

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration
concerning complaint of
BellSouth Telecommunications,
Inc. against Supra
Telecommunications and
Information Systems, Inc. for
resolution of billing disputes.

DOCKET NO. 001097-TP
ORDER NO. PSC-01-0699-PCO-TP
ISSUED: March 20, 2001

ORDER GRANTING IN PART AND DENYING IN PART SUPRA'S
MOTION TO RESCHEDULE HEARING DATE

BellSouth Telecommunications, Inc. (BellSouth) provides local exchange telecommunications services for resale pursuant to the Telecommunications Act of 1996 and to resale agreements entered into between BellSouth and various Alternative Local Exchange Companies (ALECs). Supra Telecommunications and Information Systems, Inc. (Supra) is an ALEC certified by this Commission to provide local exchange services within Florida. On August 9, 2000, BellSouth filed a complaint against Supra, alleging that Supra has violated Attachment 6, Section 13 of their present agreement by refusing to pay non-disputed sums. The complaint also alleges billing disputes arising from the prior resale agreement with Supra. The prehearing conference and hearing are currently scheduled for April 16, 2001, and May 5, 2001, respectively.

On March 6, 2001, Supra filed its Motion to Reschedule Hearing Date. In the body of the Motion, however, Supra addresses only the date of the prehearing conference. Supra alleges therein that it has scheduling conflicts beginning on April 9, 2001, which will prohibit it from appearing at the prehearing until after May 1, 2001. There are three exhibits attached to the Motion indicating the basis of the conflicts. All three conflicts are hearings on pending arbitration cases in Texas and Georgia. Supra requests that the Prehearing be continued until after May 1, 2001.

On March 12, 2001, BellSouth filed its Opposition to Supra's Motion to Reschedule Hearing Date. BellSouth notes that each of the dates cited by Supra as conflicting with the prehearing conference in this Docket were set after the issuance by the Commission of the Case Assignment and Scheduling Record on November 21, 2000. BellSouth also observes that a prehearing conference

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after May 1, 2001, would also necessitate continuing the hearing, which it opposes. BellSouth has no objection to a telephonic appearance by Supra at the prehearing conference.

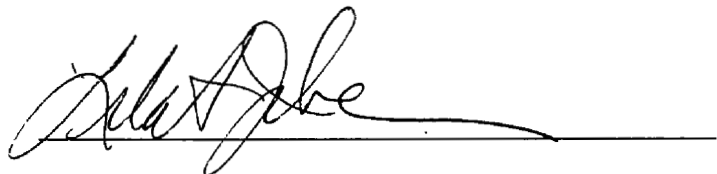
Hearings scheduled in other jurisdictions are legitimate conflicts that warrant moving the prehearing conference in this instance. However, as noted by BellSouth, conducting the prehearing conference after May 1, 2001 as requested by Supra, would necessitate continuing the hearing. In an effort to avoid delay in the prompt resolution of the issues in this case, the prehearing conference shall be rescheduled to April 6, 2001, which is prior to any of the conflicts cited by Supra in its Motion.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that Supra's Motion to Reschedule Hearing Date is granted in part and denied in part, as discussed in this Order. It is further

ORDERED that the prehearing conference in this matter, originally set for April 16, 2001, is rescheduled and will be held on April 6, 2001.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 20th Day of March, 2001.



LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

CLF

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.