

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth
Telecommunications, Inc. for
arbitration of certain issues in
interconnection agreement with
Supra Telecommunications and
Information Systems, Inc.

DOCKET NO. 001305-TP
ORDER NO. PSC-02-0202-PCO-TP
ISSUED: February 15, 2002

ORDER ON MOTION FOR ADDITIONAL BRIEFING

On September 1, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of certain issues in an interconnection agreement with Supra Telecommunications and Information Systems, Inc., (Supra). Supra filed its response, and an administrative hearing was held on September 26-27, 2001. Post-hearing briefs were submitted by the parties on October 26, 2001. On January 30, 2002, Supra filed a Motion for Leave to File Supplemental Authority. By Order No. PSC-02-0159-PCO-TP, issued February 1, 2002, Supra's motion was granted, although portions of the motion were stricken from the record.

Thereafter, on February 8, 2002, our staff filed its post-hearing recommendation in this matter for our consideration at the February 19, 2002, Agenda Conference. However, on February 13, 2002, Supra filed a Motion to Defer Agenda Item No. 27, Docket No. 001305-TP or, in the Alternative, Request for Oral Arguments. The item was deferred in order to address Supra's requests. This Order addresses only Supra's request for an opportunity to provide additional legal briefing. Supra's request for oral arguments will be separately addressed by the Commission panel assigned to this case.

In its motion, Supra requests an opportunity to file legal briefs outlining the impact of the decision in BellSouth Telecommunications, Inc. v. MCImetro Access Transmission Services, Inc., et al., 2002 U.S. App. Lexis 373 (11th Cir. 2002). In accordance with Rule 28-106.204, Florida Administrative Code, and to prevent delay in this proceeding, I find that time does not allow for BellSouth to file a response to this Motion prior to a ruling.

Upon consideration, I find it appropriate to allow the parties to file legal briefs narrowly tailored to address the impact of the

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11th Circuit's decision in BellSouth Telecommunications, Inc. v. MCImetro Access Transmission Services, Inc., et al., 2002 U.S. App. Lexis 373 (11th Cir. 2002), on Issue 1 of Docket No. 001305-TP. To avoid delay, briefs are to be filed with the Commission by 5:00 p.m. on Tuesday, February 19, 2002, and shall not exceed ten pages.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Supra Telecommunications and Information Systems' February 13, 2002, Motion requesting additional legal briefing is granted to the extent set forth in the body of this Order.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 15th Day of February, 2002.



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.

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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.