

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 951511-TL
tariff filing to amend shared)
tenant services regulations by)
BellSouth Telecommunications,)
Inc.)

In Re: Proposed repeal of Rules) DOCKET NO. 951522-TS
25-4.0041, F.A.C., Provision of) ORDER NO. PSC-97-0048-PHO-TS
Shared Tenant Services for Hire,) ISSUED: January 9, 1997
and 25-24.557, F.A.C., Types of)
Shared Tenant Services)
Companies; and proposed)
amendment of Rules 25-24.555,)
and 25-24.560 through 25-24.585,)
F.A.C., Relating to Shared)
Tenant Services.)

Pursuant to Notice, a Prehearing Conference was held on January 6, 1997, in Tallahassee, Florida, before Commissioner J. Terry Deason, as Prehearing Officer.

APPEARANCES:

J. Jeffry Wahlen, Esquire, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302
On behalf of ALLTEL Florida, Inc., Central Telephone Company of Florida and United Telephone Company of Florida.

Langley Kitchings, Esquire, Room 4300, 675 W. Peachtree Street, N.E., Atlanta, Georgia 30375
On behalf of BellSouth Telecommunications, Inc..

Laura L. Wilson, Esquire, 310 N. Monroe Street, Tallahassee, Florida 32301
On behalf of Florida Cable Telecommunications Association, Inc..

Kimberly Caswell, Esquire, Post Office Box 110, FLTC0007, Tampa, Florida 33601-3087
On behalf of GTE Florida Incorporated.

Patrick K. Wiggins, Esquire, Wiggins & Villacorta, P.A., Post Office Drawer 1657, Tallahassee, Florida 32302
On behalf of Intermedia Communications, Inc..

DOCUMENT NUMBER-DATE

00226 JAN-95

FPSC-RECORDS/REPORTING

Robert S. Cohen, Esquire, Pennington, Culpepper, Moore,
Wilkinson, Dunbar & Dunlap, P.A., Post Office Box 10095,
Tallahassee, Florida 32302
On behalf of National Private Telecommunications
Association.

Monica M. Barone, Esquire, and Diana W. Caldwell,
Esquire, Florida Public Service Commission, 2540 Shumard
Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Commission Staff.

PREHEARING ORDER

I. CASE BACKGROUND

Chapter 95-403, Laws of Florida, provides for numerous changes in this Commission's oversight of the telecommunications industry. Prior to the revisions, the provision of shared tenant services ("STS") was limited to a single building serving commercial tenants therein. Certificates were also limited to a location-by-location basis. Pursuant to the new law, STS providers are no longer prohibited from providing service to non-commercial, unaffiliated entities in more than one building. In particular, Section 364.339, Florida Statutes, was amended by the 1995 Legislature to:

1. Require certification of all STS providers;
2. Remove the commercial designation and single building restriction effective January 1, 1996, and allow service to residential tenants;
3. Require that applicants have sufficient technical, financial, and managerial capabilities to provide shared tenant service; and
4. Allow service to be offered and priced differently to residential and commercial tenants if deemed to be in the public interest.

On November 1, 1995, BellSouth Telecommunications, Inc. (BellSouth) filed a revised STS tariff which it asserted was consistent with the revisions to Section 364.339, Florida Statutes. The Commission approved the tariff by Order No. PSC-96-0021-FOF-TL, issued January 8, 1996 in Docket No. 951511-TL. This Order also encompassed the Commission's proposed agency action to amend its

shared tenant services regulations. Subsequently, the National Private Telecommunications Association (NPTA) and Network Multi-Family Security, ALLTEL Florida, Inc., (ALLTEL) Quincy Telephone and US Telesys each protested Order No. PSC-96-0021-FOF-TL and a requested a formal hearing. United Telephone Company of Florida, Central Telephone Company of Florida, GTE Florida, Incorporated (GTEFL), Intermedia, and the Florida Cable Telecommunications Association (FCTA) intervened.

In light of the 1995 changes to Section 364.339, Florida Statutes, the Commission established Docket No. 951522-TS, to consider repealing Rule 25-4.0041, Florida Administrative Code, and Rule 25-24.557, Florida Administrative Code, and amending Rules 25-24.555 and 25-24.560 through 25-24.585, Florida Administrative Code.

At the December 19, 1995, Agenda Conference, the Commission voted to propose the staff-recommended changes to the above-cited Rules. They were published in the Florida Administrative Weekly and comments were timely filed by the NPTA, FCTA, U.S. Telesys, L.P., Network Multi-Family Security, Park Central Properties, ALLTEL, and the Joint Administrative Procedures Committee. Requests for a hearing were also filed.

