

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In Re: Application for
amendment of Certificate No.
427-W to add territory in Marion
County by Windstream Utilities
Company

) DOCKET NO. 960867-WU
)
) FILED: MAY 16, 1997
)
)
)

COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Orders Nos. PSC-96-1273-PCO-WS, PSC-97-0306-PCO-WS, PSC-97-0430-PCO-WU, and PSC-97-0481-PCO-WU, issued October 10, 1996, March 21, 1997, April 16, 1997, and April 25, 1997, respectively, the Commission staff (staff) files its prehearing statement as follows:

A. Witnesses

Staff does not intend to call any witnesses.

B. Exhibits

Staff does not intend to sponsor any exhibits, but reserves the right to use exhibits for the purpose of cross-examination.

C. Basic Position

Staff's positions listed below are preliminary and based on materials filed by the parties and discovery. These positions are offered to apprise the parties of those preliminary positions. Staff's final positions will be based on analysis of the evidence presented at hearing.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN 3
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

Issues of Fact, Law and Policy and Positions

The following are issues identified by staff and its positions on these issues. Staff's positions are preliminary and are based on materials filed by the parties or obtained through discovery. Staff's final positions will be based upon an analysis of the evidence presented at the hearing.

DOCUMENT NUMBER-DATE

04913 MAY 16 97

FPSC-RECORDS/REPORTING

COMMISSION STAFF'S PREHEARING STATEMENT
DOCKET NO. 960867-WU

ISSUE 1: Pursuant to Section 367.045(2)(b), Florida Statutes, is there a need for service in the territory which Windstream Utilities Company (Windstream) seeks to add to its certificate of authorization?

POSITION: Yes, there appears to be a need for service in the area based on future development along SR 200.

ISSUE 2: Pursuant to Section 367.045(2)(b), Florida Statutes, and Rule 25-30.036(3)(b), Florida Administrative Code, does Windstream have the technical ability and adequate capacity to serve the territory which it seeks to add to its certificate of authorization?

POSITION: It appears Windstream has the technical ability and adequate capacity to serve the areas requested in all of section 16, the northeast quarter of the northeast quarter of sections 21 and 17, and the east quarter of section 8, all lying south of SR 200. With respect to the remaining territory, no position pending further development of the record.

ISSUE 3: Pursuant to Section 367.045(b), Florida Statutes, and Rule 25-30.036(3)(b), Florida Administrative Code, does Windstream have the financial ability to serve the territory which it seeks to add to its certificate of authorization?

POSITION: No position pending further development of the record.

ISSUE 4: Would the proposed amendment of Windstream's territory result in the extension of a system which would be in competition with, or duplication of, any other system or portion of a system?

POSITION: The existing system of Jasmine Plaza does not have the excess capacity to serve the requested territory.

COMMISSION STAFF'S PREHEARING STATEMENT
DOCKET NO. 960867-WU

ISSUE 5: If the proposed amendment of Windstream's territory would result in the extension of a system which would be in competition with, or a duplication of, any other system or portion of a system, is such other system or portion thereof inadequate to meet the reasonable needs of the public or are the persons operating it unable, refusing, or neglecting to provide reasonable adequate service?

POSITION: The existing system of Jasmine Plaza does not have the excess capacity to serve the requested territory.

ISSUE 6: Does service exist from other sources within the geographical proximity to the areas that Windstream seeks to add to its certificate of authorization?

POSITION: No.

ISSUE 7: Pursuant to Section 367.045(5)(a), Florida Statutes, is it in the public interest for the Commission to grant Windstream's amendment application?

POSITION: No position pending further development of the record.

E. Pending Matters

The following matters are pending before the Commission:

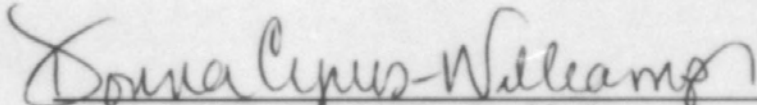
Marion County's Motion to Strike Prefiled Direct Testimony of George McDonald or in the Alternative for Extension of Time and Leave to File Additional Prefiled Direct and/or Rebuttal Testimony, filed May 12, 1997.

Marion County's Motion to Request Official Recognition, filed March 11, 1997, and Windstream's Motion to Strike, filed March 14, 1997.

COMMISSION STAFF'S PREHEARING STATEMENT
DOCKET NO. 960867-WU

F. Requirements That Cannot Be Complied With

There are no requirements of Orders Nos. PSC-96-1273-PCO-WS, PSC-97-0306-PCO-WS, PSC-97-0430-PCO-WU, and PSC-97-0481-PCO-WU that cannot be complied with at this time.


DONNA CYRUS-WILLIAMS, Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(904) 413-6199

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

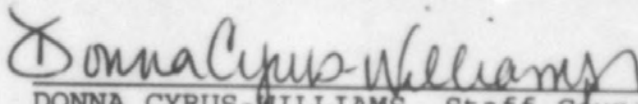
In Re: Application for) DOCKET NO. 960867-WU
amendment of Certificate No.)
427-W to add territory in Marion) FILED: MAY 16, 1997
County by Windstream Utilities)
Company)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of COMMISSION
STAFF'S PREHEARING STATEMENT has been furnished by U.S. Mail this
16th day of May, 1997, to the following:

Thomas A. Cloud, Esquire
Gray, Harris & Robinson, P.A.
201 East Pine Street, Ste. 2100
Orlando, FL 32802-3068

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301



DONNA CYRUS-WILLIAMS, Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(904) 413-6199