

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against WebNet Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, and Toll Provider Selection.

DOCKET NO. 001109-TI
ORDER NO. PSC-01-1947-PCO-TI
ISSUED: September 27, 2001

ORDER ON MOTIONS AND MODIFYING FILING DATES

On August 11, 2000, this docket was established to require WebNet Communications, Inc. (WebNet) to show cause why it should not be fined for apparent violation of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, and Toll Provider Selection. On April 26, 2001, Order No. PSC-01-1027-SC-TI was issued requiring WebNet to show cause for apparent violation of Rule 25-4.118, Florida Administrative Code. Thereafter, on May 2, 2001, WebNet filed a timely protest of the order, and this matter was set for hearing.

Orders Nos. PSC-01-1521-PCO-TI and PSC-01-1521A-PCO-TI established the procedures and controlling dates for this docket. On August 17, 2001, our staff filed a Motion to Late File Direct Testimony of Melinda Watts and Exhibit MW-1. Commission staff indicated that they had discussed with WebNet the possibility of scheduling a settlement conference. Our staff and WebNet both anticipated that as a result of the settlement conference all issues in this Docket would be resolved, which would negate the need for this matter to proceed to hearing. In anticipation of a settlement, neither WebNet nor our staff filed testimony. The scheduled conference did not, however, take place. Therefore, this matter is proceeding to hearing as scheduled, and our staff now seeks leave to late file the testimony of its witness, Melinda Watts. Our staff has indicated that WebNet is not opposed to Commission staff's motion, given WebNet's late notification to Commission staff of its inability to attend the conference.

On September 11, 2001, WebNet filed a Motion for Extension of Time to file its rebuttal testimony. WebNet stated that new counsel had recently taken over representation of WebNet in this Docket, and WebNet continues to engage in good faith efforts to

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ORDER NO. PSC-01-1947-PCO-TI
DOCKET NO. 001109-TI
PAGE 2

settle this matter. WebNet asked for an extension up to and including September 19, 2001. Our staff has indicated that it is not opposed to WebNet's request, but that in view of the proposed extension, it may be appropriate to allow our staff additional time to file its surrebuttal testimony.

Upon consideration, I hereby grant Commission staff's August 17, 2001, Motion and WebNet's September 11, 2001, Motion. The additional time does not appear prejudicial to either party. Further, I find it appropriate to modify the filing date for surrebuttal to allow staff adequate time to respond to WebNet's rebuttal testimony. Staff shall be afforded until October 1, 2001, to file its surrebuttal testimony and exhibits.

Based on the foregoing, it is

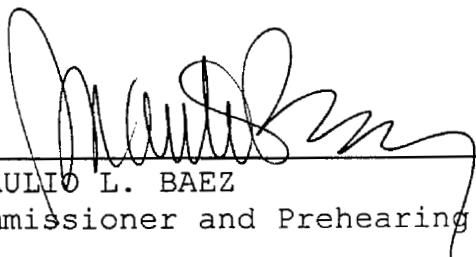
ORDERED by Commissioner Braulio Baez, as Prehearing Officer, that Commission staff's Motion to Late File Direct Testimony of Melinda Watts and Exhibit MW-1 is hereby granted. It is further

ORDERED that WebNet Communications Inc.'s Motion for Extension of Time is hereby granted. It is further

ORDERED that Order No. PSC-01-1521-PCO-TI, as amended by PSC-01-1521A-PCO-TI, is modified to reflect a due date of October 1, 2001, for staff's surrebuttal testimony. It is further

ORDERED that Order No. PSC-01-1521-PCO-TI, as amended by PSC-01-1521A-PCO-TI, is reaffirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 27th day of September, 2001.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)
WDK

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 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.