

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.	DOCKET NO. 030851-TP ORDER NO. PSC-03-1463-PCO-TP ISSUED: December 22, 2003
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Order Granting AT&T Communications of
the Southern States, LLC's Motion to Amend Procedural Schedule

I. Case Background

In response to the Federal Communications Commission's August 21, 2003, Triennial Review Order, this Commission opened two dockets to ascertain whether a requesting carrier is impaired when lack of access to an incumbent local exchange company's network element poses a barrier(s) to entry into the telecommunications market uneconomic. Docket No. 030851-TP was initiated to address local circuit switching for mass market customers, and Docket No. 030852-TP was initiated to address the location-specific review for DS1, DS3, and dark fiber loops and route-specific review for DS1, DS3, and dark fiber transport. Pursuant to the TRO, the state commission must complete such proceedings within nine months from the TRO's effective date. This Order only pertains to Docket 030851-TP.

By Order No. PSC-03-1054-PCO-TP, issued September 22, 2003, the original procedural schedule for this docket was established. Additionally, by Order No. PSC-03-1200-PCO-TP, issued on October 22, 2003, the parties' requests to modify the procedural schedule were denied, and certain controlling dates were modified due to the complexity and magnitude of this proceeding. On October 23, 2003, an issue identification conference was held. Order No. PSC-03-1265-PCO-TP was issued on November 7, 2003, to publish the issues identified at that conference and to again modify particular dates within the procedural schedule.

II. Modified Procedural Schedule

On December 18, 2003, AT&T Communications of the Southern States, LLC (AT&T) filed a motion to amend the procedural schedule in this docket. In its motion, AT&T proposes two amendments to the current procedural schedule: (a) new filing dates for rebuttal and surrebutal testimony; and (b) shortening of the response time for discovery issued by Commission staff to fifteen (15) days (at Commission staff's request).

All parties to this docket have been duly notified of AT&T's motion in accordance with Rule 28-104.106, Florida Administrative Code, and have agreed with AT&T's proposed filing dates for rebuttal and surrebutal testimony. AT&T represents in its Motion to Amend Procedural Schedule that only one party does not agree with shortening the response time for

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discovery issued by Commission staff. Paragraph six of the motion reads in part, "Each of the parties agrees with the Staff's request except BellSouth. BellSouth agrees to a 15-day response time for one set of discovery requests served on or after January 7, 2004." Although this party does not agree with shortening the response time for discovery, this same party has advised the Commission staff that its position was accurately stated and that no response to AT&T's motion would be filed.

Therefore, after careful consideration of all proposed modifications put forth in AT&T's uncontested motion, I find it reasonable and appropriate to make the following changes in Docket No. 030851-TP:

A. Testimony Due Dates

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|--------------------------|------------------|
| 1. Rebuttal Testimony | January 7, 2004 |
| 2. Surrebuttal Testimony | January 28, 2003 |

B. Service of Discovery Responses to Commission Staff Discovery

Discovery responses to Commission staff discovery shall be served by e-mail, fax, hand delivery, or overnight mail within 15 calendar days of receipt of the discovery request.

III. Conclusion

In light of the above, I find that the parties will benefit from the new modifications to the schedule and that AT&T's uncontested motion will ultimately assist the Commission in better deciding the matter on its merits. Lastly, I note that although no party filed a response to AT&T's motion, all parties were afforded a reasonable opportunity to do so.

Based upon the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, Prehearing Officer, that the modified procedures outlined in the body of this Order, shall be followed unless further modified by the Commission. It is further

ORDERED that Order Nos. PSC-03-1054-PCO-TP, PSC-03-1055-PCO-TP, and PSC-03-1265-PCO-TP are affirmed in all other respects. It is further

ORDERED that discovery responses must be served by e-mail, fax, hand delivery, mail or overnight mail within 15 calendar days of receipt of the discovery request.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 22nd
Day of December, 2003



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(SEAL)

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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 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.