

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Escambia Board of )	DOCKET NO. 871268-TL
County Commissioners for extended )	
area service between all Escambia )	ORDER NO. 21214
County communities )	
_____ )	ISSUED: 5-9-89

ORDER GRANTING SOUTHERN BELL'S MOTION  
FOR EXTENSION OF TIME AND DENYING  
STAFF'S MOTION FOR EXPEDITED RESPONSE

This docket was initiated upon a request for countywide Extended Area Service (EAS) filed by the Escambia Board of County Commissioners on December 1, 1987. The exchanges involved in this request are served by either Southland Telephone Company (Southland) or Southern Bell Telephone and Telegraph Company (Southern Bell). In addition to involving intercompany routes, this request also involves interLATA (Local Access Transport Area) routes.

Order No. 18615, issued December 29, 1987, directed Southland and Southern Bell to complete traffic studies on the affected routes. Subsequently, Order No. 19000, issued March 21, 1988, granted the companies an extension of time to complete and submit the traffic data due to the complexities inherent in completing an interLATA traffic study.

By Order No. 20605, issued January 17, 1989, the Commission proposed granting countywide EAS in Escambia County upon terms specified within the Order. On February 2, 1989, before the proposed agency action became final, Southland filed its Petition protesting the action proposed by the Commission in Order No. 20605.

On March 31, 1989, an order on Prehearing Procedure, Order No. 20970 was issued. This order identified the issues to be addressed in the hearing scheduled for May 23, 1989, and set out a time frame to be followed by the parties for key activities in the proceeding. Of note here is the deadline of April 24, 1989, for submitting prefiled testimony.

On April 12, 1989, Southern Bell filed a Motion for Extension of Time (Southern Bell Motion) seeking additional time in which to submit its prefiled testimony. Southern Bell asserts that such an extension of time is necessary in order to complete an accurate and proper economic study and updated traffic studies, both of which Southern Bell considers essential to its testimony in this docket. In support of its request for additional time, Southern Bell cites Rule 25-4.060(1), Florida Administrative Code, which allows a company up to sixty (60) days to complete traffic studies and Rule 25-4.061(2), Florida Administrative Code, which provides up to ninety (90) days for completing an economic impact study.

On April 17, 1989, Staff of the Florida Public Service Commission (Staff) filed their First Set of Interrogatories to Southern Bell and Southland, along with a Motion for Expedited Response (Staff's Motion), by May 1, 1989, rather than within the thirty (30) days provided for response by Florida Rule of Civil Procedure 1.340(a). Staff's interrogatories inquire into matters which require the companies to use current traffic

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studies and current economic impact data in formulating their responses. Staff asserts that without such data from the companies, they will be wholly unable to prepare for the Prehearing Conference to be held on May 10, 1989, and ultimately unable to prepare for the Hearing scheduled for May 23, 1989.

On April 24, 1989, both Southland and Southern Bell served their prefiled direct testimony along with proposed exhibits. The testimony filed by both companies responds in varying degrees to the interrogatories served by Staff.

On April 26, 1989, Southern Bell filed its Response to Staff's Motion. Southern Bell's Response basically renews the arguments previously made in its Motion for Extension of Time filed on April 12, 1989.

Inasmuch as the Southern Bell Motion, Staff's Motion, and Southern Bell's Response to Staff's Motion all involved requested discovery into similar matters, the Prehearing Officer will rule on all of these matters together.

As of this date, neither company has filed a response, as such, to Staff's interrogatories. However, as previously mentioned, the prefiled testimony of both companies is responsive in varying degrees to the interrogatories propounded by Staff. As to Southland, I find its prefiled testimony to constitute a substitute for a separate response to Staff's interrogatories and, therefore, Staff's Motion is moot as to Southland.

However, the same cannot be said for Southern Bell. Indeed, the Southern Bell testimony itself concedes the staleness of both the traffic study and the economic impact data relied upon in compiling the testimony. Notably, both Southern Bell and Staff are in agreement about the need for current traffic studies and economic impact data in this docket. The only dispute remaining regards the time frame for providing this information as to Southern Bell.

Upon consideration of the above arguments, Staff's Motion for Expedited Response is denied and Southern Bell's Motion for Extension of Time is granted. Southern Bell is hereby granted additional time to file current traffic studies and current economic impact data, both to be in the form required to respond to the issues as framed in Appendix A of the Order on Prehearing Procedure, issued March 31, 1989, and to Staff's First Set of Interrogatories, filed April 17, 1989. As time is of the essence at this stage of the proceedings, I wish to remind Southern Bell that both the sixty (60) days for traffic studies under Rule 25-4.060(1), Florida Administrative Code, and the ninety (90) days for economic impact analysis under Rule 25-4.061(2), Florida Administrative Code, represent the outer limits of the allowable time frames for these responses. These time limits shall be measured from March 31, 1989, the issuance date of the Order on Prehearing Procedure.

Therefore, based on the foregoing, it is

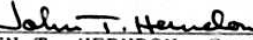
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ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that the Motion for Extension of Time filed on April 12, 1989, by Southern Bell Telephone and Telegraph Company is granted to the extent outlined in the Order above. It is further

ORDERED that the Motion for Expedited Response filed on April 17, 1989, by Commission Staff is hereby denied. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall file traffic studies and economic impact data as outlined in the Order above, within the time frames specified in the Order above.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 9th day of May, 1989.

  
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JOHN T. HERNDON, 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 120.59(4), 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and

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filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.