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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule)
25-22.0021, Amendment of)
Rules 25-22.056 and)
Rule 25-22.057, F.A.C.)

Division of Appeals
FL Public Service Commission
Docket No. 920840-OT
Filed: November 12, 1992

COMMENTS OF GTE FLORIDA INCORPORATED

GTE Florida Incorporated (GTEFL) hereby files its comments on the proposed rules set forth in Order No. PSC-92-1175-NOR-OT in this docket. GTEFL fully supports the Commission's objectives to revise its rules to simplify post-hearing procedures, reduce confusion, and streamline post-hearing proceedings. For the most part, the Company believes the rule revisions will achieve these goals. However, GTEFL believes that unduly restrictive limitations on the length of documents and summary statements may in some instances preclude a clear and complete post-hearing presentation, thus preventing reasoned and informed decisionmaking.

In its ongoing rate case, GTEFL was directed to comply with post-hearing filing guidelines similar to those set forth in the proposed rules. Order Establishing Procedure, PSC-92-0821-PCO-TL (Aug. 17, 1992). The Company's specific criticisms, discussed below, are rooted in its experience preparing its post-hearing statement in accordance with these requirements. Thus, the Company's comments provide particularly meaningful insight into problems that may arise under the rules.

25-22.056 (1)(d): This subsection imposes a 60-page limit on post-hearing filings (including proposed findings of fact, conclusions of law, statement of issues and positions, and brief). GTEFL agrees that, in most cases, this limit will prove to be reasonable.

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However, in complex cases, it may not be adequate to permit a clear and comprehensive presentation of a party's position. For example, in its rate case brief, the Company was required to discuss at least 120 issues, many of which involved sophisticated technological, econometric, and/or accounting concepts. A 60-page limit would have permitted less than half a page for discussion of each issue--certainly insufficient for a cogent discussion of the Company's positions on most issues. If parties are unable to fully explain the nature of particular issues and their views on those issues, the Commission will be severely handicapped in its ability to gather information necessary to make fair and appropriate rulings.

In its rate case, the Company was initially directed to adhere to a 50-page limit in its post-hearing brief. Upon GTEFL's request, Commissioner Clark granted the Company an additional 50 pages for its filing. This flexibility with regard to page limits is encouraging. Because the proposed rule permits similar modifications of the proposed 60-page limit, GTEFL will not challenge the rule itself. However, the Company asks the Commission to remain aware of potential problems with the page limit and liberally exercise the option to modify the restriction where necessary. In addition, GTEFL asks the Commission to explicitly recognize that the 60-page limit does not include the 50-word summary required by revised 25-22.056(3)(a) (discussed below). Particularly in cases with numerous issues, issue summaries will use up a substantial amount of the allotted page limit, aggravating

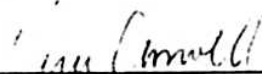
the potential problem of insufficient space for thorough discussion of parties' positions. GTEFL believes that parties should have the option to include summaries in a separate, appended document. This approach is more convenient for the reader and will reduce the number of requests for relief from the page limit.

25-22.056(3)(a): This subsection directs parties to include in their post-hearing statement of issues and positions a 50-word summary of each position. GTEFL's criticisms of this requirement are similar to those raised in reference to the page limit. Strict adherence to this limitation is likely to compromise the rules' stated intent of reducing confusion.

GTEFL was ordered to comply with the 50-word summary requirement in its rate case brief. In many cases, the Company found it impossible to summarize its position on a complex issue in 50 words or less. As a result, some of the issue summaries convey little useful information.

GTEFL does not oppose a summary requirement per se. However, if the summary is to serve a meaningful function in the post-hearing filing, parties must have an adequate opportunity to convey their positions. GTEFL's experience in drafting its rate case brief indicates that a half-page limit for issue summaries would be reasonable. In the alternative, GTEFL suggests modification of the proposed rule to explicitly recognize that entities may petition for relief from the 50-word limit for good cause.

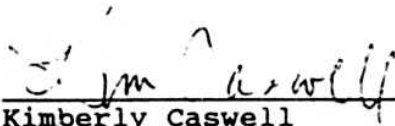
Respectfully submitted on November 12, 1992.



Kimberly Caswell
Thomas R. Parker
GTE Florida Incorporated
P.O. Box 110 MC 7
Tampa, FL 33601
(813) 228-3094

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Comments of GTE Florida Incorporated in Docket No. 920840-OT was sent via U.S. mail the 12th day of November, 1992, to the parties on the attached list.



Kimberly Caswell

Angela Green
Legal Department
Florida Public Service
Commission
101 East Gaines Street
Tallahassee, FL
32399-0873

Harris R. Anthony
J. Phillip Carver
c/o Marshall M. Criser III
150 So. Monroe Street
Suite 400
Tallahassee, FL 32301

Jack Shreve
Ofc. of Public Counsel
c/o The Fla. Represen.
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400