

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

AUGUST 22, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (BARONE) *MB*
DIVISION OF COMMUNICATIONS (SHELTER, GREER) *JD*

RE: DOCKET NO. ~~960658~~-TP - COMPLAINT OF FLORIDA INTEREXCHANGE
CARRIERS ASSOCIATION, MCI TELECOMMUNICATIONS CORPORATION,
AND AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.
AGAINST BELLSCOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 930330-TP - INVESTIGATION INTO INTRALATA
PRESUBSCRIPTION.

AGENDA: SEPTEMBER 3, 1996 - REGULAR AGENDA - INTERESTED PERSONS
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\LEG\WP\960658TP.RCM

CASE BACKGROUND

On May 24, 1996, the Florida Interexchange Carriers Association (FIXCA), MCI Telecommunications Corporation (MCI) and AT&T Communications of the Southern States, Inc. (AT&T) filed a Joint Complaint against BellSouth Telecommunications, Inc. (BellSouth). BellSouth filed its Answer and Motion to Dismiss on June 17, 1996.

On June 11, 1996, FIXCA, MCI and AT&T filed a Joint Petition on Order No. PSC-96-0692-FOF-TP, issued on May 23, 1996, in Docket No. 930330-TP, and requested a hearing. They also filed a Motion to Consolidate Proceedings.

DOCUMENT NUMBER-DATE

08837 AUG 21 1996

FPSC-RECORDS/REPORTING

DOCKET NOS. 960658-TP, 930330-TP
DATE: AUGUST 22, 1996

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant FIXCA, MCI and AT&T's Motion to Consolidate Proceedings?

RECOMMENDATION: Yes. The Commission should grant FIXCA, MCI and AT&T's Motion to Consolidate Proceedings. Dockets 960658-TP and 930330-TP should be combined for purposes of conducting an evidentiary hearing.

STAFF ANALYSIS: On May 24, 1996, FIXCA, MCI, and AT&T (Complainants) filed a Joint Complaint against BellSouth Telecommunications, Inc. The Complaint was assigned docket number 960658-TP. On June 17, 1996, BellSouth filed an Answer to the Joint Complaint and a Motion to Dismiss portions of the Complaint involving BellSouth's policy on Preferred Interexchange Carrier (PIC) change charges. BellSouth's current PIC change charge policy was approved by Order No. PSC-96-0692-FOF-TP in Docket No. 930330-TP. In its Motion to Dismiss, BellSouth argued that the Complainants should file a protest to Order No. PSC-96-0692-FOF-TP and that objections to the PIC change charge tariff revisions are not a proper subject of the Complaint.

Subsequently, on June 11, 1996, the Complainants filed a protest to Order No. PSC-96-0692-FOF-TP and requested a hearing. They also filed a Motion to Consolidate Proceedings stating that the tariff items challenged in Docket No. 930330-TP are the same tariff items that are the subject of the Joint Complaint in Docket No. 960658-TP. The Complainants argued that since the same tariff is the subject of both dockets and the same parties will be involved in developing the same issues with the same proof, consolidation will conserve time and resources.

Staff notes that since the Complainants have filed a protest to Order No. PSC-96-0692-FOF-TP, and BellSouth has notified staff that it intends to withdraw its Motion to Dismiss that the Commission need not rule on BellSouth's Motion. Further, BellSouth has not filed an objection to consolidation. Therefore, since the Complainants have raised the same objections to the tariff provisions regarding PIC change charges in Dockets 960658-TP and 930330-TP, and the parties are the same in both proceedings, staff recommends that the Commission grant FIXCA, MCI, and AT&T's Motion to Consolidate Proceedings.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open pending the outcome of the evidentiary hearing.

STAFF ANALYSIS: These dockets should remain open pending the outcome of the evidentiary hearing.