

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against BellSouth Telecommunications, Inc. for alleged overbilling and discontinuance of service, and petition for emergency order restoring service, by IDS Telecom LLC.

DOCKET NO. 031125-TP
ORDER NO. PSC-04-0832-PCO-TP
ISSUED: August 26, 2004

ORDER GRANTING ONE DAY EXTENSION OF TIME
FOR FILING PREHEARING STATEMENTS

BY THE COMMISSION:

On December 30, 2003, IDS amended its Complaint (Amended Complaint) consisting of five counts upon which it requested relief. By Order No. PSC-04-0423-FOF-TP, issued April 26, 2004, BellSouth's Partial Motion to Dismiss part of IDS' Amended Complaint was granted. By Order No. PSC-04-0472-PCO-TP, issued May 6, 2004 (Order Establishing Procedure), the procedure was established for this proceeding and the hearing date was scheduled for October 14, 2004. By Order No. PSC-04-0625-PCO-TP, issued June 25, 2004, the Order Establishing Procedure was modified to reschedule to earlier dates the hearing, prehearing, and key activities dates.

On August 16, 2004, BellSouth filed its Motion for Extension of Time for one day to file its prehearing statement. Subsequently on August 16, 2004, BellSouth filed an Amended Joint Motion for Extension of Time for one day to file both its and IDS's prehearing statement. BellSouth states that due to other work commitments, its counsel needed additional time to prepare its prehearing statement. BellSouth states that it contacted IDS's counsel and IDS had no objection to the one-day extension.

Because the parties are in agreement regarding the one-day extension and neither party will be prejudiced, I find it appropriate to grant the one day extension. I note that the decision on the Amended Joint Motion renders the earlier Motion for Extension of Time moot.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Amended Joint Motion for Extension of Time is hereby granted. It is further

ORDERED that the prehearing statements are due August 17, 2004.

DOCUMENT NUMBER-DATE
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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 26th day of August, 2004


J. TERRY DEASON
Commissioner and Prehearing Officer

(SEAL)

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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.