

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition and complaint ) DOCKET NO. 951069-TL  
of Harris Corporation against ) ORDER NO. PSC-96-0973-PCO-TL  
BellSouth Telecommunications, ) ISSUED: July 30, 1996  
Inc. concerning complex inside )  
wiring. )  
\_\_\_\_\_ )

ORDER SUSTAINING BELLSOUTH'S OBJECTIONS  
TO ITEM NO. 6 OF HARRIS CORPORATION'S THIRD SET OF  
INTERROGATORIES

On June 21, 1996, BellSouth Telecommunications, Inc., (BellSouth) filed an objection to item 6 of Harris Corporation's (Harris) 3rd Set of Interrogatories. BellSouth argues that the interrogatory is overly broad and oppressive. Further, BellSouth argues that the information sought is not relevant to the subject matter of this proceeding and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. On July 25, 1996, the Florida Public Service Commission received Harris Corporation's Response to BellSouth's Objections to Harris Corporation Interrogatory No. 6.

Having reviewed the pleadings, I find that BellSouth's objection should be sustained. Harris requests BellSouth to provide the "total dollar amount of sales that "outside plant cable" for BellSouth's Florida operations by year for years 1989, 1990, 1991, 1992, 1993, 1994 and 1995. The proper legal characterization of the facilities in question is one of the principal issues in this case. Harris asserts that the facilities are complex inside wire; whereas, BellSouth asserts that they are network intrasystem cabling. On these assertions alone, I find that the interrogatory is not only overly broad, but also appears to be irrelevant to the issues in this proceeding.

It is, therefore,

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that BellSouth's Objections to item 6 of Harris Corporation's 3rd Set of Interrogatories are sustained.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 30th day of July, 1996.

  
DIANE K. KIESLING, Commissioner and  
Prehearing Officer

( S E A L )

MMB

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 25-22.0376, Florida Administrative Code, if issued by a 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 wastewater 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.

MEMORANDUM

July 26, 1996

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FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (CANZANO) *✓*  
RE: DOCKET NO. 960613-TL - RESOLUTION BY THE CITY OF ORANGE  
CITY FOR EXTENDED AREA SERVICE BETWEEN THE ORANGE CITY  
AND ORLANDO EXCHANGES.

*0971-FOF*

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER DENYING  
EXTENDED AREA SERVICE to be issued in the above-referenced docket.  
(Number of pages in Order - 4)

DLC/anr  
Attachment  
cc: Division of Communications  
I: 960613PA.DC

*2 faxed  
1 mailed*