

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996.

DOCKET NO. 010098-TP
ORDER NO. PSC-01-1452-PCO-TP
ISSUED: July 11, 2001

ORDER GRANTING MOTION TO RESCHEDULE
HEARING AND MODIFYING PROCEDURE

Pursuant to Section 252 of the Telecommunications Act of 1996 (Act), Florida Digital Network, Inc. (FDN) petitioned for arbitration with BellSouth Telecommunications, Inc. (BellSouth) on January 24, 2001. On February 19, 2001, BellSouth filed its Response to FDN's petition for arbitration. On April 9, 2001, FDN filed a Motion to Amend Arbitration Petition (Motion). On April 16, 2001, BellSouth filed its Response In Opposition to the Motion (Response). FDN filed its Reply to BellSouth's Opposition to Motion to Amend Arbitration Petition on April 30, 2001. On May 22, 2001, Order No. PSC-01-1168-PCO-TP, was issued granting FDN's Motion to Amend Arbitration Petition. Order No. PSC-01-1273-PCO-TP, setting forth procedure was issued on June 7, 2001. BellSouth filed a Motion to Reschedule Hearing on June 22, 2001. No Response has been filed.

In its Motion to Reschedule Hearing, BellSouth requests that the hearing in this matter be rescheduled from August 17, 2001 to August 15, 2001. BellSouth explains that the rescheduling is necessary to accommodate a preexisting family commitment of a BellSouth witness. BellSouth has contacted counsel for FDN and Commission Staff and no one has objected to rescheduling the hearing to August 15, 2001. I note that parties have waived the nine-month statutory time frame. Further, Commission staff has stated that BellSouth's request for changing the hearing date will not affect any other dates in this proceeding. Accordingly, BellSouth's Motion to Reschedule Hearing is granted.

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Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion to Reschedule Hearing is granted. It is further

ORDERED that the new date for hearing is August 15, 2001. It is further

ORDERED that the hearing procedure set forth in Order No. PSC-01-1273-PCO-TP is hereby affirmed in all other respects.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 11th day of July, 2001.

A handwritten signature in cursive script, appearing to read "J. Terry Deason", is written over a solid horizontal line.

J. TERRY DEASON
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.

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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 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.