

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of open issues
resulting from interconnection negotiations
with Verizon Florida Inc. by DIECA
Communications, Inc. d/b/a Covad
Communications Company.

DOCKET NO. 020960-TP
ORDER NO. PSC-04-0396-PCO-TP
ISSUED: April 14, 2004

ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME
TO FILE INTERCONNECTION AGREEMENT

BY THE COMMISSION:

On September 6, 2002, DIECA Communications, Inc, d/b/a Covad Communications Company (Covad) petitioned this Commission to arbitrate certain unresolved interconnection terms, conditions and prices in an agreement with Verizon Florida Inc. (Verizon). Verizon filed its response to Covad's petition on October 1, 2002. Upon stipulation of the parties, a "paper hearing" was held on May 14, 2002, wherein all testimony and exhibits were stipulated into the record with cross-examination waived. The parties filed their post-hearing briefs on June 16, 2003, and on October 13, 2003, the Final Order on Arbitration, Order No. PSC-03-1139-FOF-TP was issued.

On October 28, 2003, Covad filed its Motion for Reconsideration of a portion of Order No. PSC-03-1139-FOF-TP, and on November 4, 2003, Verizon filed its Opposition to Covad's Motion for Reconsideration. The Motion for Reconsideration was denied by Order No. PSC-04-0106-FOF-TP, issued January 30, 2004, and the parties were ordered to file the executed Interconnection Agreement by February 20, 2004. On February 19, 2004, the parties filed a Joint Motion for Extension of Time to File Interconnection Agreement. That Motion was granted by Order No. PSC-04-0241-PCO-TP, issued on March 3, 2004.

On March 25, 2004, the parties filed an additional Joint Motion for Extension of Time to File Interconnection Agreement. In the present Motion, the parties note that they have agreed on the language for the majority of the issues. However, the TRO has had a major impact on a number of issues included in this Docket. Further, it appears that those issues will be addressed in Docket No. 040156-TP, presently scheduled for hearing before this Commission on May 12, 2004. In the interest of judicial economy, it would be most efficient to delay the filing of this Agreement until the Commission addresses the issues in the Consolidated TRO Arbitration. The parties agree to continue operating under the terms of their existing Interconnection Agreement until that time.

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FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0396-PCO-TP
DOCKET NO. 020960-TP
PAGE 2

I find it appropriate and reasonable, in the interest of judicial economy, to extend the time for filing the Agreement until the resolution of the issues in Docket No. 040156-TP. Accordingly, the Joint Motion for Extension of Time to File Interconnection Agreement is granted.


Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the Motion for Extension of Time to File Interconnection Agreement is hereby granted. It is further

ORDERED that the new date for submitting a signed conforming Agreement shall be 30 days from the entry of the final order on arbitration in Docket No. 040156-TP. It is further

ORDERED that Orders Nos. PSC-03-1139-FOF-TP, PSC-04-0106-FOF-TP, and PSC-04-0241-PCO-TP are reaffirmed in all other respects.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 14th day of
April, 2004.


J. TERRY DEASON
Commissioner and Prehearing Officer

(SEAL)

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.