

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-07-0206-PCO-TP
ISSUED: March 6, 2007

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

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 that Motion, the parties noted that the remaining issues in dispute would be addressed by the Commission's findings in Docket No. 040156-TP. The parties agreed to continue operating under the terms of their existing interconnection agreement until the final disposition of Docket No. 040156-TP. That Motion was approved by the entry of Order No. PSC-04-0396-PCO-TP on April 14, 2004.

The Final Order in Docket No. 040156-TP was issued on December 5, 2005. Motions for Reconsideration were filed and the Order on those Motions was issued on February 3, 2006. On February 9, 2006, the Agreement Amendment flowing from that Docket was received by the Commission, along with a letter advising that, in some instances, the parties were unable to agree on the wording in the amendment. Accordingly, the Commission must determine the appropriate conforming language and issue its final order on the Agreement Amendment in Docket No. 040156-TP.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

On February 10, 2006, the parties in the present Docket filed another Joint Motion for Extension of Time to File Interconnection Agreement. The Motion advises that the parties still wish to be guided by and consistent with the Commission's findings in Docket No. 040156-TP, but will need time subsequent to the approval of the agreement in that Docket for the drafting of their own agreement. Accordingly, the parties requested an extension of time for filing their agreement until Ninety (90) days following issuance of the order approving the agreement in Docket No. 040156-TP. That request was approved on February 20, 2006, by the entry of Order No. PSC-06-0135-PCO-TP.

On June 22, 2006, by Order No. PSC-06-0528-PCO-TP, the parties were granted an extension of time until August 2, 2006, in which to file the interconnection agreement.

By Order No. PSC-06-0708-PCO-TP, issued August 21, 2006, the parties were granted an extension of time until November 3, 2006, in which to file the interconnection agreement. By Order No. PSC-06-1009-PCO-TP, issued December 7, 2006, the parties were granted an extension of time until March 2, 2007, in which to file the interconnection agreement.

On February 20, 2007, the parties filed the present Joint Motion for Extension of Time, asserting the need for additional time to review the approved agreements in Docket No. 040156-TP in order to draft their agreement in conformance thereof. Accordingly, the parties requested that we extend the time for filing a conforming agreement until August 31, 2007.

Upon consideration, I find it appropriate and reasonable to extend the time for filing the Agreement in this Docket until August 31, 2007. As both parties join in this request, no party will be prejudiced by this extension.

Accordingly, the Joint Motion for Extension of Time to File Interconnection Agreement is granted.

Based upon the foregoing, it is

ORDERED by Chairman Lisa Polak Edgar, as Presiding 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 August 31, 2007. It is further

ORDERED that Orders Nos. PSC-03-1139-FOF-TP, PSC-04-0106-FOF-TP, PSC-04-0241-PCO-TP, PSC-04-0396-PCO-TP, PSC-06-0135-PCO-TP, PSC-06-0528-PCO-TP, PSC-06-0708-PCO-TP, and PSC-06-1009-PCO-TP are reaffirmed in all other respects.

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By ORDER of Chairman Lisa Polak Edgar, as Presiding Officer, this 6th day of March, 2007.


LISA POLAK EDGAR
Chairman and Presiding 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, 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.