

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint of BellSouth Telecommunications, Inc. against Miami-Dade County for alleged operation of a telecommunications company in violation of Florida statutes and Commission rules.	DOCKET NO. 050257-TL ORDER NO. PSC-06-0326-PCO-TL ISSUED: April 21, 2006
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ORDER GRANTING PROPOSED JOINT PROCEDURAL SCHEDULE

On April 13, 2005, BellSouth Telecommunications, Inc. (BellSouth) filed its Complaint regarding the operation of a telecommunications company in violation of applicable Florida Statutes and Commission rules against Miami-Dade County (County). The County filed its Answer on May 24, 2005.

The Commission rule at issue in this docket is Rule 25-24.580, Florida Administrative Code<sup>1</sup>, which provides that:

Airports shall be exempt from other STS rules due to the necessity to ensure the safe and efficient transportation of passengers and freight through the airport facility. The airport shall obtain a certificate as a shared tenant service provider before it provides shared local services to facilities such as hotels, shopping malls and industrial parks. However, if the airport partitions its trunks, it shall be exempt from other STS rules for service provided only to the airport facility.

In its complaint, BellSouth contends that the County is providing shared local tenant services to commercial airport tenants in violation of Rule 25-24.580, Florida Administrative Code, by failing to obtain a shared tenant services (STS) certificate.

This proceeding is the result of a concurrent proceeding before the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. Case no. 02-288688 CA 03. In that proceeding, BellSouth has alleged that the County is operating a telecommunications company, based on the County's acquisition of telecommunications facilities and operations at Miami International Airport (MIA) in violation of the Miami-Dade County Home Rule Charter and in violation of Florida Statutes, by not obtaining a certificate of convenience and necessity to provide STS from the Commission.

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<sup>1</sup> This rule codified the Commission's decision in *In re: Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service*, Docket No. 860455-TL, Order No. 17111, issued January 15, 1987 (STS Order). The Commission held in the STS Order that airports should be exempt from the commercial STS rules and permitted to continue to share local exchange service for services related to the safe and efficient transportation of passengers and freight through the airport campus.

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Joint Proposal on Procedure

On January 26, 2006, the parties filed their Joint Motion for Entry of Order Adopting Proposed Joint Procedural Schedule for Docket No. 050257-TL. In their Motion, the parties request approval of the stipulated joint procedural schedule set forth in Attachment "A." Upon consideration, it appears reasonable and appropriate to grant the parties' Joint Motion for Entry of Order Adopting Proposed Joint Procedural Schedule.

Tentative Issues

Attached to this order as Attachment "B" is a tentative list of the issues which have been identified in this proceeding. Parties are encouraged to continue discussions in an effort to further eliminate issues in this proceeding.

Oral Argument

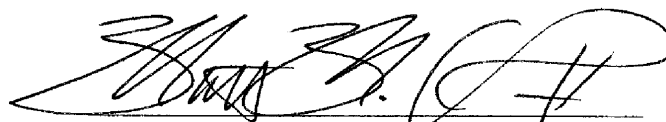
Oral Argument shall take place at the conclusion of the October 17, 2006 Agenda Conference, and prior to the filing of our staff's recommendation addressing the disputed issues.

Based upon the foregoing, it is

ORDERED by Commissioner Matthew M. Carter, II, as Prehearing Officer, that the Joint Motion for Entry of Order Adopting Proposed Joint Procedural Schedule is granted. The joint procedural schedule is set forth in Attachment "A", which is attached and incorporated herein. It is further

ORDERED that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 21st day of April, 2006.



