

JAMES E. "JIM" KING, JR.

PRESIDENT



Charles J. Beck  
Interim  
Public Counsel

ORIGINAL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE  
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TALLAHASSEE, FLORIDA 32399-1400  
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JOHNNIE BYRD

SPEAKER



August 28, 2003

Blanca S. Bayo, Director  
Division of Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 030869-TL

RECEIVED 10:50  
AUG 28 PM 3:13  
COMMISSION  
CLERK

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Motion Seeking the Commission to Order a Case Management Conference to be Held for the Parties in this Docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,  
  
H F. Mann  
Associate Public Counsel

HFM:bsr

- AUS \_\_\_\_\_
  - CAF \_\_\_\_\_
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  - SEC 1
  - OTH \_\_\_\_\_
- Enclosures

DOCUMENT NUMBER: DATE

08055 AUG 28 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by BellSouth  
Telecommunications, Inc.  
To Reduce Its Network Access Charges  
Applicable To Intrastate Long Distance  
In A Revenue-Neutral Manner

Docket No. 030869-TL  
Filed August 28, 2003

**CITIZENS' MOTION SEEKING THE COMMISSION TO ORDER A  
CASE MANAGEMENT CONFERENCE TO BE HELD  
FOR THE PARTIES IN THIS DOCKET**

The Citizens of Florida ("Citizens"), through the Office of Public Counsel and pursuant to Rules 28-106.204, 28-106.209, and 28-106.211, Florida Administrative Code, hereby file their motion seeking the Florida Public Service Commission ("Commission") to order, without delay, a Case Management Conference for the parties in this docket. In support of this request, Citizens state that:

1) On August 27, 2003, BellSouth Telecommunications, Inc. ("Company") filed its petition with the Commission, pursuant to section 364.164, Florida Statutes (2003), to reduce its network access charges applicable to intrastate long distance in a revenue-neutral manner.

2) This proceeding presents unique circumstances that must be addressed at the outset. Section 364.164(1) establishes an extremely limited time frame for conclusion of the proceeding, which requires that once a local exchange telecommunications company petitions this Commission to reduce its intrastate switched network access rates in a revenue-neutral manner, the Commission shall issue its final order either granting or denying such petition

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within 90 days. This time frame allows only a very abbreviated, yet crucial, opportunity for the pursuit of discovery and preparation of testimony to present to the Commission for its consideration in reaching a fair, just, and well-reasoned decision.

3) Rule 28-106.211 provides for the prehearing officer to issue any order necessary to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

4) Because of the extremely limited time frame provided in which to prosecute this case, Citizens believe it is imperative that the Prehearing Officer straight away consider and resolve, at the outset of this proceeding, any procedural issues that may raise debate and that would consequently require undue delay in resolving them individually at a later time - - for example, expediting discovery and setting controlling dates for key activities of the case.

5) Currently outstanding and scheduled for deliberation and oral argument at the Commission's Regular Agenda on September 2, 2003, is a recommendation from Commission Staff, in Docket No. 030846-TL, which reflects Staff's acknowledgment of the urgency of resolving these procedural and scheduling issues, as well as the scope of discovery and review, without causing undue delay during the extremely limited time frame provided by section 364.164.

6) In the interest of fairness and of expediting discussion of key dates and discovery in Docket No. 030846-TL, at the Commission's agenda on

September 2, 2003, the Citizens attach their proposed schedule, which includes a time schedule for discovery ("Attachment A").

**WHEREFORE**, Citizens urge the Prehearing Officer to issue, without delay, an order setting, as soon as possible, a Case Management Conference to allow for the Prehearing Officer's consideration at the very outset of this case, input from the parties regarding any procedural issues that may raise debate and cause undue delay.

Respectfully submitted,

CHARLES J. BECK  
Interim Public Counsel

A handwritten signature in black ink, appearing to read "H F. Rick Mann", with a long horizontal flourish extending to the right.

H F. Rick Mann  
Associate Public Counsel  
Florida Bar #0763225

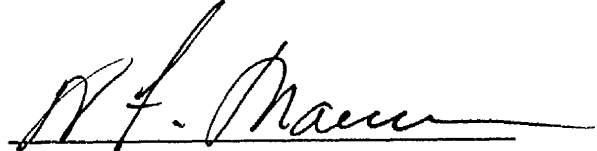
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(850) 488-9330  
Attorneys for Florida's Citizens

DOCKET NO. 030869-TL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 28th day of August, 2003.

A handwritten signature in black ink, appearing to read "H. F. Mann", written over a horizontal line.

H F. Mann

Beth Keating, Esquire  
Division of Legal Services  
Fla. Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Nancy B. White  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

Docket No. 030869-TL BELLSOUTH TELECOMMUNICATIONS, INC.  
Implementation of Section 364.164, Florida Statutes

**Public Counsel's Proposal for  
Procedural and Discovery Schedule**

<u>Due Date:</u>	<u>Pleading or Act Required:</u>
08/27/03	Petition filed including Direct Testimony and Exhibits, if any
09/03/03	Order Establishing Procedure
10/09/03	Staff and Intervener Direct Testimony and Exhibits, if any
10/16/03	Rebuttal Testimony and Exhibits, if any
10/16/03	Prehearing Statements
10/24/03	Prehearing Conference
10/31/03 11/04/03	Hearing (Bench decision only, with an oral recommendation)
11/25/03	Order
12/24/03	Close Docket or Revise CASE

DISCOVERY:

Discovery Requests served by hand delivery, electronic mail, or facsimile, with hard copy to follow immediately by U.S. Mail or hand delivery

Any Objection to, or Request for Clarification of, Discovery must be made by overnight delivery, within five business days of service of Discovery Request

Discovery Responses due, by overnight delivery, 10 calendar days after service, with no additional time for mailing