

MEMORANDUM

February 26, 1999

02 FEB 26 11:41:17

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (MCKINNEY) *JammCB*

RE: DOCKET NO. 981642-TP - In re: Petition by Intermedia Communications, Inc. for arbitration with BellSouth Telecommunications, Inc. pursuant to the Telecommunications Act of 1996.

DOCKET NO. 981745-TP - In re: Petition by American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. for arbitration of unresolved issues in an interconnection agreement with BellSouth Telecommunications, Inc.

*0416-PCD*

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Attached is an:

**ORDER GRANTING MOTION FOR CONTINUANCE**

to be issued in the above-referenced docket. (Number of pages in notice - 3)

PLEASE ISSUE TODAY

JCM/slh  
Attachment  
cc: Division of Communications  
I:981745OR.JCM

*99 mail*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Intermedia Communications, Inc. for arbitration with BellSouth Telecommunications, Inc. pursuant to the Telecommunications Act of 1996.

DOCKET NO. 981642-TP

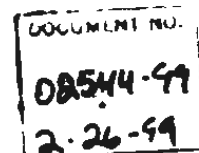
In re: Petition by American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. for arbitration of unresolved issues in an interconnection agreement with BellSouth Telecommunications, Inc.

DOCKET NO. 981745-TP  
ORDER NO. PSC-99-0416-PCO-TP  
ISSUED: February 26, 1999

ORDER GRANTING MOTION FOR CONTINUANCE


This matter is set for an arbitration hearing, pursuant to Section 252(b) of the Telecommunications Act of 1996, on March 18, 22, 23, and 24, 1999. On February 24, 1999, American Communications Services of Jacksonville, Inc. d/b/a/ e.spire Communications, Inc. (e.spire) filed a Motion for Continuance. As a basis for its motion, e.spire asserts that a continuance of the scheduled hearing will enable further discussions between the parties relative to the resolution of the issues in the proceeding in Florida. e.spire requests that while the negotiations are taking place, the procedural schedule should be modified and all pending activities should be held in abeyance to be rescheduled at a later date. BellSouth does not object to e.spire's motion. After careful consideration, I find that administrative efficiency would be served by postponing the filing of prehearing statements, rebuttal testimony, responses to discovery, depositions, the prehearing conference until after May 14, 1999, during which time the parties would be able to devote their efforts to resolving the issues set for hearing. With the concurrence of the Chairman's office, the hearing dates are also suspended. If e.spire and BellSouth are unable to resolve the issue by May 14, 1999, rescheduling of the hearing will be based upon availability of hearing dates.

For the reasons stated above, e.spire's Motion for Continuance is granted.



ORDER NO. PSC-99-0416-PCO-TP  
DOCKETS NOS. 981642-TP, 981745-TP  
PAGE 2

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing  
Officer, this 26th day of February, 1999.



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E. Leon Jacobs, Jr.  
Commissioner and Prehearing Officer

( S E A L )

JCM

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, if issued by a Preheating 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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

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Date 2/2/91  
 Number of Originals 4 Copies Per Original 124  
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\_\_\_\_\_ Item Presented \_\_\_\_\_  
 Agenda For (Date) \_\_\_\_\_ Order No. \_\_\_\_\_ In Docket No. 91-10412  
 Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. 91-10418  
 Other \_\_\_\_\_

Special Handling Instructions  
Must be reviewed ASAP

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