

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

DOCKET NO. 080278-TL
ORDER NO. PSC-09-0684-PCO-TL
ISSUED: October 14, 2009

ORDER GRANTING JOINT MOTION FOR POSTPONEMENT
OF PREHEARING CONFERENCE AND SECOND ORDER
MODIFYING ORDER ESTABLISHING PROCEDURE

By Order No. PSC-09-0107-PCO-TL, issued February 23, 2009, a procedural schedule was established setting forth the controlling dates for this docket. By Order No. PSC-09-0244-PCO-TL, issued April 22, 2009, Order No. PSC-09-0107-PCO-TL was modified to reflect certain changes to the controlling dates for this case.

On October 9, 2009, Verizon Florida LLC, the Office of the Attorney General, the Office of Public Counsel, and AARP (parties) filed a joint motion requesting that the Prehearing Conference scheduled for October 15, 2009, be postponed. In the joint motion, the parties represent that the Prosecutorial Staff consents to the postponement request.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

As grounds for the joint motion, the parties state that they have agreed in principle to settle this docket and are in the process of memorializing their settlement agreement. The parties expect to complete a written settlement agreement shortly that they will submit to the Commission for approval. The parties request that the Prehearing Conference be postponed because of the strong likelihood that a hearing will not be necessary.

Because postponement under these circumstances would conserve the Commission and the parties' resources and serve the interests of judicial economy, the Joint Motion for Postponement of Prehearing Conference is granted. Order No. PSC-09-0107-PCO-TL is hereby modified to reflect that the October 15, 2009, Prehearing Conference shall be postponed.

Based on the foregoing, it is

ORDERED by Nathan A. Skop, as Prehearing Officer, that the Joint Motion for Postponement of Prehearing Conference of Verizon Florida LLC, the Office of the Attorney General, the Office of Public Counsel, and AARP is granted. It is further

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ORDERED that Order No. PSC-09-0107-PCO-TL is hereby modified as reflected in the body of this Order. It is further

ORDERED that Order No. PSC-09-0107-PCO-TL is reaffirmed in all other respects. It is further

ORDERED that the provisions of Order No. PSC-09-0107-PCO-TL, as modified herein, shall govern this proceeding unless further modified by the Commission.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 14th day of October, 2009.



NATHAN A. SKOP

Commissioner and Prehearing Officer

(S E A L)

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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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.