

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

DOCKET NO. 000121-TP
ORDER NO. PSC-01-0860-PCO-TP
ISSUED: April 4, 2001

ORDER GRANTING MOTION FOR LEAVE TO FILE REVISED TESTIMONY

The Commission has opened this docket to develop permanent performance metrics for the ongoing evaluation of operations support systems provided by incumbent local exchange carriers (ILECs). This docket consists of three phases. Phase I began with workshops between Commission staff and members of the ALEC and ILEC communities, which were held on March 30, 2000, August 8, 2000, and December 13, 2000. The purpose of Phase I is to determine and resolve any policy and legal issues in this matter. Phase II involves the establishment of permanent metrics for BellSouth Telecommunications, Inc., including a specific monitoring and enforcement program. At the completion of Phase II, our staff will begin Phase III of this docket, which will entail the establishment of performance metrics and a performance monitoring and evaluation program for the other Florida ILECs.

By Order No. PSC-01-0242-PCO-TP (Order Establishing Procedure), issued January 26, 2001, procedural requirements and dates were established for Phases I and II, including the date for prefiled, direct testimony. By Order No. PSC-01-0275-PCO-TP, the Order Establishing Procedure was modified to reflect that parties' prefiled, direct testimony and exhibits would be due on March 1, 2001. The parties timely prefiled testimony and exhibits on that date.

On March 2, 2001, Z-Tel Communications, Inc. (Z-Tel) filed a Motion for Leave to File Revised Testimony. Z-Tel explains that on March 1, 2001, while it was in the process of communicating to its counsel final changes and edits to its testimony, counsel's two computers seized and failed simultaneously. As a result, numerous edits were lost. Only a portion of the edits could be made prior to filing the testimony.

Z-Tel states that its revised testimony includes all of the edits and changes that were made prior to the computer failure. Z-

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Z-Tel states that its revised testimony includes all of the edits and changes that were made prior to the computer failure. Z-Tel indicates that the changes are in the nature of a fine tuning of language and, in places, a more complete exposition of the witness' points.

Z-Tel indicates that no party will be prejudiced by the substitution of the revised testimony. Z-Tel also states that it has provided the revised testimony to parties by hand delivery or facsimile. Parties did not file a response to Z-Tel's motion.

It appears that Z-Tel has made every effort to comply with the procedural requirements set forth in this docket. It also appears that parties have not been prejudiced by Z-Tel's substitution of testimony. Based upon the foregoing, Z-Tel's Motion for Leave to File Revised Testimony is hereby granted.

This order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, it is

ORDERED by Commissioner, Michael A. Palecki, as Prehearing Officer, that Z-Tel Communications, Inc.'s Motion for Leave to File Revised Testimony is hereby granted.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 4th day of April, 2001.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

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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.