

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into Equal Access) DOCKET NO. 880812-TP
 Exchange Areas, Toll Monopoly Areas, 1+)
 Restrictions to the local exchange) ORDER NO. 21399
 companies and elimination of the access)
 discount) ISSUED: 6-16-89

ORDER ON PREHEARING PROCEDURE

Pursuant to the provisions of Rule 25-22.038, Florida Administrative Code, all parties and Staff are hereby required to file with the Director of Records and Reporting a prehearing statement on or before September 1, 1989. Each prehearing statement shall set forth the following:

(a) all known witnesses that may be called and the subject matter of their testimony;

(b) all known exhibits, their contents, and whether they may be identified on a composite basis and witness sponsoring each;

(c) a statement of basic position in the proceeding;

(d) a statement of each question of fact the party considers at issue and which of the party's witnesses will address the issue;

(e) a statement of each question of law the party considers at issue;

(f) a statement of each policy question the party considers at issue and which of the party's witnesses will address the issue;

(g) a statement of the party's position on each issue identified pursuant to paragraphs (d), (e) and (f) and the appropriate witness;

(h) a statement of issues that have been stipulated to by the parties;

(i) a statement of all pending motions or other matters the party seeks action upon; and

(j) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

The original and fifteen copies of each prehearing statement must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of September 1, 1989. Failure of a party to timely file a prehearing statement shall be a waiver of any issues not raised by other parties or by the Commission Staff. In addition, such failure shall preclude the party from presenting testimony in favor of his or her position on such omitted issues. Copies of prehearing statements shall also be served on all parties. Prehearing statements shall substantially conform to the Florida Rules of Civil Procedure requirements as to form, signatures, and certifications.

DOCUMENT NUMBER-DATE

06004 JUN 16 1989

FPSC-RECORDS/REPORTING

ORDER NO 21399
DOCKET NO. 880812-TP
PAGE 2

Each party is required to prefile all exhibits and all direct testimony it intends to sponsor in written form. Prefiled testimony shall be typed on standard 8 1/2 x 11 inch transcript quality paper, double spaced, with 25 numbered lines, in question and answer format, with a sufficient left margin to allow for binding. An original and fifteen copies of each witness' prefiled testimony and each exhibit must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the due date. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony. Copies of all prefiled testimony shall also be served by the sponsoring party on all other parties.

A final prehearing conference will be held on October 4, 1989, in Tallahassee. The conditions of Rule 25-22.038(5)(b), Florida Administrative Code, will be met in this case and the following shall apply:

Any party who fails to attend the final prehearing conference, unless excused by the prehearing officer, will have waived all issues and positions raised in his or her prehearing statement.

Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: he or she was unable to identify the issue because of the complexity of the matter; discovery or other prehearing procedures were not adequate to fully develop the issues; due diligence was exercised to obtain facts touching on the issue; information obtained subsequent to the issuance of the prehearing order was not previously available to enable the party to identify the issue; and introduction of the issue could not be to the prejudice or surprise of any party. Specific reference shall be made to the information received, and how it enabled the party to identify the issue.

Unless a matter is not at issue for that party, each party shall diligently endeavor in good faith to take a position on each issue prior to issuance of the prehearing order. When a party is unable to take a position on an issue, he or she shall bring that fact to the attention of the prehearing officer. If the prehearing officer finds that the party has acted diligently and in good faith to take a position, and further finds that the party's failure to take a position will not prejudice other parties or confuse the proceeding, the party may maintain "no position at this time" prior to hearing and thereafter identify his or her position in a post-hearing statement of issues. In the absence of such a finding by the prehearing officer, the party shall have waived the entire issue. When an issue and position have been properly identified, any party may adopt that issue and position in his or her post-hearing statement.

ORDER NO 21399
 DOCKET NO. 880812-TP
 PAGE 3

To facilitate the management of documents in this docket, parties and Commission Staff shall submit an exhibit list with their respective prehearing statements. Exhibits will be numbered at the Prehearing Conference. Each exhibit submitted shall have the following in the upper right-hand corner: the docket number, the witness's name, the word "Exhibit" followed by a blank line for the Exhibit Number and the title of the exhibit.

An example of the typical exhibit identification format is as follows:

Docket No. 870675-TL
 J. Doe Exhibit No. _____
 Cost Studies for Minutes
 of Use by Time of Day

The following dates have been established to govern the key activities of this proceeding in order to maintain an orderly procedure.

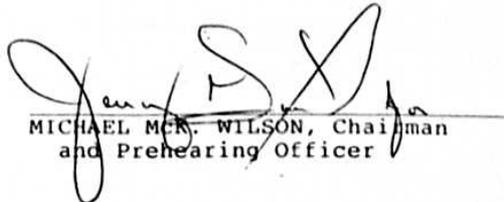
1. August 1, 1989 - Direct Testimony to be filed
2. September 1, 1989 - Rebuttal Testimony to be filed
3. September 1, 1989 - Prehearing Statements to be filed
4. October 4, 1989 - Prehearing Conference
5. November 1, 2, 3, 6 & 8, 1989 - Hearings to be held.

Attached to this order as Appendix "A" is a tentative list of the issues which will be addressed in this proceeding. Prefiled testimony and prehearing statements shall be addressed to the issues set forth in Appendix "A".

Discovery

When interrogatories or requests for production are served on a party and the respondent intends to object to or ask for clarification of an interrogatory or request for production, the objection or request for clarification shall be made within ten (10) days of service of the interrogatory or request for production. This procedure is intended to reduce delay time in discovery.

By ORDER of MICHAEL McK. WILSON, Chairman and Prehearing Officer, this 16th day of JUNE, 1989.


 MICHAEL McK. WILSON, Chairman
 and Prehearing Officer

(S E A L)

TH

APPENDIX "A"

LIST OF ISSUES

1. Do current circumstances and conditions warrant the abolition of the toll transmission monopoly area (TMAs)? (Issue includes but is not limited to the original objectives for the TMAs, how those objectives have been met, whether those objectives remain viable for the future, any preexisting criteria governing the elimination of the TMAs, and whether the preexisting criteria or other factors justifies continuation or elimination of the TMAs).
2. If continued or eliminated, what policy changes or other regulatory actions are appropriate?
3. Do current circumstances and conditions warrant elimination of the equal access exchange areas (EAEAs)? (Issue includes but is not limited to the original objectives for the EAEAs, how those objectives have been met, whether those objectives remain viable for the future, and the effect of those objectives on the configuration of telecommunications networks).
4. If continued or eliminated, what policy changes, EAEA boundary changes, or other regulatory actions are appropriate?
5. What are the potential benefits and detriments, including but not limited to economic factors, resulting from intraEAEA transmission competition to the following: IXCs, LECs, and consumers?
6. What policy changes or modifications to existing intraLATA 1+ dialing patterns are appropriate?
7. What policy changes or modifications to existing intraLATA 0+ dialing patterns are appropriate?
8. Should the current policy regarding the phase out of the discount for less than equal access be retained?
9. Should the LS1 and LS2 access differential be retained?
10. Should the current "bypass" restriction be continued or elimination?
11. Should the Commission now implement its decision in Order No. 12765 to charge resellers FGA access charges instead of PBX trunk rates?
12. Should the Commission now implement its decision in Order No. 15481 to implement time of day discounts to LEC terminating access charges in those EAEA's fully (all end offices within the EAEA) converted to equal access?
13. What tariff filings, rule amendments, time frames, and other procedures are appropriate to implement the decisions reached in this docket?