

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration
of unresolved issues in
negotiation of interconnection
agreement with BellSouth
Telecommunications, Inc. by
ITC^DeltaCom Communications,
Inc. d/b/a ITC^DeltaCom.

DOCKET NO. 030137-TP
ORDER NO. PSC-03-0725-PCO-TP
ISSUED: June 18, 2003

ORDER GRANTING AN EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY
AND FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

On February 7, 2003, ITC^DeltaCom Communications, Inc. (ITC^DeltaCom or DeltaCom) filed its Petition for Arbitration With BellSouth pursuant to the Telecommunications Act of 1996. On March 4, 2003, BellSouth Telecommunications, Inc. filed its response to the ITC^DeltaCom's Petition.

By Order No. PSC-03-0534-PCO-TP, issued April 23, 2003 (Order Establishing Procedure), the hearing date, prehearing date, and other key activities dates were established. In the Order Establishing Procedure, June 18, 2003, was set as the filing date for rebuttal testimony. On June 17, 2003, ITC^DeltaCom filed its Motion for Extension of Time requesting an extension until June 25, 2003, for the parties to file their rebuttal testimony.

In support of its Motion, ITC^DeltaCom states that the parties are continuing to work to resolve issues. ITC^DeltaCom states that they believe that an additional week will enable the parties to reduce the number of issues requiring rebuttal testimony and resolution by the parties. ITC^DeltaCom contends that this extension will, therefore, enable the Commission and parties to better focus their resources on the remaining issues. ITC^DeltaCom asserts that the other dates in the Order Establishing Procedure would remain the same. ITC^DeltaCom states that BellSouth agrees with the request for extension and the extension would apply to all parties. I note that our staff has no objection to the motion.

For the reasons indicated by ITC^DeltaCom above, ITC^DeltaCom has stated good cause for granting the Motion for Extension of Time. Thus, the Motion for Extension of Time shall be granted.

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Accordingly, the filing date for rebuttal testimony and exhibits, if any, is June 25, 2003. Except as modified herein, Order No. PSC-03-0534-PCO-TP is reaffirmed in all other respects.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that ITC^DeltaCom Communications, Inc.'s Motion for Extension of Time requesting an extension until June 25, 2003, for the parties to file rebuttal testimony is hereby granted. It is further

ORDERED that Order No. PSC-03-0534-PCO-TP is hereby reaffirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 18th day of June, 2003.

 for Commissioner Braulio L. Baez

BRAULIO L. BAEZ
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; 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 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.