

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Sprint  
Spectrum L.P., d/b/a Sprint PCS  
for arbitration of certain terms  
and conditions of a proposed  
agreement with BellSouth  
Telecommunications, Inc.  
pursuant to Section 252 of the  
Communications Act.

DOCKET NO. 000761-TP  
ORDER NO. PSC-00-2051-PCO-TP  
ISSUED: October 27, 2000

ORDER GRANTING MOTION FOR CONTINUANCE TO  
MODIFY CERTAIN PROCEDURAL DATES AND  
REQUIRING EXPEDITED DISCOVERY RESPONSES

Pursuant to Section 252 of the Telecommunications Act, Sprint Spectrum L.P. d/b/a Sprint PCS (Sprint PCS) petitioned for arbitration with BellSouth Telecommunications, Inc. (BellSouth) on June 23, 2000. This matter is currently set for an administrative hearing. Order No. PSC-00-1563-PCO-TP establishing procedure was issued on August 30, 2000. On October 18, 2000, BellSouth filed a Motion for Continuance.

BellSouth asks the Commission to continue the filing date for BellSouth's direct and rebuttal testimony and exhibits until November 15, 2000, to continue the filing date for Sprint PCS's rebuttal testimony and exhibits until December 13, 2000, and to continue the filing date for prehearing statements until December 11, 2000. BellSouth further represents that it spoke with counsel for Sprint PCS and Sprint PCS has no objection to the motion. The basis of the Motion is to give the parties an opportunity to resolve the issues in this case.

It appears from the Motion that granting BellSouth's request would be in the best interest of the parties, would promote administrative economy in the event the issues could be settled without litigation, and does not appear to prejudice any party since the hearing date would not be moved. Moreover, it appears that Commission staff would not be prejudiced by BellSouth's request. However, in view of the request, I find it reasonable to require the parties to respond to any discovery requests within ten days, which includes mailing. Based upon the foregoing, I find it

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Based on the foregoing, it is

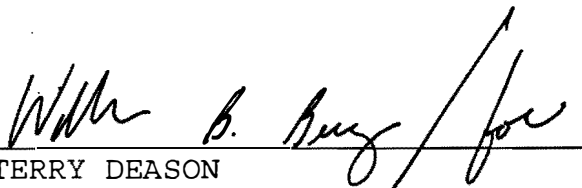
ORDERED by Chairman J. Terry Deason, as Prehearing Officer that BellSouth Telecommunications, Inc.'s Motion for Continuance shall be granted. It is further

ORDERED that the filing dates for BellSouth's direct and rebuttal testimony and exhibits shall be November 15, 2000, Sprint PCS's rebuttal testimony and exhibits shall be December 13, 2000, and the prehearing statements shall be December 11, 2000. It is further

ORDERED that any discovery requests will be responded to within ten days, including mailing. It is further

ORDERED that all other aspects of Order No. PSC-00-1563-PCO-TP establishing procedure are reaffirmed.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 27th day of October, 2000.

  
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J. TERRY DEASON  
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.