

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of SOUTHERN BELL)
TELEPHONE AND TELEGRAPH COMPANY'S)
capital recovery position)
_____)

DOCKET NO. 890256-TL
ORDER NO. 23314
ISSUED: 8-7-90

ORDER DENYING REQUEST FOR ORAL ARGUMENT

The Florida Cable Television Association (FCTA) has requested oral argument on its motion for reconsideration of Order No. 23123, the final order in the Southern Bell depreciation proceeding. In addition, the FCTA has also asked that the time allowed for oral argument be expanded from the normal 15 minutes per side to 25 minutes per side. In support of its motion for oral argument, the FCTA simply states that "...oral argument will facilitate the Commission's consideration of the complex issues involved in this very significant case."

On July 31, 1990, Southern Bell Telephone and Telegraph Company (Southern Bell) responded in Opposition to FCTA's request. Southern Bell argues that the request fails to state with particularity why oral argument would aid the Commission and, further, is devoid of any rationale or justification. Bell also argues that the issues included have been presented to the Commission six times previously.

Rule 25-22.060, Florida Administrative Code, governing motions for reconsideration, provides that oral argument "shall be granted solely at the discretion of the Commission." In addition, Rule 25-22.058, Florida Administrative Code, provides that a request for oral argument shall "state with particularity why oral argument would aid the Commission in comprehending and evaluating the issues raised by exceptions or responses." (emphasis added).


Upon review of the requirements of the Rules, I find that FCTA's motion for reconsideration should be denied. The motion fails to state with any "particularity" how or why oral argument would aid the Commission. A simple conclusive statement is insufficient justification.

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Based on the foregoing, it is

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that the Florida Cable Television Association's Motion for Oral Argument on its Motion for Reconsideration of Order No. 23123 is denied as set forth in the body of this Order.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 7th day of AUGUST, 1990.


THOMAS M. BEARD, 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a

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Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, 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.