



Public Service Commission

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

DATE: APRIL 17, 2000

TO: CHAIRMAN JOE GARCIA
DR. MARY A. BANE, DEPUTY DIRECTORY/TECHNICAL

FROM: DIVISION OF LEGAL SERVICES (B. KEATING, VACCARO)
DIVISION OF COMMUNICATIONS (KENNEDY, WATTS)

RE: DOCKET NO. 000028-TL - PETITION BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR WAIVER OF RULES 25-4.107, 25-4.108, AND 25-4.113, F.A.C., WHICH REQUIRE PROVISION OF BASIC TELECOMMUNICATIONS SERVICE TO CERTAIN LOCATIONS AND PERSONS.

Recommend Denial MAB 4/17/00

WREK RT

ITEM 22 - APRIL 18, 2000 AGENDA CONFERENCE - REQUEST FOR DEFERRAL (RECOMMEND DENIAL)

OK Joe

Dr. Chavarran

At 4:00 p.m., on Friday, April 14, 2000, Mr. Anthony Parks submitted a request for deferral of Item 22 from the April 18th Agenda Conference schedule. Mr. Parks contends that he did not receive a copy of the staff recommendation in spite of several requests. He also believes he was not provided with proper notice and submits that his local counsel will be unable to fully prepare for the April 18 Agenda Conference.

Staff recommends that the request for deferral be denied. The Statutory deadline for handling this Petition for Waiver was April 10, 2000. Due to the necessity to obtain additional information from BellSouth regarding the Petition, the deadline was extended to April 18 to allow Staff to fully analyze the additional information provided, in accordance with Section 120.542(7), Florida Statutes. The extension of time does not extend beyond April 18.

In addition, staff emphasizes that the notice requirements of Section 120.542, Florida Statutes, have been fully met. Furthermore, a copy of the staff's recommendation was, in fact, sent to Mr. Parks. Mr. Parks was also made aware of this docket several weeks prior to staff's filing of the recommendation, and since then, has had numerous conversations with Commission staff regarding this case. Thus, Mr. Parks has had legal, as well as constructive notice, of this proceeding for some time.

Although Mr. Parks complains that his local counsel will be unable to prepare in time for the Agenda Conference, staff notes that while Mr. Parks has been aware of this proceeding for some time, it appears from the facsimile submitted that he did not contact local counsel regarding this matter until April 13.

Finally, staff stresses that Item 22 is a proposed agency action recommendation, and Mr. Parks, as well as counsel for Mr. Parks, may participate at the Agenda Conference when this Item

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is considered. Even if the Commission were to approve the recommendation, the Order will be issued as a Proposed Agency Action order, and Mr. Parks will have an opportunity to protest and request a hearing.

For all these reasons, staff recommends that the request for deferral be denied.

BK/anr

cc: Division of Communications