By petition filed April 5, 1996, ALLTEL, pursuant to Section 120.54(17), Florida Statutes (1995), and Rule 25-22.016(16)(a), Florida Administrative Code, requested that the Commission suspend the rulemaking proceeding and convene a separate draw out proceeding under Section 120.57(1), Florida Statutes. In the alternative, ALLTEL requested the staff rule hearing be suspended and the proceedings in Docket Nos. 951522-TS and 951511-TL be consolidated for hearing before the full Commission. By petition filed April 9, 1996, BellSouth Communications, Inc. (BellSouth), pursuant to Sections 120.54(17) and 120.57, Florida Statutes, and Rule 25-22.016(6)(a), Florida Administrative Code, petitioned the Commission for an evidentiary hearing on the proposed rule changes.

The Commission denied the request for the draw-out proceeding, but granted the request to consolidate Dockets 951511-TL and 951522-TS for an evidentiary hearing before the full Commission. See Order No. PSC-0677-FOF-TS. This hearing is scheduled for January 14 through January 16, 1997.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is

requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any

appropriate protective agreement with the owner of the material.

- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting confidential files.

Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to

appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

IV. ORDER OF WITNESSES

<u>WITNESS</u>	<u>APPEARING FOR</u>	<u>ISSUES #</u>
<u>DIRECT AND REBUTTAL</u>		
Harriet E. Eudy	ALLTEL	1, 3, 4, 5 and 6
M. Lynn Juneau	BellSouth	1, 2, 3, 5 and 6
A. Wayne Tubaugh	BellSouth	4
Ed Beauvais	GTEFL	4, 5 and 6
Steven T. Brown	Intermedia	All Issues
Don Simons	NPTA	All Issues
Peter J. Merkle	Sprint-United/Centel	4, 5 and 6

V. BASIC POSITIONS

ALLTEL: Small LECs remaining on rate of return regulation should not be required to make the proposed tariff changes, because those proposed changes are inconsistent with rate of return regulation. Whatever changes are made to the Commission's STS rules should allow small LECs remaining on rate of return regulation to leave their tariffs unchanged until they become subject to price regulation.

BELLSOUTH:

BellSouth's tariff for STS service is appropriate in both price level and structure, as well as in the geographic restrictions it contains. Also, the COLR must have

access to customers (i.e., the ability to place its facilities all the way to the end user's premises) if these customers are to have a meaningful choice among competitive telecommunications providers.

FCTA:

FCTA's primary interest in this proceeding is obtaining clarification that certificated ALECs are authorized to provide STS-type services without obtaining separate STS certification. This position is consistent with current Rule No. 25-24.805(1), Florida Administrative Code, which states:

(1) No person shall provide alternative local exchange telecommunications service without first obtaining a certificate of public convenience and necessity from the Commission. The certificate shall be for statewide authority, unless precluded by s. 364.337(1), F.S., to provide all Commission approved telecommunications services.

In contrast, the proposed STS rules as currently written appear to require that every entity (including ALECs) other than the incumbent LEC must become a certificated STS provider before offering "service which duplicates or competes with the (LEC) as is furnished through a common switching or billing arrangement to tenants." Proposed Rule 25-24.560(9). FCTA submits that the proposed STS rules should be amended to conform with Rule No. 25-24.805(1).

To the extent that ALECs are required to obtain separate STS certificates, FCTA takes the positions stated below on the specific issues in this docket.

GTEFL:

Tenants should continue to have access to the carrier of last resort (COLR), even if their buildings are served by shared tenant services (STS) providers. GTEFL's current rates for STS interconnection continue to be appropriate, and no rate distinctions should be made based upon the nature of the end users served by an STS company. Geographic limitations on STS must be retained to distinguish these services from those of alternative local exchange carriers (ALECs) and other entities. Finally, this docket is an appropriate forum for this

Commission to consider harmonizing its demarcation point policies with those of the FCC.

INTERMEDIA:

The Commission must continue its move away from past policies that discouraged the provision of STS service to protect the LEC. The three key additional steps the Commission must take in that move are: (1) the establishment of a single point of demarcation - minimum point of entry (MPOE); (2) the establishment of appropriate ground rules to ensure that all vendors have appropriate access to the end-user through the MPOE; and (3) the establishment of an appropriate flat-based LEC rate to the STS provider.

