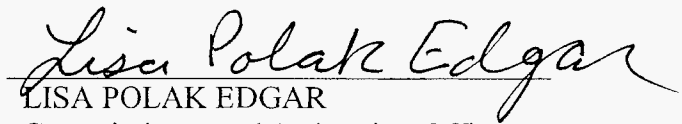
FPSC-COMMISSION CLERK

Based upon the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the procedural stipulation offered by Sprint-Florida, Incorporated and the Office of Public Counsel is approved as set forth in the body of this Order. It is further

ORDERED that this procedure shall govern the conduct of this proceeding unless otherwise modified by the Commission or the Prehearing Officer.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 19th day of July, 2005.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(SEAL)

AJT

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.