

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to recover 2005 tropical system  
related costs and expenses, by BellSouth  
Telecommunications, Inc.

DOCKET NO. 060598-TL  
ORDER NO. PSC-06-0941-PCO-TL  
ISSUED: November 8, 2006

SECOND ORDER ON PROCEDURE

**I. Case Background**

On September 1, 2006, BellSouth Telecommunications, Inc. (BellSouth) filed its Petition to Recover 2005 Tropical System Related Costs and Expenses pursuant to 364.051(4), Florida Statutes. By Order No. PSC-06-0783-PCO-TL, issued September 20, 2006, the procedural schedule and hearing dates for this docket were established.

**II. Modified Procedures**

On November 1, 2006, an Issue Identification Meeting was held. Attached to this Order as Appendix "A" is a list of issues identified by the parties and Commission staff during the meeting.

Additionally, during the meeting the parties agreed to each file a prehearing legal memoranda on November 30, 2006, that shall not exceed fifteen (15) pages. The legal memoranda shall address whether a line item charge on BellSouth's wholesale UNE loops is appropriate pursuant to Section 364.051(4)(b)(6), Florida Statutes and federal law.

Based upon the foregoing, it is

ORDERED by Commissioner Terry Deason, Prehearing Officer, that the modified procedures set forth in the body of this Order, shall be followed unless further modified by the Commission. It is further

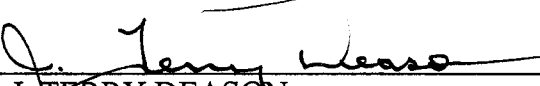
ORDERED that Order No. PSC-06-0783-PCO-TL is affirmed in all other respects.

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FPSC-COMMISSION CLERK

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 8th day of November, 2006.

  
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J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

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.

**Appendix A**

1. What amount of any storm damage reserve fund should be considered when determining the amount of tropical-system-related intrastate costs and expenses to be recovered?
2. What is the appropriate amount of intrastate costs and expenses related to damage caused during the 2005 tropical storm season, if any, that should be recovered by BellSouth, pursuant to Section 364.051(4), Florida Statutes?
- 3(a) What is the appropriate type and number of retail access lines, basic and nonbasic, to which any storm damage recovery may be assessed?
- 3(b) Is a line item charge on BellSouth's wholesale UNE loops appropriate pursuant to Section 364.051(4)(b)(6), Florida Statutes and Federal Law? If yes, on which types of lines should the charge be assessed and how should the lines be counted? What is the total number of UNE loops to be assessed, if any?
4. What is the appropriate line item charge per access line, if any?
5. If a line item charge is approved in Issue 4, on what date should the charge become effective and on what date should the charge end?
6. Should the docket be closed?