

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. against BellSouth Telecommunications, Inc. for alleged breach of interconnection agreements with respect to rates charged for certain high-capacity circuits.

DOCKET NO. 030103-TP
ORDER NO. PSC-03-0895-PCO-TP
ISSUED: August 5, 2003

ORDER GRANTING JOINT MOTION FOR STAY OF PROCEEDINGS

On January 29, 2003, MCImetro Access Transmission Services LLC and MCI WORLDCOM Communications, Inc. (collectively MCI) filed a complaint against BellSouth Telecommunications, Inc. (BellSouth) for breach of the parties' interconnection agreements with respect to rates charged for certain high-capacity circuits. On February 7, 2003, BellSouth filed an Unopposed Motion for Extension of Time in which to file its response to the complaint. The extension of time was granted by Order No. PSC-03-0284-PCO-TP, on February 28, 2003. BellSouth submitted its Answer to the Complaint on April 15, 2003. On May 5, 2003, the parties jointly filed a Motion for Procedural and Scheduling Order agreeing to certain discovery dates to coordinate discovery in this proceeding with contemporaneous proceedings in other states. The Motion for Procedural and Scheduling was granted by Order No. PSC-03-0703-PCO-TP, issued June 12, 2003.

On July 29, 2003, the parties filed a Joint Motion for Stay of Proceedings. The parties state that they entered into a Settlement Agreement, effective July 25, 2003, which addressed a number of items at issue between the parties. Included in the Settlement Agreement are issues raised in this docket. According to the parties, the Settlement Agreement provides that MCI will dismiss this action with prejudice, provided, among other things, that the court presiding over MCI's bankruptcy proceedings issues an order approving the settlement.

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The parties indicate that there is a strong likelihood that this dispute will be resolved without need of further involvement by this Commission. The parties state that proceeding further in this docket at this time would be a waste of the parties' and the Commission's resources.

Therefore, the parties request that this action be stayed until (a) MCI dismisses the action with prejudice; or (b) one or both of the parties notify this Commission that the case has not been settled. The parties state that if settlement is not achieved, and further proceedings in this docket are required, the parties will submit a joint proposed procedural schedule, or (if they are unable to agree on a schedule) separate proposed procedural schedules, which would include additional time for the completion of discovery.


In consideration of the foregoing, I find that the Joint Motion for Stay of Proceedings is granted. The procedural schedule is stayed and the hearing continued indefinitely until (a) MCI dismisses the action with prejudice; or (b) one or both of the parties notify this Commission that the case has not been settled and further proceedings are required.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Joint Motion for Stay of Proceedings is granted. The procedural schedule is stayed and the hearing continued indefinitely until (a) MCI dismisses the action with prejudice; or (b) one or both of the parties notify this Commission that the case has not been settled and further proceedings are required.

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 5th day of August, 2003.

 for Commissioner Braulio L. Baez

BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

LHD

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,

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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.