

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of IDS Telecom, LLC against BellSouth Telecommunications, regarding breach of interconnection agreement.

DOCKET NO. 010740-TP  
ORDER NO. PSC-01-1228-PCO-TP  
ISSUED: June 1, 2001

ORDER ON EXTENSION OF TIME

IDS Long Distance, Inc. n/k/a IDS Telecom, L.L.C. (IDS) filed a Complaint and Request for Emergency Relief against BellSouth Telecommunications, Inc. (BellSouth) on May 11, 2001. In the 34-page complaint, IDS raises four counts against BellSouth: (1) BellSouth has breached the interconnection agreement by failing to provide IDS OSS and UNES at parity; (2) BellSouth has perpetrated an anticompetitive campaign of "win back" tactics against IDS, including the Full Circle Program and fraudulent telemarketing schemes; (3) BellSouth has permitted the sharing of IDS's customer proprietary network information between its retail and wholesale divisions in violation of the Telecommunications Act of 1996; and (4) the Commission should immediately initiate a show cause proceeding to investigate and sanction BellSouth for its anticompetitive activities that have harmed citizens of the State of Florida.

BellSouth filed a Motion for Extension of Time on May 23, 2001, requesting 20 additional days to respond to IDS's complaint, pursuant to Rules 28-106.204(5) and 28-106.103, Florida Administrative Code. BellSouth argues it needs the additional time to adequately investigate and respond to the "fact intensive" complaint and attached exhibits. On May 29, 2001, IDS filed a response in opposition to BellSouth's motion for additional time. IDS argues that the Commission will be privy to the "best information" only after the hearing process is complete, and that BellSouth should be able to admit, deny, or state it is without knowledge to each of the allegations raised in the complaint within 20 days. IDS further argues that the Commission should act expeditiously to end this crisis situation.

DOCUMENT NUMBER-DATE

06887 JUN 11 2001

FPSC-RECORDS/REPORTING

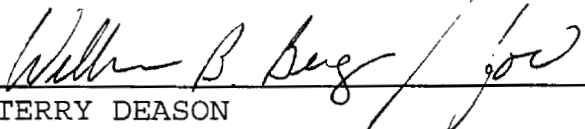
ORDER NO. PSC-01-1228-PCO-TP  
DOCKET NO. 010740-TP  
PAGE 2

Pursuant to Rule 28-106.211, Florida Administrative Code, I may issue orders "to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case . . . ." Having reviewed BellSouth's motion and IDS's response in opposition, I find that BellSouth shall be allowed one extra week to file its answer to IDS's complaint. Accordingly, BellSouth's answer must be filed in the Division of Records and Reporting and served on IDS by Tuesday, June 12, 2001.

Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc. shall file and serve its answer to IDS Long Distance, Inc. n/k/a Telecom, L.L.C.'s May 11, 2001, complaint by June 12, 2001.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 1st day of June, 2001.

  
\_\_\_\_\_  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

MAH

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

ORDER NO. PSC-01-1228-PCO-TP  
DOCKET NO. 010740-TP  
PAGE 3

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.