

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of NewSouth Communications Corp. for enforcement of interconnection agreement with Sprint-Florida, Incorporated, and request for relief.

DOCKET NO. 030457-TP
ORDER NO. PSC-03-1024-PCO-TP
ISSUED: September 17, 2003

ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME
AND FIRST ORDER MODIFYING PROCEDURE

On May 23, 2003, NewSouth Communications Corp. (NewSouth) filed a Complaint for enforcement of an Interconnection agreement with Sprint-Florida, Inc. (Sprint), requesting expedited relief. On June 17, 2003, Sprint filed an Answer to NewSouth's Complaint. On September 16, 2003, Sprint and NewSouth filed a Joint Motion for Extension of Time to File direct testimony.

In their motion, the parties indicate that direct testimony is scheduled to be filed on September 17, 2003. On August 28, 2003, the parties engaged in mediation in the presence of a Commission mediator and reached a conceptual settlement of the issues disputed in this docket. The parties explain that they are currently in the process of finalizing a formal settlement agreement embodying the settlement reached at mediation. The parties state that they anticipate that the agreement will be executed and obligations required of each party under the agreement will be completed in the near future, at which time NewSouth will dismiss its complaint that is the subject of this docket. Therefore, the parties request an extension of time to file direct testimony until October 15, 2003, pending the final resolution of the settlement agreement.

Because the parties assert that a settlement agreement is pending to resolve the issues in this docket, the Joint Motion for Extension of time to file direct testimony is hereby granted. Hence, the request for expedited relief is rendered moot. Although it appears that it is very likely that the parties' settlement agreement will be executed, I find it appropriate to reschedule several of the procedural dates in this docket in the event the parties fail to execute the settlement agreement. Therefore, if the parties fail to resolve the issues, direct testimony shall be due on October 15, 2003, rebuttal testimony shall be due on October 29, 2003. Discovery shall end on December 1, 2003, and all

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discovery responses shall be served within 15 days of receipt of the discovery request and objections or requests for clarification to discovery requests shall be made within 7 days of service of the discovery request.

Based upon the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Joint Motion for Extension of Time is granted. It is further

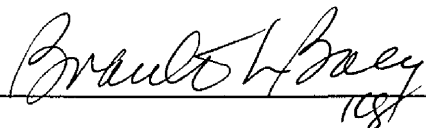
ORDERED that the parties shall file direct testimony on October 15, 2003, and rebuttal testimony on October 29, 2003. It is further

ORDERED that all discovery shall be completed by December 1, 2003. It is further

ORDERED that all discovery responses shall be served within 15 days of receipt of the discovery request and any objections or requests for clarifications shall be made within 7 days of service of the discovery request. It is further

ORDERED that the hearing procedure set forth in Order No. Order No. PSC-03-0917-PCO-TP is hereby affirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 17th Day of September, 2003.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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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 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.