MATTHEW M. CARTER II  
Commissioner and Prehearing Officer

( S E A L )

AJT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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; or (2) 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 the Commission Clerk and Administrative Services, 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.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth Tele- )  
Communications, Inc., Regarding )  
The Operation of a Telecommunications ) DOCKET NO. 050257-TL  
Company by Miami-Dade County in )  
Violation of Florida Statutes and )  
Commission Rules )

**JOINT MOTION FOR ENTRY OF ORDER ADOPTING PROPOSED JOINT  
PROCEDURAL SCHEDULE FOR  
DOCKET NO. 050257-TL**

BellSouth Telecommunications, Inc. and Miami-Dade County (jointly the "Parties") hereby submit their Joint Motion for Entry of Order Adopting Proposed Joint Procedural Schedule for Docket No. 050257-TP. The Parties and their respective counsel have met and conferred with each other and with Commission Staff to devise an agreed Procedural Schedule for this matter. The Parties have thus agreed to the following proposed Procedural Schedule:

1. The Parties will exchange preliminary exhibit lists thirty (30) days<sup>1</sup> following the date of issuance of the Procedural Scheduling Order by the Commission.
2. The discovery period shall commence three (3) days from the date the preliminary exhibit lists are exchanged and shall be subject to the following deadlines:
  - a. Objections to discovery requests shall be served within seven (7) days of service of the discovery request;
  - b. The party serving the discovery to which an objection has been filed shall have three (3) days to file a response to objections;
  - c. Discovery responses shall be due within twenty (20) days of service of discovery.

<sup>1</sup> The Parties agree that all deadlines shall be calculated in accordance with Rule 1.090(a) of the Florida Rules of Civil Procedure.

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d. The Parties shall not propound interrogatories or requests for admissions, unless approved by the non-issuing Party or the Prehearing Officer;

e. Discovery may consist of requests for production of documents and depositions as necessary.

f. The Prehearing Officer shall rule on discovery disputes on an expeditious basis; and

g. The discovery period shall terminate forty-five (45) days from the date discovery commences.

3. The Parties shall exchange their proposed final exhibit lists twenty (20) days after the termination of the discovery period or twenty (20) days after resolution of all discovery disputes, whichever date is later.

4. Good cause shall be required for a party to add exhibit(s) to the proposed final exhibit list that were not listed on the preliminary exhibit list except for exhibits identified and produced during discovery.

5. Twenty (20) days after the exchange of the final exhibit list between the Parties, the Parties shall either:

a. File a joint stipulated exhibit list with the Commission, asking the Prehearing Officer to approve the joint exhibit list as the evidentiary record for the case; OR

b. File a joint exhibit list with objections to specific exhibits and reasons therefore. Non-objecting parties shall have five (5) days to respond in writing to objections. The Prehearing Officer will rule on the objections and approve the resulting exhibit list as the evidentiary record for the case.

6. Direct briefs will be filed thirty (30) days after the filing of the joint stipulated exhibit list or thirty (30) days after the resolution of all exhibit list objections.

7. Reply briefs will be filed fifteen (15) days after the service of the direct brief.

8. All filings will be accomplished via e-mail and overnight delivery.

9. The Parties request that oral argument be conducted after the Commission Staff issues their recommendation. Commission Staff indicated their preference is to have oral argument prior to submission of their recommendation.

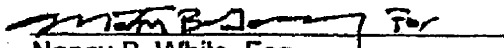
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Pursuant the Commission Staff recommendation, oral argument shall be conducted at agenda or special setting of the full Commission as the Commission decides.

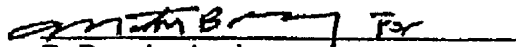
Respectfully submitted:

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TENTATIVE ISSUES

1. Is Miami-Dade County operating as a telecommunications company at any County-owned airports?
2. If Miami-Dade County is operating as a telecommunications company, is it subject to the jurisdiction of the Commission?
3. Is Miami-Dade County's operation and provision of shared tenant services at Miami International Airport by the Miami-Dade Aviation Department exempt from the STS rules pursuant to applicable Florida Statutes and Commission rules?
4. If no, should the Commission require Miami-Dade County obtain a certificate of public convenience and necessity as an STS provider?