

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for extended area) DOCKET NO. 870790-TL
service (EAS) throughout Gilchrist) ORDER NO. 24257
County) ISSUED: 3/20/91
_____)

ORDER ON PREHEARING PROCEDURE AND
ORDER REQUIRING ADDITIONAL TRAFFIC STUDIES

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 June 3, 1991. 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.

DOCUMENT NUMBER-DATE

02737 MAR 20 1991

FPC-RECORDS/REPORTING

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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 business on June 3, 1991. 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.

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 July 1, 1991, 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.

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 hearing. Each exhibit submitted shall have the following in the upper right-hand corner (for identification prior to the hearing): the docket number, the witness's name, the word "Exhibit" followed by a blank line for the Exhibit Number, the title of the exhibit, and a prehearing identification number consisting of the initials of the witness and a number.

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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
(JXD-1)

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

1. April 22, 1991 - Direct Testimony to be filed
2. May 13, 1991 - Rebuttal Testimony to be filed
3. June 3, 1991 - Prehearing Statements to be filed
4. July 1, 1991 - Prehearing Conference
5. July 17, 1991 - Hearing to be held in Gilchrist County
(location to be announced).

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".

In addition, it will be necessary for ALLTEL Florida, Inc. (ALLTEL) and Southern Bell Telephone and Telegraph Company (Southern Bell) to perform updated traffic studies in this docket. These traffic studies shall include the information and be in the format required by Orders Nos. 20607 and 17943, issued January 17, 1989, and August 6, 1987, respectively. Because this directive involves interLATA and intercompany routes, as well as pocket areas, ALLTEL and Southern Bell shall have a period of seventy-five (75) days from the date of this Order to prepare and submit the traffic studies, rather than the usual sixty (60) days.

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By ORDER of COMMISSIONER MICHAEL McK. WILSON, as Prehearing
Officer, this 20th day of MARCH, 1991.

A handwritten signature in cursive script that reads "Michael McK. Wilson". The signature is written in black ink and is positioned above a horizontal line.

MICHAEL McK. WILSON, Commissioner
and Prehearing Officer

(S E A L)

ABG

APPENDIX "A"

LIST OF ISSUES

1. What factors should be considered when determining whether a community of interest exists in Gilchrist County?
2. Is there a sufficient community of interest on the toll routes in Gilchrist County to justify implementing either EAS as currently defined in the Commission rules, or some alternative toll proposal?
3. Should any proposed EAS plan or toll alternative plan serve only the Gilchrist County pockets of the involved exchanges, or the entire exchanges?
4. What EAS plan or toll alternative plan, if any, should be implemented on the Gilchrist County routes? Should the same plan be implemented in both directions; be optional or nonoptional; be one-way or two-way?
5. What are the specific cost items that should be considered in determining the proper costs of the implementation of EAS? Should the plan the Commission implements permit full recovery of costs and lost revenues, including incremental costs?
6. What are the appropriate rates and charges for the plan to be implemented on this route?
7. Should the customers be surveyed and if so, how should the survey be conducted? If surveyed customers fail to accept the plan presented to them, what alternative, if any, should be considered?
8. If the Commission orders EAS or a toll alternative whereby ALLTEL and Southern Bell do not equally recover costs and lost revenues, should some form of compensation agreement be established between the two companies?
9. Can the Commission legally waive its own rules pertaining to EAS? (LEGAL ISSUE)
10. If the answer to Issue 9 is "yes," then which rules, if any, should be waived and in what manner and to what extent?

M E M O R A N D U M

March 18, 1991

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (GREEN)
RE: DOCKET NO. 870790-TL

CS

2#257

Attached is an ORDER ON PREHEARING PROCEDURE AND ORDER REQUIRING ADDITIONAL TRAFFIC STUDIES in the above-referenced docket, which is ready to be issued.

ABG/mgf
Attachment

870790a.mgf

RECEIVED
MAR 18 1991
FPSC-RECORDS / REPORTING
mail 3:30pm

DOCUMENT NUMBER-DATE
02737 MAR 20 1991
FPSC-RECORDS/REPORTING

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 21, 1991
TO: Parties and Interested Persons in Docket 870790-TL
FROM: Steve Tribble, Director of Records and Reporting
RE: Order Issued March 20, 1991

ST

An Order on Prehearing Procedure and Order Requiring Additional Traffic Studies was issued in Docket No. 870790-TL on March 20. This order was incorrectly identified as No. 25257. The correct order number is 24257. A corrected order is attached.

ST:kf
Attachment
cc: Angela Green