

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of US LEC of Florida Inc. against BellSouth Telecommunications, Inc. regarding breach of terms of interconnection agreement and request for relief.

DOCKET NO. 990874-TP  
ORDER NO. PSC-01-0145-PCO-TP  
ISSUED: January 18, 2001

ORDER GRANTING AGREED MOTION FOR CONTINUANCE

On July 2, 1999, US LEC of Florida, Inc. (US LEC) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) alleging breach of the terms of an interconnection agreement between the parties. On July 22, 1999, BellSouth filed its Answer and Response to Complaint of US LEC of Florida, Inc. By Order No. PSC-99-2144-PCO-TP, Order on Procedure, issued November 1, 1999, the procedures were established and the controlling dates set.

On April 17, 2000, the parties filed a Consent Motion to Continue Hearing, wherein they stated that the interests of judicial economy would be served by continuing the case to enable them to litigate all issues in dispute in the course of a single hearing. Specifically, on March 30, 2000, US LEC requested in its Motion to Strike Portions of Pre-Filed Testimony or, in the Alternative, to Stay Portion of Pending Hearing that the portion of the hearing relating to the reciprocal compensation rate be stayed pending the Commission's ruling on the rate issue in a separate docket, Docket No. 991534-TP. Docket No. 991534-TP involves the BellSouth/Intermedia agreement, which was adopted by US LEC. By Order No. PSC-00-0952-PCO-TP, issued on May 15, 2000, the parties' Consent Motion to Continue Hearing was granted which rendered US LEC's March 30, 2000, filing moot. On September 15, 2000, the final order in Docket No. 991534-TP was issued. However, on October 13, 2000, Intermedia Communications, Inc. filed an administrative appeal of the final order in Docket No. 991534-TP. This case is currently pending before the U.S. District Court for the Northern District of Florida (Intermedia Communications, Inc. v. The Florida Public Service Commission, et. al, Case No. 4:00cv386-RH).

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On December 22, 2000, US LEC filed an Agreed Motion for Continuance. US LEC and BellSouth assert that they have initiated settlement discussions to attempt to resolve the reciprocal compensation claims of US LEC at issue in this case. Although, this is the second Motion for Continuance in this proceeding, US LEC and BellSouth believe that these negotiations may result in a settlement and are expected to continue these discussions through the month of January 2001. Both parties wish to devote their time and resources to a settlement and resolution of the issues in this proceeding rather than on litigating the issues through the final hearing process. Further, counsel for US LEC is scheduled to appear before the First District Court of Appeal for oral argument on February 21, 2001, which is the current hearing date for this docket. Counsel for US LEC represents that in concurring with US LEC's request for a continuance, BellSouth does not intend to file a response to this Motion.

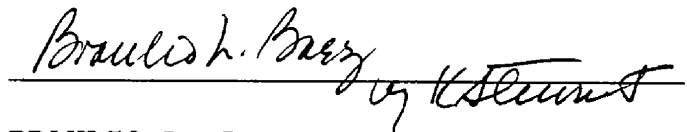
Upon consideration of the foregoing, the parties' Agreed Motion for Continuance is hereby granted. The hearing schedule and remaining filing dates shall be continued until May 5, 2001, which is ninety days from the date of the currently scheduled prehearing conference. After such time, this matter will be rescheduled for an administrative hearing.

Based upon the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the US LEC of Florida, Inc.'s Agreed Motion for Continuance is hereby granted as set forth in the body of this Order.

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 18th day of January, 2001.

A handwritten signature in cursive script that reads "Braulio L. Baez". The signature is written over a horizontal line.

BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

FRB

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric,

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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 Records and Reporting, 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.