

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida

DOCKET NO. 070126-TL
ORDER NO. PSC-07-0663-PCO-TL
ISSUED: August 16, 2007

ORDER GRANTING AT&T FLORIDA'S MOTION FOR CONTINUANCE

Case Background

On February 23, 2007, BellSouth Telecommunications, Inc., d/b/a AT&T Florida (AT&T Florida) filed a petition for relief from its carrier-of-last-resort obligations pursuant to Section 364.025(6)(d), Florida Statutes, for Villages of Avalon, Phase II, located in Hernando County, Florida. On March 12, 2007, Avalon Development LLC (Avalon Development), submitted its reply to AT&T Florida's petition. In its reply, Avalon Development requests that the Commission deny AT&T Florida's petition, deny the relief requested by AT&T Florida, and dismiss this proceeding with prejudice.

At its July 10, 2007, Agenda Conference, the Commission unanimously voted to keep this docket open and set this matter for a formal administrative hearing. Pursuant to the Commission's directive, this matter has been scheduled for an administrative hearing on September 6, 2007, by Order No. PSC-07-0606-PCO-TL (Order Establishing Procedure), issued July 30, 2007.

On July 11, 2007, Avalon Development withdrew its formal objection to AT&T's petition. In that letter, Avalon Development asserted that it would not participate in the proposed formal hearing process in this docket. No other party has intervened in this docket.

On August 6, 2007, AT&T Florida filed its Motion for Final Summary Order. Since that filing, AT&T Florida has filed objections and responses to Commission staff's discovery requests, and staff has filed the testimony of two staff witnesses.

Motion for Continuance

On August 14, 2007, AT&T Florida filed a Motion for Continuance. AT&T Florida requests continuance of the hearing date, currently scheduled for September 6, 2007, as well as any remaining prehearing deadlines.

DOCUMENT NUMBER-DATE

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In support of its Motion for Continuance, AT&T asserts the following:

1. It would be beneficial for the Commission to allow it to supplement its Motion for Final Summary Order to address the additional discovery and the testimony of staff's two witnesses;
2. If the Commission were to grant AT&T Florida's Motion for Summary Final Order, it would promote judicial economy in that there would be no need for a formal hearing; and,
3. The Commission's decision in Docket No. 060822-TL (Nocatee), currently scheduled for consideration at the Commission's September 11, 2007, Agenda Conference, will be instructive and potentially narrow the issues in this docket, which would also promote judicial economy.

Ruling


Upon consideration, it is reasonable and appropriate to grant AT&T Florida's Motion for Continuance. The hearing, prehearing and remaining prehearing deadlines, including the due date for rebuttal testimony, will be rescheduled at a time in the future.

Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, Prehearing Officer, that AT&T Florida's Motion for Continuance is hereby granted. It is further

ORDERED that Order No. PSC-07-0606-PCO-TL shall be modified with respect to controlling dates at a future date but is reaffirmed in all other aspects.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 16th day of August, 2007.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

HFM

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 Office of Commission Clerk, 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.