

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements (Sprint/Verizon track).

DOCKET NO. 990649B-TP  
ORDER NO. PSC-02-0210-PCO-TP  
ISSUED: February 19, 2002

ORDER GRANTING IN PART, VERIZON'S MOTION FOR EXTENSION OF TIME

By Order No. PSC-01-1592-PCO-TP, issued August 2, 2001, the procedure and controlling dates for this proceeding were established. That Order was subsequently amended by Orders Nos. PSC-01-1676-PCO-TP, PSC-02-0090-PCO-TP, and PSC-02-0130-PCO-TP, issued August 16, 2001, January 15, 2002, and January 29, 2002, respectively.

On February 11, 2002, Verizon Florida Inc. (Verizon) filed its Motion for Extension of Time to File Surrebuttal Testimony. In its Motion, Verizon states that under the current schedule it only has 20 days to file surrebuttal testimony even though responses to its discovery are due in twenty days. Verizon states that while it has been diligent in propounding discovery, it will be unable to review the responses before it must file its testimony. In addition, Verizon believes that Z-Tel Communications, Inc. (Z-Tel) witness Dr. George Ford's use of the Hybrid Proxy Cost Model (HPCM) in rebuttal was improper and should have been filed in Z-Tel's direct case. Therefore, Verizon requests that the Commission grant all parties an extension until at least April 9, 2002, to file their surrebuttal testimony.

On February 14, 2002, Sprint-Florida, Inc. (Sprint) filed a Response in Support of Verizon's Motion for Extension of Time. In its Response, Sprint agrees with Verizon that twenty days "is insufficient for Sprint and Verizon to adequately prepare surrebuttal testimony." Sprint states that Dr. Ford's testimony presents a unique problem in that his cost of capital testimony focuses on BellSouth's cost of capital testimony and not Sprint's cost of capital testimony. This requires Sprint to examine the BellSouth testimony to prepare its own response. Sprint contends that this is not normally contemplated in preparing testimony for a Sprint specific cost of capital. For these reasons, Sprint supports Verizon's request for an extension of time - but not beyond April 9 - for surrebuttal testimony.

DOCUMENT NUMBER-DATE

01911 FEB 19 2002

FPSC-COMMISSION CLERK

Also on February 14, 2002, Z-Tel filed its Response to Verizon's Motion for Extension of Time. In its Response, Z-Tel disputes Verizon's characterization of Z-Tel's testimony as improper. Moreover, Z-Tel states that its "willingness to discuss a reasonable extension was not a response to Verizon's unfounded assertion that Dr. Ford's testimony was 'improper'." Taking into account Verizon's desire to obtain discovery before filing testimony, Z-Tel believes that an extension through March 15, 2002, to respond to Dr. Ford's testimony is more than adequate.

On February 18, 2002, AT&T Communications of the Southern States, LLC (AT&T) and MCI WorldCom, Inc. (WorldCom) filed a response to Verizon's Motion for Extension of Time. AT&T and WorldCom object to an extension until April 9, 2002, to file surrebuttal testimony. AT&T and WorldCom contend that if Verizon desired additional time between receipt of discovery responses and filing of testimony, then Verizon should have either asked for additional time in its initial extension or sent out discovery sooner. Nevertheless, AT&T and WorldCom agree to a one week extension from the current date within which Verizon may file surrebuttal. AT&T and WorldCom do not oppose an extension until March 15, 2002, within which Verizon may file surrebuttal testimony to Dr. Ford.

Upon consideration, Verizon's Motion for Extension of Time, is hereby granted in part. Verizon's request for an extension until April 9 is not feasible. In fairness to our staff and the other parties, the remaining controlling dates shall be as follows:

- 1) Surrebuttal testimony and exhibits - March 18, 2002  
ALECs and ILECs
- 2) Rebuttal testimony and exhibits March 18, 2002  
responsive to Staff testimony exhibits  
only - ILECs and ALECs

Moreover, any responses to future discovery shall be provided within 15 days of service of the discovery.

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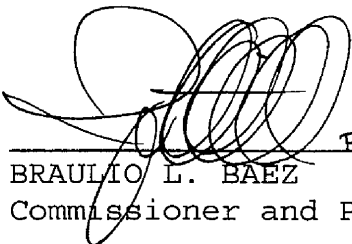
Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Verizon Florida Inc.'s Motion for Extension of Time to File Surrebuttal Testimony is hereby granted in part. It is further

ORDERED that Order No. PSC-01-1592-PCO-TP is modified as set forth herein. It is further

ORDERED that Order No. PSC-01-1592-PCO-TP is reaffirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 19th day of February, 2002.

  
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BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

JKF

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.