

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against MCI Telecommunications Corporation for charging FCC universal service assessments on intrastate toll calls.

DOCKET NO. 980435-TI
ORDER NO. PSC-99-0113-PCO-TI
ISSUED: January 22, 1999

ORDER REVISING PROCEDURE

By Order No. PSC-98-1010-PCO-TI, issued July 24, 1998, certain procedures and dates were set forth. This Order cancels the Prehearing Conference and changes Controlling Dates for this docket. All other provisions of Order No. PSC-98-1010-PCO-TI are hereby reaffirmed.

Staff and MCI have agreed: (1) to a statement of issues; (2) that there are no matters pending before the Prehearing Officer which would require a Prehearing Conference; and (3) that the Prehearing Conference may be canceled. MCI and Staff will file Prehearing Statements to identify positions. Accordingly, the Prehearing Conference, described on page two of the above-referenced Order, is canceled.

The Controlling Dates, set forth on page 3 of the above-referenced Order, are changed as follows:

Prehearing Statements	January 29, 1999
Memorandum of Law	February 19, 1999
Hearing	March 3, 1999

The tentative issues to be heard in this proceeding are attached to this Order as Attachment A.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the provisions of this Order, together with Order No. PSC-98-1010-PCO-TI, shall govern this proceeding unless modified by the Commission.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 22nd day of January, 1999.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

CB

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, in the form prescribed by Rule 25-22.060,

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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.

ATTACHMENT A

PRELIMINARY ISSUES LIST

- ISSUE 1:** Did MCI bill customers for National Access Fee (NAF) and Federal Universal Service Fund (FUSF) based on intrastate charges in Florida?
- ISSUE 2:** What authority did MCI have to collect NAF and FUSF based on intrastate charges in Florida?
- ISSUE 3:** What authority, if any, does the Commission have over MCI's collection of NAF and FUSF based on charges for intrastate calls in Florida?
- ISSUE 4:** If the Commission has authority, should it prohibit MCI from collecting NAF and FUSF based on charges for intrastate calls in Florida?
- ISSUE 5:** If the Commission has authority, should it order MCI to refund with interest all monies collected for NAF and FUSF attributable to charges for intrastate calls in Florida?