

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by DIECA  
Communications, Inc. d/b/a Covad  
Communications Company for  
arbitration of unresolved issues  
in interconnection agreement  
with BellSouth  
Telecommunications, Inc.

DOCKET NO. 001797-TP  
ORDER NO. PSC-01-1098-PCO-TP  
ISSUED: May 9, 2001

ORDER GRANTING IN PART AND DENYING IN PART,  
MOTION FOR EXTENSION OF TIME, AND MODIFYING ORDER  
ESTABLISHING PROCEDURE (ORDER NO. PSC-01-0884-PCO-TP)

Pursuant to Section 252 of the Telecommunications Act of 1996 (Act), DIECA Communications, Inc. d/b/a Covad Communications Company (Covad) petitioned for arbitration with BellSouth Telecommunications, Inc. (BellSouth) on December 15, 2000. On January 9, 2001, BellSouth filed its Response to Covad's petition for arbitration. This matter is currently set for an administrative hearing on June 27-29, 2001.

On May 1, 2001, Covad filed a Motion for Extension of Time (Motion). In its Motion, Covad asserts that the current procedural schedule calls for rebuttal testimony by both parties to be filed on May 14, 2001. Covad states that direct testimony, including line sharing and collocation cost studies, were filed in this case on April 23, 2001, giving Covad only three weeks to prepare rebuttal testimony. Moreover, Covad explains that given the number of witnesses and the number of issues involved in this matter, Covad requires additional time to analyze the testimony and file appropriate rebuttal testimony. Therefore, Covad requests an extension of time until May 25, 2001 to file its rebuttal testimony. Further, Covad requests an extension of the date for filing prehearing statements until May 25 so that all rebuttal witnesses can be identified in the prehearing statements.

Although Covad states that BellSouth has no objection to the Motion, our staff has indicated that Covad's request for extension of time to file rebuttal testimony and prehearing statements will significantly limit the opportunity to conduct discovery on rebuttal testimony in this proceeding. However, staff believes that this concern can be addressed if the response time for discovery and time to object to or request clarification of

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discovery requests are shortened. Staff indicates that neither BellSouth nor Covad object to shortening the response time for discovery.

Noting no objection by parties, it appears reasonable and appropriate to grant some extension to all parties to file rebuttal testimony and prehearing statements. However, rebuttal testimony should be filed prior to the parties' prehearing statements. Therefore, the new filing date for rebuttal testimony shall be May 23, 2001, and the new date for filing prehearing statements shall be May 25, 2001. In addition, due to the compressed time schedule, all discovery responses shall be served within 15 days of receipt of the discovery request, and objections or requests for clarification to discovery requests shall be made within 7 days of service. All discovery shall be completed by June 20, 2001.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that DIECA Communications, Inc. d/b/a Covad Communications Company's Motion for Extension of Time is granted in part and denied in part, as set forth in the body of this Order. It is further

ORDERED that rebuttal testimony, if any, shall be filed no later than close of business on May 23, 2001. It is further

ORDERED that prehearing statements shall be filed no later than close of business on May 25, 2001. It is further


ORDERED that parties to this proceeding shall respond to discovery requests within 15 days of receipt and file any objection or request for clarification to discovery requests within 7 days of service. It is further

ORDERED that all discovery shall be completed by June 20, 2001. It is further

ORDERED that the hearing procedure set forth in Order Nos. PSC-01-0884-PCO-TP and PSC-01-0884A-PCO-TP are hereby affirmed in all other respects.

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By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,  
this 9th day of May, 2001.

  
LILA A. JABER  
Commissioner and Prehearing Officer

( S E A L )

FRB

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,

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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.