

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of KMC Telecom
III, Inc. for enforcement of
interconnection agreement with
Sprint-Florida, Incorporated.

DOCKET NO. 011615-TP
ORDER NO. PSC-02-0048-PCO-TP
ISSUED: January 4, 2002

ORDER ON MOTION FOR EXTENSION OF TIME

On November 29, 2001, KMC Telecom III, Inc. (KMC) filed its Complaint for Enforcement of Interconnection Agreement with Sprint-Florida Incorporated (Sprint). On December 24, 2001, Sprint filed and served its Motion to Dismiss on KMC. Under Rules 28-106.204(1) and 28-106.103, Florida Administrative Code, KMC's response was due on December 31, 2001 (seven (7) days from service).

On December 27, 2001, KMC filed its Motion for Extension of Time to file a response to Sprint's Motion to Dismiss. Due to vacation time taken during the winter holidays by KMC counsel and KMC's need for interstate coordination by its counsel in filing a response, KMC states that a ten (10) day extension of time is necessary to allow KMC to adequately respond. Commission counsel has communicated with Sprint's counsel regarding this extension of time and Sprint has no objections.

Upon consideration, it appears reasonable and appropriate to extend the response due date as requested by Petitioner. Accordingly the filing date for KMC's response to Sprint's Motion to Dismiss is extended until January 10, 2002.

Based on the foregoing, it is,

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that KMC Telecom III, Inc.'s Motion for Extension of Time for filing its response to Sprint-Florida, Inc.'s Motion to Dismiss is approved. The date is hereby extended until January 10, 2002.


DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,
this 4th day of January, 2002.



LILA A. JABER
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

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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.