NPTA:

The Florida Public Service Commission should prescribe a single minimum point of entry (MPOE) for all properties based on the guidelines set forth in FCC Docket 88-57. An MPOE would increase competition, reduce costs to competitive providers, have a minimal impact on the property owner, insure that customers have a true choice of providers and establish conformity between the federal statutes and the Florida Statutes. Various forms of MPOE exist in other Regional Bell Operating Companies territories. MPOE is a tested and approved method to encourage competition. MPOE, if the federal guidelines are followed, has not been construed as an unconstitutional taking of property; however, requiring a property owner to allow multiple carriers to place their facilities all the way to the apartment, might be construed as an unconstitutional taking of property without just compensation.

Current BellSouth STS rates are set so as to thwart competition, not as a consequence of the cost of providing those facilities. STS rates are higher than comparable business rates for trunks, usage, and installation. The charges are not cost based, but based upon the notion that BellSouth should be able to collect some mythical "lost revenue" without calculating the inherent savings with an STS provider. In BellSouth's business tariffs, there is no discussion about lost revenue; however, the aggregation of traffic behind a PBX has the same economic impact whether the PBX is owned by a business or by an STS provider.

The geographic restriction in BellSouth's tariff to a single continuous property also is anti-competitive, discriminatory and is an attempt to control competition to BellSouth's advantage.

UNITED/CENDEL:

Sprint-United/Centel supports the proposed rule and tariff changes. The tariff and rule provisions which allow the Carrier of Last Resort direct access to the end user tenants should be retained so that end user customers continue to have a choice of local exchange service providers. Sprint-United/Centel has no position on the small LEC issues in this case.

STAFF: None pending discovery.

VI. ISSUES AND POSITIONS

ISSUE 1: Does Section 364.052, Florida Statutes, preclude increased STS competition for small LECs pursuant to Section 364.339, Florida Statutes?

ALLTEL: Yes. Section 364.052, Florida Statutes, is a "safe-harbor" provision designed to limit additional local exchange competition so that small LECs may make an orderly transition to a more competitive local exchange market.

BELLSOUTH:

BellSouth takes no position on this issue.

FCTA: No, Chapter 364 is intended to promote increased STS competition even in small LEC territories.

GTEFL: GTE takes no position on this issue.

INTERMEDIA:

No. Chapter 364 is specific about what is allowed and what is not. There is no mention of protecting the small LEC from STS providers in Section 364.052.

NPTA: Although this is a legal issue that will be addressed in brief, the general intent of the Florida Legislature was not to prevent competition from occurring in the rural

areas served by the smaller LECs, but to give the smaller LECs the opportunity to prepare for competition. Hence, competition is delayed until the year 2001 for the rate of return LECs, but it is not eliminated. Requiring the small LECs to file tariffs, and in some cases to modify their existing tariffs, does not alter the intent of the Florida Legislature. If anything, allowing full STS is a step in the direction of full competition and the small LECs would benefit by having competition from STS providers whose scope is usually restricted to less than exchange level competition.

SPRINT-UNITED/CENTEL:

No position.

STAFF: Staff has no position at this time.

ISSUE 2: Does the requirement that the STS provider insure access to the COLR for tenants constitute an unconstitutional taking?

ALLTEL: No.

BELLSOUTH:

No. This requirement does not constitute an unconstitutional taking.

FCTA: No.

GTEFL: GTEFL tentatively concludes that insuring access to the COLR does not constitute an unconstitutional taking. This issue will be more fully briefed in GTEFL's posthearing statement.

INTERMEDIA:

No. Intermedia believes that there are methods of insuring both the COLR and its competitors access to tenants that would not constitute an unconstitutional taking. For example, requiring access through a "minimum point of entry" (i.e., the FCC approach) would most likely pass constitutional muster.

NPTA: Although this issue is of a legal nature and will be fully discussed in brief, if the Florida Public Service

Commission establishes a minimum point of entry (MPOE) as outlined in FCC Docket 88-57, there is ample precedent to expect that the constitutionality of requiring access will be upheld. If the Florida Public Service Commission should decide, however, in BellSouth's favor that access means direct access over duplicate facilities and require the property owner to grant access to BellSouth to their property through an easement or tariffed direct access, the constitutionality of that proposition has not been tested and most certainly will be tested outside of this venue. Additionally, BellSouth, in its testimony regarding MPOE for video cable facilities has certified that it does not see the establishing of an MPOE for video cable as being an unconstitutional taking. Therefore, intra/interbuilding telephone cable should be handled in the same manner.

