

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
pricing of unbundled network
elements.

DOCKET NO. 990649-TP
ORDER NO. PSC-00-1278-PCO-TP
ISSUED: July 14, 2000

ORDER REQUIRING EXPEDITED RESPONSES TO MOTION TO COMPEL

In response to the Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory, filed December 10, 1998, in Docket No. 981834-TP, this docket has been opened to address the deaveraged pricing of 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 for this docket were established and the controlling dates set. A Second Revised Order on Procedure, Order No. PSC-00-0540-PCO-TP, was issued on March 16, 2000, which set forth new filing dates and also the newly refined issues to be addressed in this proceeding. By Order No. PSC-00-2015-PCO-TP, issued June 8, 2000, the filing dates were extended and the procedure for this case was further modified. Pursuant to these Orders, Phase I is currently set for hearing July 17-19, 2000, and Phase II is set for hearing September 19-22, 2000.

On July 11, 2000, BellSouth filed an Emergency Motion to Compel. Therein, BellSouth asks that AT&T, Intermedia, KMC I, II, and III, MCI WorldCom, and Time Warner be required to respond to interrogatories and requests for production of documents served by BellSouth in June, 2000. BellSouth explains that the discovery requests seek information regarding the economic lives or useful lives used by these ALECs for depreciation purposes. BellSouth contends that this information is relevant to the issue of depreciation lives to be addressed in Phase I of this proceeding. BellSouth adds that the ALECs have, to date, objected to these discovery requests and have contended that these requests are unduly burdensome and irrelevant. In view of the approaching hearing, BellSouth asks that an emergency order be issued compelling these ALECs to respond to BellSouth's discovery requests.

DOCUMENT NUMBER-DATE

08507 JUL 14 8

FPSC-RECORDS/REPORTING 004340

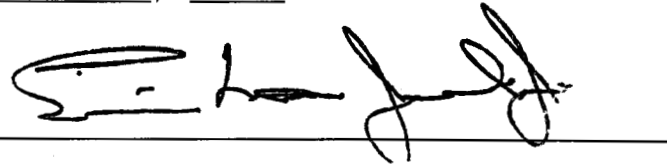
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BellSouth has indicated that it served its Motion to Compel electronically on counsel for these ALECs. Pursuant to Rule 28-106.204, Florida Administrative Code, parties may have 7 days to respond to a motion "[w]hen time allows." In this case, time does not appear to allow for a full 7-day response period, because this hearing is scheduled to begin on Monday, July 17, 2000. Therefore, in accordance with Rule 28-106.204, Florida Administrative Code, and Rule 28-106.211, Florida Administrative Code, responses, if any, shall be due on July 17, 2000, at the start of the Phase I hearing in this case. The Motion to Compel will be addressed at the hearing by the panel assigned to this case.

Based on the foregoing, it is therefore

ORDERED by E. Leon Jacobs, Jr., as Prehearing Officer, that responses to BellSouth Telecommunications, Inc.'s Emergency Motion to Compel shall be due no later than the beginning of the Phase I hearing in this case on July 17, 2000.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 14th Day of July, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

BK

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

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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.

004342

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

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Number of Originals 3

Copies Per Original 16

Requested By Monte Lepore

Item Presented

Agenda For (Date) _____ Order No. 10-1278 In Docket No. 990679-TP

Notice of _____ For (Date) _____ In Docket No. _____

Other _____

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MEMORANDUM

July 13, 2000

RECEIVED-PPSC

00 JUL 13 PM 3:30

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) ^{BK}

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

1278-PCD

Attached is an ORDER REQUIRING EXPEDITED RESPONSES TO MOTION TO COMPEL to be issued in the above-referenced docket. (Number of pages in order - 3) **PLEASE ISSUE VIA FACSIMILE.**

BK/anc
Attachment
cc: Division of Competitive Services (Ollila)
I: 990649cr.bk

MUST GO TODAY

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