

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for approval for arbitration of an interconnection agreement with US LEC of Florida, Inc. pursuant to the Telecommunications Act of 1996.

DOCKET NO. 000084-TP
ORDER NO. PSC-00-2029-PCO-TP
ISSUED: June 9, 2000

ORDER GRANTING SECOND EXTENSION OF TIME TO FILE RESPONSE

On January 25, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Arbitration of certain unresolved issues in its negotiations with US LEC of Florida, Inc. (US LEC). In accordance with Section 252(b)(4)(c) of the Telecommunications Act of 1996 (the Act), US LEC's response was due on February 19, 2000. On February 14, 2000, US LEC filed a Motion for Extension of Time, wherein it requested a 90-day extension to file its Response to BellSouth's Petition. That Motion was granted by Order No. PSC-00-0645-PCO-TP, issued April 6, 2000. On May 18, 2000, US LEC filed a Notice of Substitution of Counsel and a Second Motion for Extension of Time to File Response to BellSouth's Petition for Arbitration. US LEC indicates that it has conferred with counsel for BellSouth and BellSouth does not object to US LEC's request. US LEC's response under the Order was due May 19, 2000.

In its Motion, US LEC states that the first extension was granted to allow US LEC time to review other interconnection agreements filed by BellSouth with other companies with the intention of opting in one of those agreements. However, after diligent research and review, there is no BellSouth interconnection agreement on file with the Commission which satisfactorily addresses the unresolved issues between US LEC and BellSouth and which is scheduled to remain in effect for a reasonable period of time.

Therefore, US LEC requests a second extension of time of 60 days to allow it additional time to review new interconnection agreements negotiated by other alternative local exchange companies with BellSouth or arbitrated by the Commission resolving the open issues between BellSouth and US LEC. Concurrent with this request, US LEC also consents to an extension of the Commission's deadline set forth in 47 U.S.C. §252(b)(4)(C) for the resolution of disputed interconnection agreement issues by an additional 60 days. US LEC states this time would allow it the opportunity to opt-in to a more

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recent interconnection agreement reflecting the current state of negotiated or arbitrated local interconnection rates, terms, and conditions, for a reasonable period of time, without incurring the time, expense and expenditure of resources necessary to litigate an arbitration proceeding with BellSouth.

As noted above, BellSouth has indicated it has no objection to US LEC's request. Our staff has also indicated that this extension of time will not impair staff's ability to prepare for the hearing. In addition, the extension of time may encourage the resolution of certain issues in this proceeding. Therefore, US LEC's Motion for Extension of Time is granted. US LEC shall respond to BellSouth's Petition for Arbitration on or before July 20, 2000.

It is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Motion for Extension of Time filed by US LEC of Florida, Inc. is hereby granted.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 9th Day of June, 2000.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

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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 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.