

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-01-1445-PCO-TL
ISSUED: July 6, 2001

ORDER GRANTING JOINT MOTION TO POSTPONE HEARING DATE

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. 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

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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 stated that they were continuing to work towards a resolution of this case, but that additional time is necessary. Therefore, they requested a three-month continuance of all procedural dates in this case to allow the parties to focus their efforts on their discussions. By Order No. PSC-01-0813-PCO-TL, issued March 23, 2001, the Joint Motion was granted, in part, and denied, in part. This proceeding was continued for 60 days, and rescheduled for hearing on July 2, 2001.

On June 29, 2001, OPC and BellSouth filed a Joint Motion to Postpone Hearing Date. Therein, the parties assert that they have, in fact, reached a settlement and are in the process of finalizing the details. Therefore, they asked that the July 2, 2001, hearing be cancelled and that a hearing in this matter be postponed pending their filing, and our consideration, of a finalized offer of settlement.


In view of the parties' assertion that they have reached a settlement of this matter, the motion is granted. The hearing in this matter will be postponed pending our consideration of the parties' proposed settlement of this matter.

Based on the foregoing, it is

ORDERED by Commissioner Braulio Baez, as Prehearing Officer, that the Joint Motion to Postpone Hearing Date is hereby granted.

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 6th Day of July, 2001.



FOR BRAULIO BAEZ

BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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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

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the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.