

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for arbitration ) DOCKET NO. 970336-TP  
of certain terms and conditions ) ORDER NO. PSC-97-0381-PCO-TP  
of a proposed agreement between ) ISSUED: April 7, 1997  
ICG Telecom Group, Inc. and GTE )  
Florida Incorporated pursuant to )  
Sections 251 and 252 of the )  
Telecommunications Act of 1996. )  
\_\_\_\_\_ )

ORDER ON MOTION FOR MODIFICATION OF SCHEDULE

On October 10, 1996, ICG Telecom Group, Inc. (ICG) and GTE Florida, Incorporated (GTEFL) entered into negotiations regarding ICG's request for resale and interconnection arrangements with GTEFL. On March 18, 1997, ICG filed a petition for arbitration of the unresolved issues with GTEFL.

On April 1, 1997, ICG filed a Motion for Modification of Schedule to Facilitate Filing of Settlement. Therein, ICG requested an extension of the date set forth in Order No. PSC-97-0355-PCO-TP, issued March 31, 1997, for filing its direct testimony and exhibits in support of its petition. Currently, ICG's testimony is due April 2, 1997. ICG states that the parties have been negotiating a settlement which, if finalized and approved, would resolve the substantive issues in this docket. ICG further states that an extension of this date will allow the parties to concentrate on their negotiations and promote the likelihood of a settlement. ICG, therefore, requests that the April 2, 1997, date for filing direct testimony be extended to April 9, 1997.

An extension of time is reasonable in light of the parties' efforts to negotiate a settlement of this matter. Thus, the schedule in this docket shall be modified. In light of time constraints, the extension for filing shall not, however, be granted for the date requested. The schedule set forth in Order No. PSC-97-0355-PCO-TP shall be modified as follows:

- 1) Direct Testimony and Exhibits of     April 7, 1997  
   Petitioner
- 2) Direct Testimony and Exhibits of     April 16, 1997  
   the Respondent
- 3) Rebuttal Testimony and Exhibits     April 23, 1997

All other dates set forth in Order No. PSC-97-0355-PCO-TP, including the date for filing a response to the petition, shall remain the same.

DOCUMENT NUMBER-DATE

03556 APR-75

FPSC-RECORDS/REPORTING

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It is therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Order No. PSC-97-0355-PCO-TP is modified to the extent set forth in the body of this Order. It is further

ORDERED that Order No. PSC-97-0355-PCO-TP is reaffirmed in all other respects.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 7th day of April, 1997.

  
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SUSAN F. CLARK, Commissioner and  
Prehearing Officer

( S E A L )

BC

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.

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,

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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.