

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Metropolitan) DOCKET NO. 960757-TP
Fiber Systems of Florida, Inc.) ORDER NO. PSC-96-0918-PCO-TP
for arbitration with BellSouth) ISSUED: July 16, 1996
Telecommunications, Inc.)
concerning interconnection)
rates, terms, and conditions,)
pursuant to the Federal)
Telecommunications Act of 1996.)

ORDER MODIFYING PROCEDURAL SCHEDULE

On June 24, 1996, Order No. PSC-96-0817-PCO-TP was issued to establish the interim procedural schedule for this docket. On June 28, 1996, MFS Communications Company, Inc. (MFS) filed its Petition for Arbitration of Interconnection Rates, Terms and Conditions pursuant to Section 252(b) of the Telecommunications Act of 1996 (Act) and the direct testimony of Timothy Devine. Pursuant to Order No. PSC-96-0817-PCO-TP, BellSouth Telecommunications, Inc.'s (BellSouth) direct testimony is due on July 23, 1996. Prehearing statements are due August 2, 1996. Both parties' rebuttal testimony is due on August 6, 1996. The prehearing conference will be held on August 8, 1996 and the hearing will be held August 27 and 28, 1996. Briefs shall be filed by September 13, 1996.

Order PSC-96-0817-PCO-TP indicated that direct testimony of intervenors would be due 25 days after MFS files its petition. Upon further review of the Act, I find that intervention is not appropriate in this docket. Section 252 contemplates that only the party requesting interconnection and the incumbent local exchange company shall be parties to the arbitration proceeding. For example, Section 252(b)(1) of the Act states that the "carrier or any other party to the negotiation" may request arbitration (emphasis added). Similarly, Section 252(b)(3) says, "a non-petitioning party to a negotiation may respond to the other party's petition" within 25 days (emphasis added). Section 252(b)(4) requires this Commission to limit its consideration to the issues raised by the petition and the response. None of these statutory provisions provides for intervenor participation. Accordingly, only BellSouth and MFS shall be permitted to participate in this proceeding. It follows, therefore, that only MFS and BellSouth shall be bound by the results of this proceeding. Persons that cannot reach their own agreements with BellSouth or believe the results of this proceeding are discriminatory may file appropriate petitions or complaints after this proceeding.

DOCUMENT NUMBER-DATE

07400 JUL 16 86

FPSC-REGISTRATION/REPORTING

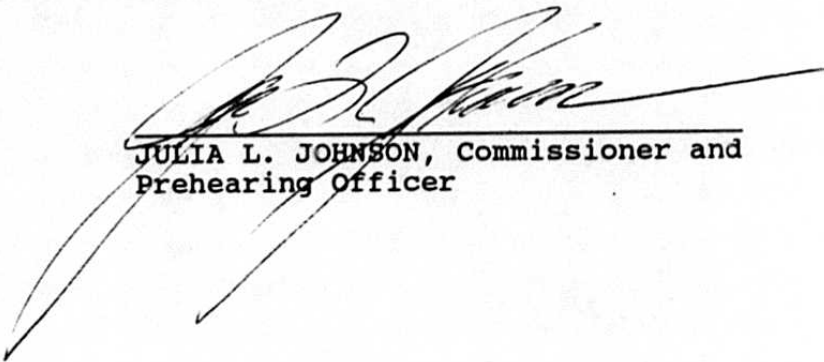
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It is, therefore,

ORDERED that Order No. PSC-96-0817-PCO-TP is modified as described in the body of this Order. It is further

ORDERED that Order No. PSC-96-0817-PCO-TP is reaffirmed in all other respects.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 16th day of July, 1996.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

(S E A L)

LMB

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 25-22.0376, 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

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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.