UNITED/CENTEL:

No.

STAFF: Staff has no position at this time.

ISSUE 3: Should small rate-base regulated LECs be subject to different STS requirements than price regulated LECs? If so, what requirements are appropriate?

ALLTEL: Yes. Small LECs remaining on rate of return regulation should not be required to make the proposed tariff changes, because those proposed changes are inconsistent with rate of return regulation. Small rate-base regulated LECs should be allowed to leave their existing STS tariffs as they are.

BELLSOUTH:

BellSouth takes no position on this issue.

FCTA: No.

GTEFL: GTEFL takes no position on this issue.

INTERMEDIA:

No.

NPTA: No. For competition to flourish, the State of Florida must establish uniform rulings, tariffs, and guidelines, so that potential competitors have the knowledge that if they operate in one part of the state, the rules, tariffs, and guidelines are the same in another part of the state. Establishing different requirements, based on the size of the LEC, will only serve as an inhibitor to competition. As stated in the above issue, STS is a good way for the small LECs to enter into the competitive market place. Any STS provider who is disadvantaged because the smaller LECs have a different tariff structure, might decide not to enter that particular marketplace.

UNITED/CENTEL:

No position.

STAFF: Staff has no position at this time.

ISSUE 4: Should STS providers be required to insure access by the COLR to the residential tenants in a facility served by an STS provider?

ALLTEL: Yes. In any event, the tariff and rule provisions which allow the Carrier of Last Resort direct access to the end user tenants should be retained so that end user customers continue to have a choice of local exchange service providers.

BELLSOUTH:

Yes. Customers should be allowed a choice of service providers, and this can only occur if the carrier of last resort (COLR) has access to all tenants served by an STS provider, including residential tenants. Access by the COLR should be defined to mean that the COLR is allowed to place its facilities all the way to each end user's premises.

FCTA: The COLR provider should have access to the residential tenants only to the extent that the provider is fulfilling its COLR obligations by responding to a tenant's request for service. The COLR should not be permitted to use its COLR obligations as an occasion for interfering with established business relationships.

NPTA: No. For competition to flourish, the State of Florida must establish uniform rulings, tariffs, and guidelines, so that potential competitors have the knowledge that if they operate in one part of the state, the rules, tariffs, and guidelines are the same in another part of the state. Establishing different requirements, based on the size of the LEC, will only serve as an inhibitor to competition. As stated in the above issue, STS is a good way for the small LECs to enter into the competitive market place. Any STS provider who is disadvantaged because the smaller LECs have a different tariff structure, might decide not to enter that particular marketplace.

UNITED/CENDEL:

No position.

STAFF: Staff has no position at this time.

ISSUE 4: Should STS providers be required to insure access by the COLR to the residential tenants in a facility served by an STS provider?

ALLTEL: Yes. In any event, the tariff and rule provisions which allow the Carrier of Last Resort direct access to the end user tenants should be retained so that end user customers continue to have a choice of local exchange service providers.

BELLSOUTH:

Yes. Customers should be allowed a choice of service providers, and this can only occur if the carrier of last resort (COLR) has access to all tenants served by an STS provider, including residential tenants. Access by the COLR should be defined to mean that the COLR is allowed to place its facilities all the way to each end user's premises.

FCTA: The COLR provider should have access to the residential tenants only to the extent that the provider is fulfilling its COLR obligations by responding to a tenant's request for service. The COLR should not be permitted to use its COLR obligations as an occasion for interfering with established business relationships.

GTEFL: Yes. It is in consumers' best interest to have a choice between the STS provider and the COLR.

INTERMEDIA:

Yes, through the establishment of a single point of demarcation/minimum point of entry (MPOE). The Commission should adopt the MPOE approach and require the STS provider to inform the tenant that it has the right to connect directly to the vendor of choice without using the STS vendor. The rules for use of the inside wire facilities by other vendors (not just the COLR) would need to be established. For example, the Commission may need to establish some nominal fee for use of the premise owner's or STS provider's inside wire.

NPTA: As stated above, equal access to the COLR or any other provider at the MPOE, is the best method to insure competition and to allow residential tenants access to the provider of their choice. However, BellSouth's stated requirement of "direct access" contravenes the guidelines set forth by the FCC in Docket 88-57, is anti-competitive, and is not in the public's best interests. As stated above, requiring the property owner to give access to the COLR or multiple providers, may be construed as an unconstitutional taking of property.

