

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC for resolution of interconnection dispute with Level 3 Communications, LLC, and request for expedited resolution.

DOCKET NO. 070408-TP
ORDER NO. PSC-08-0373-PCO-TP
ISSUED: June 3, 2008

SECOND ORDER MODIFYING PROCEDURE

On July 11, 2007, Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC (Neutral Tandem) filed its Second Petition for Interconnection with Level 3 Communications, LLC (Level 3) and Request for Expedited Resolution and/or Interim Relief (Second Petition). Docket No. 070408-TP was opened to address Neutral Tandem's Second Petition.¹ On July 25, 2007, Level 3 filed its Response and Motion to Dismiss Neutral Tandem's Second Petition (Motion to Dismiss). On August 3, 2007, Neutral Tandem filed its Response to Level 3's Motion to Dismiss (Response). On September 21, 2007, Order No. PSC-07-0772-PCO-TP was issued allowing the parties to file supplemental briefs addressing Issues 1-3a. Each party filed a legal brief on October 5, 2007.

Following the Commission's consideration of our staff's recommendation at the January 8, 2008, Agenda Conference, on January 30, 2008, Order No. PSC-08-0073-FOF-TP was issued, denying Level 3's Motion to Dismiss and directing that the docket remain open to conduct an administrative hearing.

By Order No. PSC-08-0159-PCO-TP (Order Establishing Procedure), issued March 18, 2008, certain controlling dates and requirements for discovery procedures were established for this docket. Due to a scrivener's error, however, the date for the Prehearing Conference was incorrectly listed as September 3, 2008, rather than September 5, 2008. Accordingly, Order No. PSC-08-0173-PCO-TP (First Order Modifying Procedure) was issued March 21, 2008, correcting the date for the Prehearing Conference to September 5, 2008.

On May 27, 2008, the parties filed their Joint Motion for Extension of Time for Filing of All Prefiled Testimony and Exhibits (Joint Motion). The parties aver that additional time, as requested by specific dates listed in the Joint Motion, is necessary for the full preparation and presentation of the testimony and exhibits addressing the issues in this proceeding. The parties request no other changes to the current controlling dates.

¹By Order No. PSC-07-0698-FOF-TP, issued August 27, 2007, this Commission acknowledged, without prejudice, Neutral Tandem's Voluntary Dismissal of its First Petition for Interconnection with Level 3 Communications in Docket No. 070127-TX (Voluntary Dismissal Order). Pursuant to the Voluntary Dismissal Order, the hearing record from Docket No. 070127-TX was merged into Docket 070408-TP because the same issues were raised in both dockets.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

In order to allow the parties the opportunity to fully present testimony and exhibits for the Commission's consideration in this matter, it is reasonable and appropriate to grant the Joint Motion. Accordingly, the controlling dates established by the Order Establishing Procedure shall be revised as set forth below:

- | | | |
|-----|------------------------------------|----------------|
| (1) | Direct Testimony and Exhibits | June 16, 2008 |
| (2) | Rebuttal Testimony and Exhibits | July 14, 2008 |
| (3) | Surrebuttal Testimony and Exhibits | August 4, 2008 |


Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrin, as Prehearing Officer, that the Joint Motion for Extension of Time for Filing of All Prefiled Testimony and Exhibits is granted. It is further

ORDERED that the controlling dates as established in Order No. PSC-08-0159-PCO-TP are modified as set forth in this Order. It is further

ORDERED that Order No. PSC-08-0159-PCO-TP is reaffirmed in all other aspects.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 3rd day of June, 2008.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(SEAL)

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.