

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for recovery of intrastate costs and expenses relating to repair, restoration and replacement of facilities damaged by Hurricane Dennis, by GTC, Inc. d/b/a GT Com.

DOCKET NO. 060300-TL  
ORDER NO. PSC-06-0496-PCO-TL  
ISSUED: June 8, 2006

ORDER ON MOTION FOR LEAVE TO FILE REBUTTAL TESTIMONY

On March 31, 2006, GTC, Inc. d/b/a GT Com (GT Com) filed its Petition for Recovery of Costs Pursuant to Section 364.051(4), Florida Statutes. GT Com requests the Commission approve recovery of its intrastate costs and expenses relating to repairing and restoring lines, plant and facilities damaged by Hurricane Dennis in 2005.

GT Com filed the direct testimony and exhibits of R. Mark Ellmer on May 9, 2006. On May 25, 2006, Commission staff filed the direct testimony of Michael E. Buckley and the Office of Public Counsel filed the direct testimony of Hugh Larkin, Jr. An administrative hearing will be held on this matter on June 28, 2006.

On May 30, 2006, GT Com filed its Motion for Leave to File Rebuttal Testimony. GT Com seeks leave to file rebuttal testimony on or before June 9, 2006. In its Motion, GT Com requests the opportunity to file rebuttal testimony. GT Com asserts that as the petitioning party bearing the burden of proof, it is entitled as a matter of law to file rebuttal testimony explaining and responding to the assertions offered by Commission staff witness Buckley and OPC witness Larkin in their respective direct testimonies.

Neither counsel for Commission staff nor the Office of Public Counsel object to this Motion.

Upon consideration, it appears reasonable and appropriate to grant GT Com leave to file rebuttal testimony on June 9, 2006. Accordingly, the filing date for GT Com's prefiled rebuttal testimony and exhibits is June 9, 2006.

Based on the foregoing, it is

ORDERED by Commissioner Isilio Arriaga, as Prehearing Officer, that GTC, Inc. d/b/a GT Com's Motion for Leave to File Rebuttal Testimony is hereby approved. It is further


ORDERED that GTC, Inc. d/b/a GT Com shall have until June 9, 2006, to file its prefiled rebuttal testimony and exhibits.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Isilio Arriaga, as Prehearing Officer, this 8th day of  
June, 2006.

  
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ISILIO ARRIAGA  
Commissioner and Prehearing Officer

(SEAL)

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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.