

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of) DOCKET NO. 950985-TP
petition(s) to establish) ORDER NO. PSC-95-1300-PCO-TP
nondiscriminatory rates, terms,) ISSUED: October 20, 1995
and conditions for)
interconnection involving local)
exchange companies and)
alternative local exchange)
companies pursuant to Section)
364.162, Florida Statutes.)
_____)

ORDER GRANTING JOINT MOTION FOR STAY OF PROCEEDING

On October 17, 1995, Teleport Communications Group, Inc./TCG South Florida ("TCG") and BellSouth Telecommunications, Inc. ("BellSouth") filed a Joint Motion for Stay of Proceeding in this docket. The final hearing on TCG's petition, pursuant to Section 364.162(2), Florida Statutes, to establish nondiscriminatory rates, terms and conditions for interconnection with BellSouth is scheduled to begin on Monday, October 23, 1995.

The Joint Motion states "TCG and BellSouth have reached a Stipulation and Agreement reflecting nondiscriminatory interim rates, terms and conditions local interconnection pursuant to Section 364.162(2)." However, ..."implementation of the local interconnection rates is contingent on Commission approval of BellSouth's proposed Alternative 1, as modified by the Stipulation and Agreement, in Docket No. 950696-TP." The Commission is scheduled to make its decisions in Docket 950696-TP on December 11, 1995.

TCG and BellSouth seek a stay to:

(a) permit sufficient time for a Commission vote on the issues in Docket No. 950696-TP; (b) preserve the time and resources expended by the parties to date in establishing a record for final hearing in the above captioned docket in the event that a final hearing is necessary; and (c) avoid the unnecessary expenditure of time and resources of the parties and the Commission in the event a final hearing is unnecessary

The motion states "TCG and BellSouth will file a status report on or before December 15, 1995, indicating whether a final hearing will be necessary."

DOCUMENT NUMBER-DATE

10379 OCT 20 95

FPSC-RECORDS/REPORTING

• Section 364.162(3), Florida Statutes, requires that the Commission "vote, within 120 days following such filing (of a Petition), to set nondiscriminatory rates, terms, and conditions... for interconnection." The joint motion states "TCG and BellSouth maintain and stipulate that the 120 day period...shall be tolled until the date of filing the TCG/BellSouth status report." The motion further states that in the event that "the Commission is unable to schedule TCG's Petition for final hearing and vote... within the tolled 120 day time period, then TCG waives its right to a final hearing and Commission vote within the tolled 120 day time period to the extent necessary to accommodate the calendar and scheduling of the Commission for a period not to exceed 60 days."

The motion states that "...TCG and BellSouth have conferred with the counsel for other parties to this docket and are authorized to represent that no party objects to the stay requested herein."

Having reviewed the joint motion, and being otherwise advised in the premises, I find that the Joint Motion for Stay of Proceeding should be and is hereby granted.

• Based on the foregoing, it is

ORDERED by J. Terry Deason, as Prehearing Officer, that the Joint Motion for Stay of Proceeding filed October 17, 1995, by Teleport Communications Group, Inc./TCG South Florida and BellSouth Telecommunications, Inc., is granted. It is further

ORDERED that TCG and BellSouth shall file a status report on or before December 15, 1995, indicating whether a final hearing will be necessary. It is further

ORDERED that the 120 day period established by Section 364.162 (3), Florida Statutes, for the Commission's vote concerning TCG's petition to establish nondiscriminatory rates, terms and conditions for interconnection shall be tolled until the date of filing the TCG/BellSouth status report.

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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 20th day of October, 1995.


J. TERRY DEASON, Commissioner and
Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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.