

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards.

DOCKET NO. 991378-TL  
ORDER NO. PSC-01-0813-PCO-TL  
ISSUED: March 28, 2001

ORDER GRANTING, IN PART, AND DENYING, IN PART,  
JOINT MOTION FOR CONTINUANCE AND FURTHER  
MODIFYING SCHEDULE

On September 10, 1999, this docket was established to require BellSouth Telecommunications, Inc. (BellSouth) to show cause why it should not be fined for failure to meet certain quality of service standards set forth in Chapter 25-4, Florida Administrative Code. On September 17, 1999, the Office of Public Counsel (OPC) filed its Notice of Intervention. On September 17, 1999, BellSouth filed an offer of settlement to resolve this matter. By proposed agency action Order No. PSC-99-2207-PAA-TL, issued November 9, 1999, we approved BellSouth's offer of settlement. On November 30, 1999, OPC filed a timely protest of the Order, and the matter was set for hearing. By Order No. PSC-99-2492-PCO-TL, issued December 20, 1999, we acknowledged OPC's Notice of Intervention.

By Order No. PSC-00-1027-PCO-TL, Order Establishing Procedure, issued May 23, 2000, the procedural requirements and filing schedule were established for this proceeding. On July 21, 2000, the parties filed a joint motion for continuance of the schedule. By Order No. PSC-00-1381-PCO-TL, that motion was granted. On September 26, 2000, a scheduling conference was held to address procedural due dates, and to set forth a new schedule for the completion of the case. Based on the requests of both parties, the controlling dates in the matter required further modification in order to allow an adequate period for discovery. Accordingly, Order No. PSC-00-2158-PCO-TL was issued, modifying the controlling dates. That Order provided, in part, that BellSouth would prefile rebuttal testimony and exhibits on January 12, 2001, and OPC and Commission staff would prefile surrebuttal testimony and exhibits on February 16, 2001.

On January 30, 2001, BellSouth and OPC filed a Joint Motion for an Extension of Time in which to File Testimony in this case.

DOCUMENT NUMBER-DATE

03860 MAR 28 01

FPSC-REGULATORY REPORTING

The parties requested that the testimony filing dates be extended. The reason stated was that the extension would give parties an opportunity to address and/or resolve the issues in this case. The parties stated that they would continuing to work diligently toward a resolution. By Order No. PSC-01-0394-PCO-TL, issued February 16, 2001, the request was granted.

Thereafter, on March 20, 2001, the parties filed a Joint Motion for a Continuance. Therein, they state that they are continuing to work towards a resolution of this case, but that additional time is necessary. Therefore, they request a three-month continuance of all procedural dates in this case to allow the parties to focus their efforts on their discussions.

I emphasize that this is the third request for additional time in which to conduct negotiations. Thus, while I find that granting some additional time for the parties to continue their negotiations is appropriate, I also find that the requested three-month extension is excessive. Therefore, the case shall only be continued for 60 days. Accordingly, BellSouth's and OPC's Joint Motion for Continuance is granted, in part, and denied, in part.

The remaining procedural events in this case will be rescheduled as follows:

- 1) Surrebuttal testimony and exhibits, May 31, 2001  
if any - Staff and Intervenor
- 2) Prehearing Statements May 31, 2001
- 3) Prehearing Conference June 11, 2001
- 4) Hearing July 2, 2001
- 5) Briefs July 23, 2001

Based on the foregoing, it is

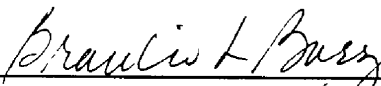
ORDERED by Commissioner Braulio Baez, as Prehearing Officer, that the Joint Motion for Continuance is granted, in part, and denied, in part. It is further

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ORDERED that Orders Nos. PSC-00-1027-PCO-TL and PSC-00-2158-PCO-TL are modified as set forth in the body of this Order. It is further

ORDERED that Orders Nos. PSC-00-1027-PCO-TL and PSC-00-2158-PCO-TL are reaffirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 28th Day of March, 2001.

  
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BRAULIO L. BAEZ *by [unclear]*  
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 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.

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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.