

Matilda Sanders

0037-PC

From: LaSandra Givens
Sent: Monday, January 12, 2004 11:40 AM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

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Date and Time: 1/12/2004 11:38:00 AM
Docket Number: 030867-TL, 030868-TL, 030869-TL, 030961-TI
Filename / Path: EXTENSION FOR RESPONSES.WPD
Order Type: Signed / Hand Deliver

ORDER EXTENDING TIME FOR FILING RESPONSES TO MOTIONS FOR RECONSIDERATION
SIGNED BY A COMMISSIONER/HARD COPY HAND DELIVERED

RECEIVED FPSC
01 JAN 12 PM 3:25
COMMISSION
CLERK

691 mailed

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

DOCKET NO. 030867-TL

In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

DOCKET NO. 030868-TL

In re: Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

DOCKET NO. 030869-TL

In re: Flow-through of LEC switched access reductions by IXCs, pursuant to Section 364.163(2), Florida Statutes.

DOCKET NO. 030961-TI
ORDER NO. PSC-04-0037-PCO-TL
ISSUED: January 13, 2004

ORDER EXTENDING TIME FOR
FILING RESPONSES TO MOTIONS FOR RECONSIDERATION

On December 24, 2003, we issued our Final Order No. PSC-03-1469-FOF-TL approving the Petitioners' amended and modified requests filed pursuant to Section 364.164, Florida Statutes. Thereafter, on January 7, 2004, the Attorney General and the Office of Public Counsel both filed Notices of Appeal to the Florida Supreme Court. The following day, the Attorney General, as well as

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

AARP, filed timely Motions for Reconsideration with this Commission.

It is well settled that upon appeal of a Commission final order to a court of competent jurisdiction, jurisdiction thereafter rests with the appellate court unless otherwise relinquished. Rule 9.110(b), Florida Rules of Appellate Procedure. As such, this Commission is currently without jurisdiction to rule upon the pending Motions for Reconsideration. I note, however, that the Attorney General has petitioned the Supreme Court to relinquish jurisdiction temporarily to allow the Commission to address the pending Motions for Reconsideration. Nevertheless, until the Court acts on the Attorney General's request, we cannot address the pending Motions.

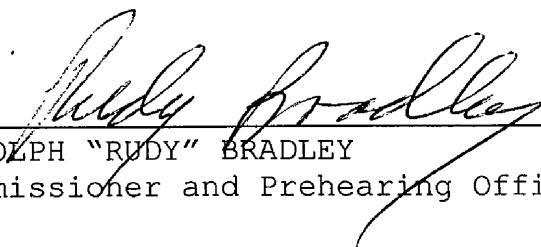
Rule 28-106.204(1), Florida Administrative Code, provides that responses to motions must be filed within seven days, and Rule 28-106.103, Florida Administrative Code, provides that five days shall be added to the computation of time when a pleading is served by mail (as is the case here). These rules do not, however, appear to fully contemplate the unusual procedural posture of this case. As such, I hereby approve an extension of time for parties to file responses, if any, to the pending Motions for Reconsideration and Requests for Oral Argument until such time as the Florida Supreme Court makes its ruling on the Attorney General's request that the Court relinquish jurisdiction. If the Court decides to relinquish jurisdiction to allow the Commission to address the pending Motions, parties' responses to the pending Motions for Reconsideration shall be due 12 days from the date of the Court's decision.

It is therefore

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that an extension of the time for filing responses to the pending Motions for Reconsideration and Requests for Oral Argument shall be approved as set forth in the body of this Order.

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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 13th Day of January, 2004.



RUDOLPH "RUDY" BRADLEY
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,

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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.