

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Mpower Communications Corp. and Florida Digital Network, Inc. for expedited temporary and permanent relief against BellSouth Telecommunications, Inc. for alleged anticompetitive conduct regarding Florida Digital Network Inc.'s proposed acquisition of assets and customer base of Mpower Communications Corp.

DOCKET NO. 030301-TP  
ORDER NO. PSC-03-0825-PCO-TP  
ISSUED: July 16, 2003

ORDER GRANTING MOTION FOR EXTENSION OF TIME  
FOR FILING TESTIMONY

On March 27, 2003, Mpower Communications Corp. (Mpower) and Florida Digital Network, Inc. (FDN) filed their Petition for Expedited Temporary and Permanent Relief Against BellSouth Telecommunications, Inc. (BellSouth) for Alleged Anticompetitive Conduct Regarding Florida Digital Network Inc.'s Proposed Acquisition of Assets and Customer Base of Mpower Communications Corp. Order No. PSC-03-0765-PCO-TP was issued on June 26, 2003, establishing the procedural dates which would govern in this Docket. In that Order, July 11, 2003, was the date established for the filing of direct testimony.

On July 10, 2003, the parties filed a Joint Motion for Extension of Time for Filing Testimony. In that Motion the parties requested that all testimony filing dates be extended by one week, but all other dates remain as presently established. Thereby, the final testimony would be filed one week before Prehearing Statements are due, causing no delay to the disposition of this matter. As reason for this request, the parties state that they are engaged in settlement negotiations which may result in an amicable disposition of this Docket, thereby conserving the resources of this Commission.

DOCUMENT NUMBER DATE

06317 JUL 16 8

FPSC-COMMISSION CLERK

ORDER NO. PSC-03-0825-PCO-TP  
DOCKET NO. 030301-TP  
PAGE 2

As the Prehearing Officer in this Docket, I note that all parties are joining in this requested extension, and that the granting of the request would not delay the Hearing in the event the settlement negotiations are not successful. Additionally, the granting of the extension would in no way prejudice any party. Accordingly, the new dates for the filing of testimony will be as follows:

Direct testimony and exhibits	July 18, 2003
Intervenors' direct testimony and exhibits	August 1, 2003
Rebuttal testimony and exhibits	August 15, 2003

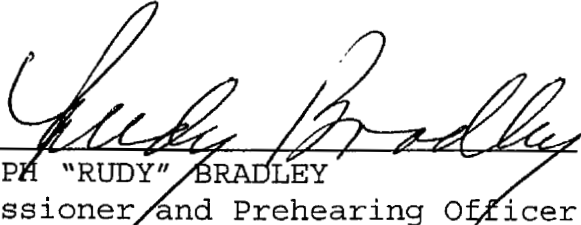
All other dates in the Procedural Order shall remain unchanged.

Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the controlling dates for the filing of testimony established in Order No. PSC-03-0765-PCO-TP are modified as established in the body of this Order. It is further

ORDERED that Order No. PSC-03-0765-PCO-TP, is reaffirmed in all other respects.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 16th Day of July, 2003.

  
\_\_\_\_\_  
RUDOLPH "RUDY" BRADLEY  
Commissioner and Prehearing Officer

( S E A L )

LF

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.