

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-01-1470-PCO-TP
ISSUED: July 13, 2001

ORDER GRANTING SUPPLEMENTAL MOTION FOR EXTENSION OF TIME
TO FILE REBUTTAL TESTIMONY AND PREHEARING STATEMENT AND
SECOND ORDER 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. On July 11, 2001, Order No. PSC-01-1452-PCO-TP was issued granting the Motion to Reschedule Hearing. On July 12, 2001, BellSouth filed a Motion for Extension of Time to File Rebuttal and Prehearing Statement. On that same day, BellSouth filed a Supplemental Motion for Extension of Time to File Rebuttal Testimony and Prehearing Statement (Supplemental Motion).

In its Supplemental Motion, BellSouth explains that an extension is needed to file rebuttal testimony and prehearing statements because BellSouth's counsel has been out of the office due to the birth of a child. Counsel for BellSouth states that he has contacted Commission Staff and understands that staff does not have an objection to an extension until July 18, 2001, to file

DOCUMENT NUMBER-DATE

08565 JUL 13 01

FPSC-RECORDS/REPORTING

rebuttal testimony and prehearing statements. Further, BellSouth states that FDN consents and jointly moves for the extension.

Although our staff has stated no objection to the request for extension, our staff has indicated that BellSouth's request for extension will 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 discovery requests are shortened. Staff indicates that neither BellSouth nor FDN object to shortening the response time for discovery.

Noting no objection by parties, it appears reasonable and appropriate to grant the extension to all parties to file rebuttal testimony and prehearing statements. Therefore, the new filing date for rebuttal testimony and prehearing statements shall be July 18, 2001. In addition, due to the compressed time schedule, all discovery responses shall be served within 7 days of receipt of the discovery request, and objections or requests for clarification to discovery requests shall be made within 3 days of service. As indicated Order No. PSC-01-1273-PCO-TP, establishing procedure, there shall be no extra time for mailing throughout this proceeding. All discovery shall be completed by August 8, 2001. Accordingly, BellSouth's Supplemental Motion for Extension of Time to File Rebuttal Testimony and Prehearing Statement is granted.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, BellSouth Telecommunications Inc.'s Supplemental Motion for Extension of Time to File Rebuttal Testimony and Prehearing Statement is granted. It is further

ORDERED that rebuttal testimony and prehearing statements shall be filed no later than close of business on July 18, 2001. It is further

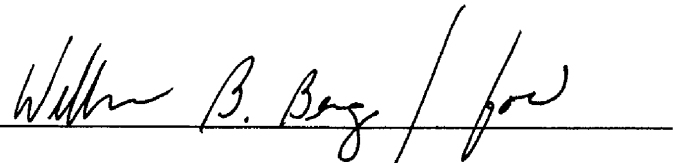
ORDERED that parties to this proceeding shall respond to discovery requests within 7 days of receipt and file any objection or request for clarification to discovery requests within 3 days of service. It is further

ORDER NO. PSC-01-1470-PCO-TP
DOCKET NO. 010098-TP
PAGE 3

ORDERED that all discovery shall be completed by August 8, 2001. It is further

ORDERED that the hearing procedure set forth in Orders Nos. PSC-01-1273-PCO-TP and PSC-01-1452-PCO-TP are hereby affirmed in all other respects.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 13th Day of July, 2001.

A handwritten signature in cursive script, appearing to read "William B. Berg / JTD", is written over a 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.

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.

ORDER NO. PSC-01-1470-PCO-TP

DOCKET NO. 010098-TP

PAGE 4

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.