

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.	DOCKET NO. 030867-TL
In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.	DOCKET NO. 030868-TL
In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.	DOCKET NO. 030869-TL
In re: Flow-through of LEC switched access reductions by IXCs, pursuant to Section 364.163(2), Florida Statutes.	DOCKET NO. 030961-TI ORDER NO. PSC-04-0893-PCO-TL ISSUED: September 14, 2004

ORDER EXTENDING TIME FOR FILING RESPONSES
TO AARP'S MOTION FOR EVIDENTIARY HEARING

On December 24, 2003, we issued Final Order No. PSC-03-1469-FOF-TL in these consolidated dockets. Thereafter, on January 7, 2004, the Attorney General and the Office of Public Counsel filed Notices of Appeal to the Florida Supreme Court. At the request of the Attorney General, the Supreme Court relinquished jurisdiction to the Commission for the purpose of considering Motions for Reconsideration filed by the Attorney General and AARP on January 8, 2004, the day after the notices of appeal had been filed. On May 4, 2004, we issued Order No. PSC-04-0456-FOF-TL disposing of the Motions for Reconsideration. AARP timely filed its Notice of Appeal of the Final Order and Order on Reconsideration to the Florida Supreme Court. The Court subsequently consolidated the three appeals.

On September 8, 2004, AARP filed with the Commission a Motion for Evidentiary Hearing and Modification of Commission Orders Nos. PSC-03-1469-FOF-TL and PSC-04-0456-FOF-TL on the Basis of Significantly Changed Circumstances and Public Need (Motion). AARP

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concurrently filed in the Florida Supreme Court a Motion to Relinquish Jurisdiction to the Commission for the purpose of allowing the Commission to consider the Motion.

It is well settled that upon appeal of a Commission final order to a court of competent jurisdiction, jurisdiction thereafter rests with the appellate court unless otherwise relinquished. Rule 9.110(b), Florida Rules of Appellate Procedure. As such, this Commission is without jurisdiction to consider AARP's Motion unless and until the Court relinquishes jurisdiction.

Rule 28-106.204(1), Florida Administrative Code, provides that responses to motions must be filed within seven days, and Rule 28-106.103, Florida Administrative Code, provides that five days shall be added to the computation of time when a pleading is served by mail (as is the case here). These rules do not, however, appear to fully contemplate the unusual procedural posture of this case. As such, I hereby approve an extension of time for parties to file responses, if any, to the pending Motion until such time as the Florida Supreme Court makes its ruling on the AARP's request that the Court relinquish jurisdiction. If the Court decides to relinquish jurisdiction to allow the Commission to address the pending Motion, parties' responses to the pending Motion shall be due 12 days from the date of the Court's decision.

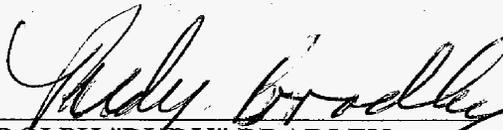
This approach is consistent with that previously taken in these dockets in regard to the Attorney General and AARP Motions for Reconsideration. See, Order No. PSC-04-0037-PCO-TL, issued January 13, 2004 (time for responding to motions for reconsideration extended to 12 days from the date of the Court's decision to relinquish jurisdiction).

It is therefore

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the time for filing responses to the pending Motion for Evidentiary Hearing and Modification of Commission Orders Nos. PSC-03-1469-FOF-TL and PSC-04-0456-FOF-TL on the Basis of Significantly Changed Circumstances and Public Need shall be extended as set forth in the body of this Order.

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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
14th day of September, 2004



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.

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.