

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Dade County Circuit) DOCKET NO. 951270-TI
Court referral of certain issues) ORDER NO. PSC-97-0301-PCO-TI
in Case No. 94-14234-CA-22 (S.H.)) ISSUED: March 20, 1997
Dohan & Company, P.A. vs.)
Transcall America, Inc. d/b/a)
ATC Long Distance) that are)
within the Commission's)
jurisdiction.)
_____)

ORDER GRANTING JOINT MOTION FOR
TEN DAY ENLARGEMENT OF TIME

This complaint by Dohan & Company, P.A. (Dohan) against Transcall America, Inc. d/b/a ATC Long Distance (Transcall) for alleged improper billing was brought before the 11th Circuit Court on March 22, 1995, upon a Stipulation Regarding Conditional Class Certification and Settlement. On August 3, 1995, the Court issued an I. Order Determining Claim to Be Maintained as Class Action II. Final Order Approving Class Action Settlement III. Order Staying Action and Transferring Same to the Florida Public Service Commission. Therein, the Court stated that Dohan's claims raise issues regarding Transcall's billing system and the application of tariff provisions that are within the specialized expertise and jurisdiction of the Commission. Accordingly, this docket was opened to address the specific issues referred to us. Discovery has ensued and this matter has been set for hearing.

On March 14, 1997, Dohan filed a Joint Motion for Ten Day (10) Enlargement of Time For Parties To Comply with 3/17/97 Deadline For Prefiling of Direct Testimony as Parties Are Engaged in Good Faith Settlement Negotiations. Dohan requests that the date for filing prefiled direct testimony be extended to March 27, 1997. Dohan states that the parties are involved in negotiations and would like to concentrate their efforts on settlement of this matter. Therein, Dohan also states that counsel for Transcall has agreed to this request for extension of time. Counsel for Transcall confirmed that agreement.

Upon consideration, the request to extend the date to file direct testimony is granted. Prefiled direct testimony shall be filed on or before March 27, 1997. The remaining dates set forth in Order No. PSC-97-0200-PCO-TI and Order No. PSC-97-0248-PCO-TI shall remain unchanged. No further extensions of time to file direct testimony will be granted.

DOCUMENT NUMBER-DATE

02893 MAR 20 6

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-0301-PCO-TI
DOCKET NO. 951270-TI
PAGE 2

Based on the foregoing, it is therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Joint Motion for Ten Day (10) Enlargement of Time for Parties to Comply With 3/17/97 Deadline for Prefiling of Direct Testimony as Parties are Engaged in Good Faith Settlement Negotiations is granted. It is further

ORDERED that Order No. PSC-97-0200-PCO-TI, as modified by Order No. PSC-97-0248-PCO-TI, is reaffirmed in all other respects.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 20th day of March, 1997.



DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

BC

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.

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)

ORDER NO. PSC-97-0301-PCO-TI
DOCKET NO. 951270-TI
PAGE 3

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.