

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

DOCKET NO. 000121-TP
ORDER NO. PSC-01-2028-PCO-TP
ISSUED: October 11, 2001

ORDER DENYING EXTENSION OF TIME

By Order No. PSC-01-1819-FOF-TP (Final Order), issued September 10, 2001, our staff was directed to conduct a status conference 30 days after the Final Order in this docket to discuss BellSouth's proposed Performance Assessment Plan¹ (Plan). We encouraged the parties to continue negotiating their differences and for our staff to facilitate that process. To that end, our staff scheduled an informal meeting with BellSouth to be held October 15, 2001, with any comments on the BellSouth's proposed Plan filed by October 11, 2001.

On October 9, 2001, AT&T Communications of the Southern States, Inc. (AT&T), DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), and WorldCom, Inc. (WorldCom) (collectively, Joint ALECs) filed a Motion for Extension of Time to File Comments and to Postpone Workshop.

In its Motion, the Joint ALECs state that a draft of the SQM plan was not provided until October 4, 2001, and that BellSouth has yet to submit a copy of its [VSEEM]. The Joint ALECs contend that seven days is insufficient time to review the draft SQM and provide comments. In addition, the Joint ALECs contend that eleven days is insufficient time to be prepared to discuss any deficiencies at the informal meeting. The Joint ALECs assert that if sufficient time to comment on BellSouth's submission is not permitted, the only alternative will be to incorporate their comments in a Motion for Reconsideration of the Commission's adoption of BellSouth's submissions, which will further delay final adoption of the

¹The Performance Assessment Plan consists of the Service Quality Measures (SQM) and Voluntary Self Executing Enforcement Mechanism (VSEEM).

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permanent performance measures. Therefore, the Joint ALECs request an extension of time to file comments on BellSouth's draft SQM (as well as its [VSEEM], once it is submitted) and to postpone the informal meeting until November 5, 2001, with comments submitted by October 29, 2001.

On October 10, 2001, BellSouth filed its Response in Opposition to AT&T's Motion for Extension of Time to File Comments and to Postpone Workshop. In its Motion, BellSouth asserts that the Final Order contemplated that staff and BellSouth will agree upon a time to submit a draft of the Plan prior to a status conference; a status conference would be held 30 days from the date of the Final Order to discuss the draft; and 45 days after the date of the Final Order, BellSouth will file a Plan that complies with the requirements of the Final Order. BellSouth states that there are no other pertinent requirements of the Final Order.

BellSouth further states that the SQM and VSEEM plan are works in progress and that the purpose of the status conference is for our staff to provide guidance so that BellSouth can finalize its filings that are required under the accelerated schedule of the Final Order. BellSouth argues that while the ALECs are free to attend the status conference and provide input, "[t]here is no justification . . . to inject into this accelerated schedule an extended delay while the CLECs search for objections to a preliminary draft of BellSouth's plan."

Finally, BellSouth requests that if AT&T's request is granted, the date for BellSouth to comply with the Final Order should be extended to November 20, 2001.

RULING

The Commission required a status conference be held before BellSouth filed its Plan, so that our staff can provide guidance on interpretation of the Final Order. This purpose will be fulfilled by the informal meeting scheduled for October 15, 2001, where BellSouth shall thoroughly explain the areas of its Plan that required interpretation of the Final Order or are not in compliance with the Final Order. I strongly encourage the parties to use this opportunity to identify and negotiate any areas of disagreement.

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Due to the limited time in which the Joint ALECs have to review BellSouth's Plan and to submit comments on that Plan, the Joint ALECs shall have until October 22, 2001, to file comments on BellSouth's Plan. Furthermore, on October 23, 2001, a second informal meeting shall be held where the Joint ALECs will have the opportunity to explain their areas of concerns to both BellSouth and our staff so that the parties can continue to work towards resolution of those areas. Nevertheless, in compliance with the Final Order, the 45 days in which BellSouth is required to file its Performance Assessment Plan shall remain.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the Motion for Extension of Time to File Comments and to Postpone Workshop is hereby denied. It is further

ORDERED that the informal meeting scheduled for October 15, 2001, shall be held. It is further

ORDERED that comments for all parties shall be filed on or before October 22, 2001. It is further

ORDERED that a second informal meeting shall be held on October 23, 2001.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 11th day of October, 2001.



MICHAEL A. PALECKI
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.