

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Cbeyond Communications, LLC against BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for alleged failure to pay intrastate access charges pursuant to Cbeyond's price list and for alleged violation of Section 364.16(3)(a), F.S.

DOCKET NO. 090142-TP  
ORDER NO. PSC-09-0391-PC0-TP  
ISSUED: June 2, 2009

ORDER GRANTING SECOND UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND TO AMENDED COMPLAINT

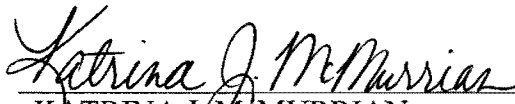
Pursuant to Rule 28-106.204, Florida Administrative Code, on May 28, 2009,<sup>1</sup> AT&T Communications of the Southern States, LLC and BellSouth Telecommunications, Inc. d/b/a AT&T Florida, (collectively, AT&T) filed its Second Unopposed Motion for Extension of Time to Respond to Amended Complaint (Motion). AT&T asks that it be permitted to respond to Cbeyond Communications, LLC's (Cbeyond) Amended Complaint by July 1, 2009, and represents that the Motion is unopposed by Cbeyond. As a basis for requesting the extension of time, AT&T reiterates that "[t]he parties are currently trying to resolve the matter without further Commission intervention."

Having considered the Motion, it appears to be in the best interest of all parties that the Motion be granted.

Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrrian, as Prehearing Officer, that the Second Unopposed Motion for Extension of Time to Respond to Amended Complaint, filed by AT&T Communications of the Southern States, LLC and BellSouth Telecommunications, Inc. d/b/a AT&T Florida, on May 28, 2009, is hereby granted.

By ORDER of Commissioner Katrina J. McMurrrian, as Prehearing Officer, this 2nd day of June, 2009.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

( S E A L )

CWM

<sup>1</sup> Although filed on May 28, 2009, the pleading is dated May 29, 2009.

DOCUMENT NUMBER-DATE

05443 JUN-28

FPSC-COMMISSION CLERK

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.