

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida Inc.

DOCKET NO. 040156-TP
ORDER NO. PSC-04-0910-PCO-TP
ISSUED: September 17, 2004

ORDER ON MOTION FOR EXTENSION OF TIME

BY THE COMMISSION:

I. BACKGROUND

On February 20, 2004, Verizon Florida, Inc. filed a Petition for Arbitration of Amendments to Interconnection Agreements with Certain Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Florida. By its Petition, Verizon sought to initiate a consolidated arbitration for the purpose of amending its interconnection agreements in light of the FCC's Triennial Review Order, FCC 03-36, released August 21, 2003; 18 FCC Rcd 16978 (2003) ("TRO"). Thereafter, on March 19, 2004, Verizon filed an Update to its Petition in response to the D.C. Circuit's March 2, 2004, decision in United States Telecom Assoc. v. Federal Communications Commission and United States of America, 359 F.3d 554 (D.C. Cir. 2004), wherein the Court vacated, in part, and remanded, in part, the FCC's TRO.

On March 16, 2004, Sprint Communications Limited Partnership (Sprint) filed its Motion to Dismiss Verizon's Petition, and on April 13, 2004, Sprint filed its Motion to Dismiss and Answer to Verizon's Amended Petition. On July 12, 2004, we issued Order No. PSC-04-0671-FOF-TP, granting Sprint's Motions to Dismiss. That Order also provided that the Docket should remain open for 60 days during which time Verizon would be allowed to file a new petition.

On August 25, 2004, Verizon filed its Motion for Extension of Time for filing a new petition in this Docket. As a basis for this request Verizon notes that on August 20, 2004, the FCC issued its Interim Rules Order in response to the D.C. Circuit's USTA II decision. Verizon urges that the FCC's interim rules impose "transitional" unbundling obligations with respect to the UNEs eliminated by the USTA II mandate. According to Verizon, however, the FCC made clear that its interim rules do not affect the ILECs' rights to proceed with change-of-law proceedings, like this arbitration. Accordingly, to give Verizon an opportunity to analyze the interim rules and make any appropriate changes to its proposed TRO amendment, Verizon requests an extension of the filing deadline for its revised petition for arbitration to September 9, 2004. Verizon states that it has contacted most of the parties with which it intends to arbitrate, and, to date, none has objected to the Commission granting Verizon an extension.

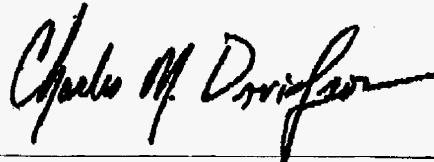
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Therefore, for the foregoing reasons, and in the interest of administrative efficiency, Verizon's request to extend the deadline for filing its Amended Petition to September 9, 2004, is granted.

It is therefore

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Verizon's Motion for Extension of Time is granted for the reasons set forth in the body of this Order.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 17th day of September, 2004.



CHARLES M. DAVIDSON
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

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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.