

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements.

DOCKET NO. 990649-TP  
ORDER NO. PSC-99-2237-PCO-TP  
ISSUED: November 12, 1999

ORDER SUPPLEMENTING AND REVISING ORDER ON PROCEDURE

This docket was opened to address the deaveraged pricing of Unbundled Network Elements (UNEs), as well as the pricing of UNE combinations and nonrecurring charges. By Order No. PSC-99-1397-PCO-TP, issued July 20, 1999, the procedures and schedules for this docket were established.

Although significant to our decision herein, at the time this docket was opened, the Federal Communications Commission (FCC) had not issued its order in response to the U.S. Supreme Court's remand of FCC Rule 47 C.F.R. §51.319 for proceedings to determine which unbundled network elements should be made unconditionally available consistent with the Court's interpretation of Sections 251(c)(3) and 251(d)(2) of the Act. See AT&T Corp. v. Iowa Utils. Bd., 525 U.S. 366 (1999). On November 5, 1999, however, the FCC released FCC Order No. 99-238 addressing the remand of its Rule 51.319. In view of the time remaining before the scheduled hearing date in this docket, I find it appropriate to provide the parties with the opportunity to file supplemental direct testimony addressing FCC Order No. 99-238.

In addition, the Prehearing Conference is rescheduled from November 15, 1999, to December 2, 1999, in an effort to alleviate scheduling difficulties.

Accordingly, the following controlling dates in this matter are added and revised as follows:

- |    |   |                  |
|----|---|------------------|
| 1) | Prehearing Conference                                 | December 2, 1999 |
| 2) | Supplemental direct testimony<br>and exhibits, if any | December 6, 1999 |

Order No. PSC-99-1397-PCO-TP is reaffirmed in all other respects.

DOCUMENT NUMBER-DATE

13896 NOV 12 99

FPSC-RECORDS/REPORTING

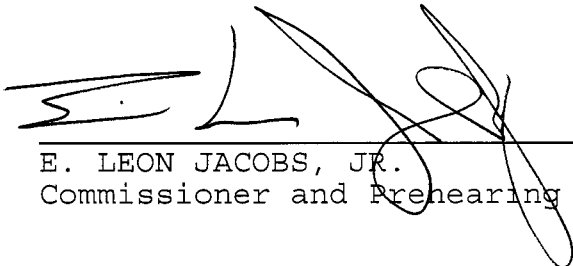
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Based upon the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that Order No. PSC-99-1397-PCO-TP is supplemented and revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-99-1397-PCO-TP is reaffirmed in all other respects.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 12th day of November, 1999.



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E. LEON JACOBS, JR.  
Commissioner and Prehearing Officer

( S E A L )

DMC

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.

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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 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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 11, 15, 99  
Number of Originals 3 Copies Per Original 16  
Requested By Smith

Item Presented

Agenda For (Date) \_\_\_\_\_ Order No. 99-2237 In Docket No. 790649  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

Special Handling Instructions

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November 12, 1999

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RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *RMC AR*

RE: DOCKET NO. 990649-TP - INVESTIGATION INTO PRICING OF  
UNBUNDLED NETWORK ELEMENTS.

2237-PCU

Attached is an ORDER SUPPLEMENTING AND REVISING ORDER ON  
PROCEDURE, to be issued in the above-referenced docket. (Number  
of pages in order - 3)

DMC/sa

Attachment

cc: Division of Communications (Ollila)

I: 990649o2.dmc

**MUST GO TODAY**

*22/11*