

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-03-1363-PCO-TP
ISSUED: December 1, 2003

ORDER ON DELTACOM'S MOTION TO INCREASE THE
NUMBER OF PAGES IN POST HEARING BRIEF

On February 7, 2003, ITC^DeltaCom Communications, Inc. (DeltaCom) filed its Petition for Arbitration with BellSouth pursuant to the Telecommunications Act of 1996. On March 4, 2003, BellSouth Telecommunications, Inc. (BellSouth) filed its response to 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. An administrative hearing was held on September 3-4, 2003.

On October 16, 2003, DeltaCom filed its Motion to Increase the Number of Pages Allowed in the Parties' Post-Hearing Briefs. In its Motion, DeltaCom states that it seeks an Order allowing the parties to this proceeding to file post-hearing briefs of 60 pages in length, thus exceeding the 40 page limit established in Section IV of Order No. PSC-03-0971-PHO-TP, issued August 27, 2003. DeltaCom asserts that this proceeding has proven to be complex, with a large number of issues remaining for this Commission's consideration and decision. DeltaCom contends that as of October 16, 2003, 22 issues remained unsettled. DeltaCom asserts that it expects that just the recitation of the statement of issues and positions for each of those issues will consume a minimum of 8 pages of its post-hearing brief, leaving little space for providing proposed findings of fact and conclusions of law, and briefing the issues. DeltaCom contends that this proceeding is of such considerable significance to both DeltaCom and BellSouth that the ability to adequately present a full analysis to this Commission

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should not be restricted due to the volume of issues remaining for consideration.

DeltaCom states that it believes that a post-hearing brief of 60 pages in length would provide both DeltaCom and BellSouth with sufficient space to present proposed finding of facts and conclusions of law, the statement of the issues and positions, and the brief as required by Section IV, Post-Hearing Procedures of Order No. PSC-03-0971-PHO-TP. DeltaCom asserts that an expansion of the page limit to 60 pages would not unduly burden this Commission or this Commission's staff given the number of issues that remain for this Commission's consideration and decision. DeltaCom states that its counsel has discussed this motion with BellSouth's counsel and BellSouth agrees with the substance of the motion, so long as the page extension applies with equal force to the BellSouth post-hearing brief. DeltaCom states that it was its intention that its motion apply equally to both parties' briefs and that any such page limit extension authorized by this Commission apply to all parties to this proceeding.

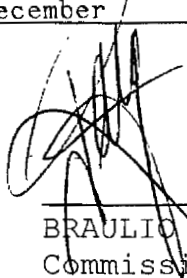
Upon consideration, it appears reasonable and appropriate to increase the page limit to 60 pages for the post-hearing brief as requested. Accordingly, ITC^DeltaCom Communications, Inc.'s Motion to Increase the Number of Pages Allowed in the Parties' Post-Hearing Briefs shall be approved.

Based on the foregoing, it is,

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion to Increase the Number of Pages Allowed in the Parties' Post-Hearing Briefs is approved. The page number limit is hereby increased to 60 pages.

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 1st Day of December, 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.

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

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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.