

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

DOCKET NO. 000121-TP
ORDER NO. PSC-01-1097-PCO-TP
ISSUED: May 8, 2001

ORDER GRANTING EXTENSION OF TIME

The Commission has opened this docket to develop permanent performance metrics for the ongoing evaluation of operations support systems provided by incumbent local exchange carriers. An administrative hearing was conducted in this matter on April 25-27, 2001.

By Order No. PSC-01-0242-PCO-TP, issued January 26, 2001, Post Hearing Briefs are due May 16, 2001. On May 2, 2001, BellSouth Telecommunications, Inc. (BellSouth) filed its Motion for Two Week Extension of Time to File Brief (Motion).

In its Motion, BellSouth requests that the brief filing date be extended by two weeks, until and including May 30, 2001, for all parties. In addition, BellSouth contemplates that all other aspects of the case schedule should be extended as necessary to accommodate the requested extension.

In support of its Motion, BellSouth states that the complexity of issues that necessitated longer Briefs (80 as opposed to the typical 40 pages), also supports the longer briefing period. Moreover, each of the three BellSouth counsel that appeared in this proceeding has at least one hearing in either this or another jurisdiction. Consequently, two weeks is an inadequate amount of time to allow BellSouth to prepare its Brief in this matter.

BellSouth also cites to Rule 28-106.204, Florida Administrative Code, which provides, in pertinent part, "[w]hen time allows, the other parties [to the proceeding] may, within seven days of service of a written motion, file a response in opposition." BellSouth maintains that, in this case, it does not believe that there is adequate time to allow seven days for responses to be filed. Specifically, BellSouth notes that given the current two week deadline, allowing time for service as well as

DOCUMENT NUMBER-DATE

05804 MAY-8

FPSC-RECORDS/REPORTING

ORDER NO. PSC-01-1097-PCO-TP
DOCKET NO. 000121-TP
PAGE 2

the seven day response time, creates a situation in which, if the request is denied, the parties would have virtually no time remaining in the two week period to attempt to prepare Briefs. Therefore, BellSouth requests that this Commission rule upon the Motion without waiting seven days for responses.

In accordance with Rule 28-106.204(3), Florida Administrative Code, BellSouth has contacted the parties that actively participated at hearing - AT&T, MCI, Z-Tel, e.spire, M-Power, Covad, and the Florida Cable Telecommunications Association - and represents that none of these parties object to the requested extension of time.

Upon consideration, BellSouth Telecommunications, Inc.'s Motion for Two Week Extension of Time to File Brief appears reasonable and is hereby granted. Therefore, Briefs for all parties are due on or before May 30, 2001. Accordingly, the staff recommendation is due June 28, 2001, for the July 10, 2001 Agenda Conference.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the Motion for Two Week Extension of Time to File Brief filed by BellSouth Telecommunications, Inc. is hereby granted. It is further

ORDERED that Briefs for all parties shall be filed on or before May 30, 2001.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 8th day of May, 2001.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

(S E A L)

JKF

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, 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.