

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-01-1826-PCO-TP  
ISSUED: September 11, 2001

ORDER GRANTING MOTION FOR EXTENSION  
OF TIME TO FILE BRIEFS

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. By Order No. PSC-01-1273-PCO-TP, issued on June 7, 2001, the procedure and filing dates for this docket were established. 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). On July 13, 2001, Order No. PSC-01-1470-PCO-TP was issued granting the Supplemental Motion. An administrative hearing was held in this docket on August 15, 2001. On September 6, 2001, FDN filed a Motion for Extension of Time to File Briefs.

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In its Motion for Extension of Time to File Briefs, FDN states that FDN and BellSouth intend to engage in further settlement discussions; and in order to efficiently utilize available resources, FDN requests that the time to file briefs be extended until September 26, 2001. Counsel for FDN has conferred with BellSouth and Commission Staff regarding this motion. BellSouth agrees with the motion. Further, Commission staff has indicated that an extension should be granted to allow the parties additional time to continue settlement discussions and will not impair their ability to process this case. I note that the parties have waived the nine-month statutory time frame. Accordingly, FDN's Motion to For Extension of Time to File Briefs is granted.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Florida Digital Network, Inc.'s Motion for Extension of Time to File Briefs is granted. It is further

ORDERED that the new filing date for briefs is September 26, 2001. It is further

ORDERED that 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 September, 2001.



J. TERRY DEASON  
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 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.