

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of ITC^DeltaCom Communications, Inc. against BellSouth Telecommunications, Inc. for breach of interconnection terms, and request for immediate relief.

DOCKET NO. 991946-TP  
ORDER NO. PSC-00-1177-PCO-TP  
ISSUED: June 29, 2000

ORDER GRANTING MOTION TO CONTINUE PROCEEDINGS

On December 17, 1999, ITC^DeltaCom Communications, Inc. (DeltaCom) filed a request for arbitration concerning a complaint against BellSouth Telecommunications, Inc. (BellSouth). At that time, DeltaCom also filed a Motion to Consolidate its complaint proceeding with the Global NAPS (GNAPS) proceeding in Docket No. 991267-TP. On December 28, 1999, BellSouth filed its Response to DeltaCom's Motion to Consolidate the GNAPS and DeltaCom complaints. On January 11, 2000, BellSouth filed its Answer and Response to DeltaCom's complaint. By Order No. PSC-00-0211-PCO-TP, issued February 2, 2000, DeltaCom's Motion to Consolidate GNAPS' and DeltaCom's complaints was denied. On May 18, 2000, Order No. PSC-00-0979-PCO-TP establishing procedure for this Docket was issued. An administrative hearing has been set.

On May 15, 2000, DeltaCom filed a Motion to Continue Proceedings and a Motion for Summary Final Order. On May 22, 2000, BellSouth filed its Response in Opposition to DeltaCom's Motion for Summary Final Order and Response to DeltaCom's Motion to Continue Proceedings. On May 25, 2000, DeltaCom filed a Supplemental Memorandum in Support of its Motion for Summary Final Order and on June 5, 2000, BellSouth filed its Response in Opposition to DeltaCom's Supplemental Memorandum in Support of its Motion for Summary Final Order.

In its Motion to Continue Proceedings (Motion) DeltaCom asks that the proceedings in this case be continued pending the Commission's determination of the merits of its Motion for Summary Final Order. DeltaCom argues that there are strong grounds for this Commission to grant summary final order in favor of DeltaCom. DeltaCom states that there is no need to waste the Commission's or the parties' resources preparing for a hearing that may not take place if summary disposition is granted.

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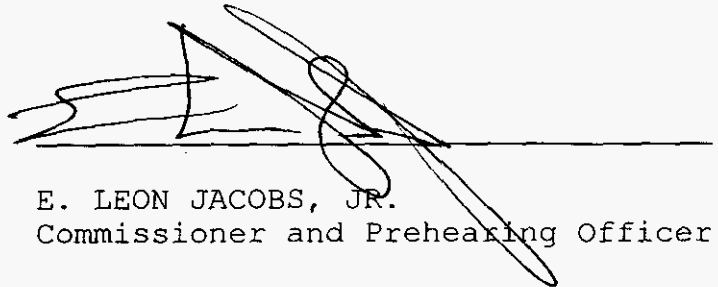
BellSouth argues in its response that DeltaCom is not entitled to any type of summary disposition in this proceeding. In addition, BellSouth asserts that this proceeding which is set for hearing on August 24, 2000, has progressed to the stage where a continuance would not result in any significant savings of time or money. Finally, BellSouth argues that the Commission has time to rule on the Motion for Summary Final Order without prejudicing either party's ability to prepare for the August hearing.

At this time, the parties have only filed their direct testimony. Rebuttal testimony is scheduled to be filed July 10, 2000, prehearing statements are due on July 17, 2000, and depositions are scheduled for July 24, 2000. In addition, it appears the panel will not be hearing the Motion for Summary Final Order until the August 1, 2000, agenda conference, at the earliest. Based upon the foregoing, I believe it is reasonable to grant DeltaCom's Motion for Continuance of the hearing until the Motion for Summary Final Order is considered by the full Commission panel assigned to this case. The controlling dates, including the hearing date, set in Order No. PSC-00-0979-PCO-TP shall be continued until further notice.

It is therefore,

ORDERED that ITC^DeltaCom Communications, Inc.'s Motion to Continue Proceedings is granted. The controlling dates set in Order No. PSC-00-0979-PCO-TP shall be continued until further notice.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 29th Day of June, 2000.



E. LEON JACOBS, JR.  
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.