

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

DOCKET NO. 080278-TL  
ORDER NO. PSC-09-0244-PCO-TL  
ISSUED: April 22, 2009

ORDER DENYING MOTION TO BIFURCATE PROCEEDING AND SUSPEND  
DISCOVERY NOT RELATED TO JURISDICTIONAL ISSUES AND FIRST ORDER  
MODIFYING ORDER ESTABLISHING PROCEDURE

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

By Order No. PSC-09-0107-PCO-TL, issued February 23, 2009, a procedural schedule was established setting forth the controlling dates for this docket. On March 4, 2009, the Office of Public Counsel (OPC) filed a Motion to Convene Scheduling Conference. By Order No. PSC-09-0158-PCO-TL, issued March 18, 2009, the April 1, 2009, due date for the filing of Prosecutorial Staff and Intervenor direct testimony and exhibits was suspended pending a preliminary conference with the parties, which was held on April 6, 2009, to discuss the controlling dates for the case.

Argument was heard on OPC's Motion to Convene Scheduling Conference and Verizon Florida LLC'S (Verizon) Motion to Modify Order Establishing Procedure, Bifurcate Proceeding and Suspend Discovery Not Related to Jurisdictional Issues, regarding whether one or more hearing dates should be held at a later time than the hearing scheduled for July 6 and 7, 2009, as reflected in Order No. PSC-09-0107-PCO-TL.

Upon consideration, I find that Verizon's Motion to Bifurcate Proceeding and Suspend Discovery Not Related to Jurisdictional Issues does not promote administrative economy. The Motion is denied for the reasons set forth in OPC and Prosecutorial Staff's Responses to the Motion. Issues concerning the Commission's jurisdiction in this matter shall be addressed in the same manner and time as the other issues are addressed in this proceeding. The parties are free to file a motion for summary final order or to dismiss the case on jurisdictional grounds, which may be taken up as a preliminary matter in advance of the hearing.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Order No. PSC-09-0107-PCO-TL is hereby modified to reflect the following changes to the controlling dates for this case:

	<u>Activity</u>	<u>From:</u>	<u>To:</u>
(1)	Prosecutorial Staff/Intervenor direct testimony and exhibits	(suspended)	July 23, 2009
(2)	Utility direct testimony and exhibits	May 13, 2009	August 20, 2009
(3)	Prosecutorial Staff/Intervenor rebuttal testimony and exhibits	June 10, 2009	September 17, 2009
(4)	Prehearing Statements	June 17, 2009	October 1, 2009
(5)	Discovery deadline	June 25, 2009	October 22, 2009
(6)	Prehearing Conference	June 29, 2009	October 15, 2009
(7)	Hearing	July 6-7, 2009	October 29-30, 2009
(8)	Post-Hearing Briefs	August 3, 2009	November 20, 2009

Based on the foregoing, it is

ORDERED by Nathan A. Skop, as Prehearing Officer, that Verizon Florida LLC's Motion to Bifurcate Proceeding and Suspend Discovery Not Related to Jurisdictional Issues is denied. It is further

ORDERED that Order No. PSC-09-0107-PCO-TL is hereby modified as reflected in the body of this Order. It is further

ORDERED that Order No. PSC-09-0107-PCO-TL is reaffirmed in all other respects. It is further

ORDERED that the provisions of Order No. PSC-09-0107-PCO-TL, as modified herein, shall govern this proceeding unless further modified by the Commission.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 22nd day of  
April \_\_\_\_\_, 2009.



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NATHAN A. SKOP  
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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.