

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-04-1016-PCO-TP
ISSUED: October 19, 2004

ORDER ESTABLISHING SCOPE OF PROCEEDINGS AND INITIAL SCHEDULE

On August 21, 2003, the Federal Communications Commission (FCC) released its Triennial Review Order (TRO), promulgating various rules governing the scope of incumbent telecommunications service providers' obligations to provide competitors access to unbundled network elements (UNEs). Verizon Florida, Inc. (Verizon) stated that on October 2, 2003, it sent a letter to each competitive local exchange carrier (CLEC), initiating negotiations on a proposed draft amendment to implement the provisions of the FCC's TRO.

On February 20, 2004, Verizon filed its Petition for Arbitration of Amendment to Interconnection Agreements with Certain CLECs and Commercial Mobile Radio Service Providers (CMRS) in Florida. On March 19, 2004, Verizon filed its Update to Petition for Arbitration. Seven motions to dismiss were filed in the proceeding by various carriers challenging the Petition for Arbitration and the Update to the Petition for Arbitration.

Of the approximately 110 companies identified by Verizon in its Certificate of Service, 18 filed a response of some type. Some indicated their readiness to proceed with the arbitration. Others, however, objected to the Petition on a variety of grounds. Among those objecting, seven requested either dismissal or some similar alternative relief. Parties seeking dismissal included Sprint, Eagle/Myatel, Competitive Carrier Coalition, Z-Tel, Time Warner, and AT&T.

On July 12, 2004, Order No. PSC-04-0671-FOF-TP was issued, granting Sprint's motions to dismiss, without prejudice. In that order, Verizon was granted leave to refile a corrected petition within 60 days. Verizon's Motion for a 10 day extension of that time frame was granted by Order No. PSC-04-0910-PCO-TP, and on September 9, 2004, Verizon filed its new Petition for Arbitration. In that Petition, Verizon named 18 CLECs as parties to the arbitration. Of those 18 named CLECs, nine filed a response to the Petition within the allotted timeframe. The question addressed by this Order is the status of the non-responding parties to this action.

In the interest of administrative efficiency, it is appropriate that all named parties be bound by the ultimate findings in this proceeding. Each of the named parties has an equal opportunity to participate in the litigation of this matter, including conducting discovery and sponsoring testimony for the hearing.

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A detailed Order Establishing Procedure will be issued subsequent to the issue identification conference in this Docket. However, pending the issuance of that order, the following tentative dates are established:

Parties Submit Proposed Issues	November 8, 2004
Issue Identification Conference	November 16, 2004

It is expected that any party not having already provided suggested issues, and wishing to do so, shall submit, in accordance with the above schedule, any issues which that party desires included in the proceeding. All parties are encouraged, but not required, to participate in the issue identification conference.

It is therefore

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that the guidelines set forth in the body of this Order shall apply to all parties identified in the Verizon Petition.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 19th day of October, 2004



CHARLES M. DAVIDSON
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.