Additionally, through the guidelines of the FCC in Docket 88-57, STS providers have been required to allow competitive providers access to the residential customers through facilities owned by that STS provider. The STS provider has been compensated for the use of its facilities at reasonable rates. The rates have either been established by tariff or by negotiated contract.

UNITED/CENDEL:

The tariff and rule provisions which allow the Carrier of Last Resort direct access to the end user tenants should be retained so that end user customers continue to have a choice of local exchange service providers.

STAFF: Staff has no position at this time.

ISSUE 5: Are the current rates for residential STS interconnection appropriate? If not, what rates are appropriate?

ALLTEL: Yes. No changes are necessary or appropriate in this docket or otherwise.

BELLSOUTH:

Yes. The rates in BellSouth's tariff are appropriate to charge to all STS service providers, including both those who serve residential end users and those who serve business end users.

FCTA: FCTA takes no position.

GTEFL: Yes, GTEFL's currently tariffed rates are appropriate. In addition, no rate distinctions should be made based on the nature of the STS provider's customers. Because the STS provider is always a commercial entity, there is no need for a separate, "residential" set of rates.

INTERMEDIA:

No. Currently, STS providers pay a usage based rate, but to be competitive can only charge a flat rate for local service. The Commission should apply the flat rated business rate (B1) with a discount of 20% for resale.

NPTA: No. The NPTA is not prepared to dictate pricing for the COLR or other providers. However, the current rate structure is discriminatory and anti-competitive because it allows the COLR to charge higher rates for STS service than for comparable business or residential service. The NPTA wants there to be no differentiation between the rates set for regular business facilities and services and those rates for an STS provider. For example, if flat rate service is offered over business trunks, those services at flat rate should be available to the STS provider, at the same rate. The NPTA rejects all the pseudo arguments of the COLRs regarding the difference between STS traffic and other types of traffic. A telephone call is a telephone call regardless of the source. The Florida Public Service Commission should look into the STS rates charged by the COLRs to insure that there is conformity to the federal Telecommunications Act of 1996.

UNITED/CENDEL:

Yes.

STAFF: Staff has no position at this time.

ISSUE 6: Are any limits to the geographic scope of STS appropriate? If so, what limits are appropriate?

ALLTEL: For small rate-base regulated LECs, STS service should be limited to service of commercial tenants in a single building.

BELLSOUTH:

Yes. STS providers should be limited to the geographic boundaries of a continuous property. A provider that connects two adjoining, but unrelated properties, is functioning as an ALEC, and should not be allowed to do so unless it is properly certificated as an ALEC.

FCTA: No. The Legislature intended to remove geographic limits on the scope of STS services and to promote STS competition even in small LEC territories.

GTEFL: Yes. It is impossible to meaningfully define STS provision without geographical limits. In the absence of geographical constraints, there will be no distinction between STS providers and ALECs for regulatory purposes. This resulting "certification arbitrage" would allow companies to avoid the relatively greater regulatory oversight of ALECs vis-a-vis STS providers.

INTERMEDIA:

No. The previous restrictions on geographic scope were an attempt to limit the success of STS providers. Any restriction other than class of service place on resale of services would only impede competition.

NPTA: No. Although the new statutes take away the one building restriction, the single property restriction also places limits on an STS provider, especially in the competitive environment that will be a result of the Telecommunications Act of 1996. The Florida Public Service Commission should investigate the geographical restriction to insure its conformity with the federal regulations.

UNITED/CENDEL:

STS service should be limited to service of commercial and/or residential tenants in a single building or multiple commercial and/or residential buildings located within the confines of specifically identified continuous property areas under the control of a single owner or management unit.

STAFF: Staff has no position at this time.

VII. EXHIBIT LIST

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
Harriet E. Eudy	ALLTEL	_____ HEE-1	ALLTEL's Shared Tenant Services Tariff
M. Lynn Juneau	BellSouth	_____ MLJ-1	Typical STS Arrangement
Don Simons	NPTA	_____ DS-1	Resume
Ed Beauvais	GTEFL	_____ EB-1	Cirriculum Vitae

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

VIII. PENDING MOTIONS

BellSouth's Motion to Strike portions of the Prehearing Statements of Intermedia Communications, Inc. and Florida Cable Telecommunications Association, Inc.

This motion to strike is no longer relevant since Intermedia withdrew the objectionable portions of its prehearing statement.

It is, therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

ORDER NO. PSC-97-0048-PHO-TS
DOCKETS NOS. 951511-TL, 951522-TS
PAGE 17

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 9th day of January, 1997.



J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

MMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), 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, 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.