

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida,  
Inc. for arbitration of  
unresolved issues with BellSouth  
Telecommunications, Inc.

DOCKET NO. 011119-TP  
ORDER NO. PSC-02-0212-PCO-TP  
ISSUED: February 19, 2002

ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY

This matter is currently set for an administrative hearing on a petition filed by XO Florida, Inc. (XO) for arbitration of unresolved issues in an agreement with BellSouth Telecommunications, Inc. (BellSouth). On November 9, 2001, Order No. PSC-01-2192-PCO-TP (Order Establishing Procedure), was issued establishing, among other things, the time for filing testimony. The Order Establishing Procedure was subsequently modified by Order No. PSC-01-2286-PCO-TP, issued November 20, 2001, which required that Direct testimony and exhibits be filed on February 5, 2002, and that all Rebuttal testimony be filed on March 12, 2002.

On January 24, 2002, XO filed its Motion for Extension of Time to File Testimony. By Order No. PSC-02-0137-PCO-TP, issued January 30, 2002, that Motion was granted. The Order further required that Direct testimony and exhibits be filed on February 19, 2002, and all Rebuttal testimony be filed on March 26, 2002.

On February 14, 2002, XO filed its Motion for Extension of time to File Testimony. In its Motion, XO requests that the date for filing Direct testimony and exhibits be extended to March 12, 2002. XO states that BellSouth's technical personnel have not had sufficient time to review XO's confidential discovery responses. The parties are hopeful that upon review of the confidential discovery responses additional issues can be settled, thus obviating the need for the filing of testimony on certain issues. In addition, XO represents that BellSouth has no objection to the requested extension.

Based on the parties continued negotiation of the outstanding issues in this arbitration, XO's Motion for Extension of Time to File Testimony is hereby granted. Direct testimony and exhibits shall be filed on March 12, 2002. Moreover, any responses to

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future discovery shall be provided within 20 days of service of the discovery.

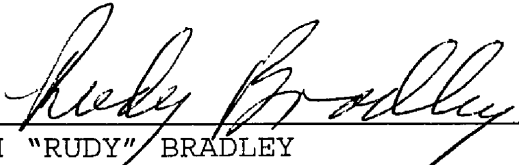
Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that XO Florida Inc.'s Motion for Extension of Time to File Testimony is hereby granted. It is further

ORDERED that Order No. PSC-01-2192-PCO-TP is revised as set forth herein. It is further

ORDERED that Order No. PSC-01-2192-PCO-TP is affirmed in all other respects.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 19th day of February, 2002.

  
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RUDOLPH "RUDY" BRADLEY  
Commissioner and Prehearing 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.

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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.