

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration  
concerning complaint of  
BellSouth Telecommunications,  
Inc. against Supra  
Telecommunications and  
Information Systems, Inc. for  
resolution of billing disputes.

DOCKET NO. 001097-TP  
ORDER NO. PSC-02-0292-PCO-TP  
ISSUED: March 6, 2002

ORDER ON BELLSOUTH'S MOTION TO EXTEND  
THE DUE DATE FOR FILING REBUTTAL TESTIMONY

On August 9, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a complaint against Supra Telecommunications and Information Systems, Inc. (Supra), alleging that Supra has violated Attachment 6, Section 13 of their present agreement by refusing to pay non-disputed sums. By Order No. PSC-00-2250-FOF-TP, issued November 28, 2000, Supra's Motion to Dismiss Complaint or, in the Alternative, Stay Proceedings and/or Compel Arbitration was granted in part and denied in part. In the Order, we retained jurisdiction over all disputes arising out of the original Agreement between the two parties, entered into on June 1, 1997. By Order No. PSC-02-0143-PCO-TP, issued January 31, 2002 (Order Setting Matter For Rehearing and Establishing Procedure), the prehearing conference, hearing, and other key activities dates were set forth for the hearing process in this case. This matter is scheduled for hearing on April 4, 2002.

On February 13, 2002, Supra filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction. A response was filed by BellSouth on February 27, 2002. On February 22, 2002, BellSouth filed a Motion to Strike Portions of the Direct Testimony of the Supra Witnesses and Supra filed a response on March 1, 2002. These motions have yet to be addressed by the Commission.

On February 25, 2002, pursuant to Rule 28-106.204(5), Florida Administrative Code, BellSouth filed a Motion to Extend the Due Date for Filing Rebuttal Testimony (Motion). Rebuttal testimony was due to be filed on March 1, 2002.

In support of its Motion, BellSouth argues that Supra's Motion to Dismiss and BellSouth's Motion to Strike directly impact the

DOCUMENT NUMBER-DATE

02599 MAR-6 8

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-0292-PCO-TP  
DOCKET NO. 001097-TP  
PAGE 2

rebuttal testimony that was due to be filed on March 1, 2002. BellSouth asserts that without Commission guidance on the relevance of certain portions of Supra's direct testimony, BellSouth anticipates it will have to file a similar Motion to Strike directed to Supra's rebuttal testimony. BellSouth requests that the rebuttal testimony due date be extended to March 12, 2002, in order to avoid jeopardizing the date of the prehearing conference (March 14, 2002) or the date of the hearing (April 4, 2002).

BellSouth further asserts that a due date extension will not prejudice either party as it is applicable to both parties and does not affect any other date in the current procedural schedule. BellSouth has contacted Supra to determine if Supra objects to this request. Supra indicated that it objects to the extension of time.

Upon consideration, it appears reasonable and appropriate to extend the due date for filing rebuttal testimony as requested by Petitioner. Accordingly the filing date for rebuttal testimony is extended to March 12, 2002.

Based on the foregoing it is,

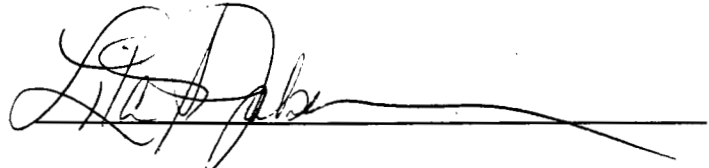
ORDERED by Chairman Lila A. Jaber, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion to Extend the Due Date for Filing Rebuttal Testimony is hereby granted. It is further

ORDERED that the due date for the filing of rebuttal testimony is hereby extended to March 12, 2002. It is further

ORDERED that Order No. PSC-02-0143-PCO-TP is reaffirmed in all other respects.

ORDER NO. PSC-02-0292-PCO-TP  
DOCKET NO. 001097-TP  
PAGE 3

By ORDER of Chairman Lila A. Jaber, as Prehearing Officer,  
this 6th Day of March, 2002.



LILA A. JABER  
Chairman and Prehearing Officer

( S E A L )

AJT

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

ORDER NO. PSC-02-0292-PCO-TP

DOCKET NO. 001097-TP

PAGE 4

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.