

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth Telecommunications, Inc. against VarTec Telecom, Inc. d/b/a VarTec Telecom and Clear Choice Communications regarding practices in the reporting of percent interstate usage for compensation for jurisdictional access services.

DOCKET NO. 011374-TP  
ORDER NO. PSC-02-0491-PCO-TP  
ISSUED: April 10, 2002

ORDER GRANTING EXTENSION OF TIME

On October 18, 2001, BellSouth Telecommunications, Inc. (BellSouth) filed a complaint against VarTec Telecom, Inc. d/b/a VarTec Telecom and Clear Choice Communications (VarTec) regarding practices in the reporting of percent interstate usage for compensation for jurisdictional access services.

On November 13, 2001, VarTec filed with this Commission a Notice of Removal to the United States District Court for the Northern District of Florida. On February 19, 2002, the Court remanded the case to the Commission. On March 29, 2002, VarTec filed a Motion to Dismiss the Complaint.

On April 5, 2002, BellSouth filed a Motion for Extension of Time seeking a fourteen (14) day extension of time or until April 24, 2002, in which to respond to VarTec's Motion to Dismiss Complaint. In support of its Motion, BellSouth states that given the service date of VarTec's Motion to Dismiss, BellSouth has until April 10, 2002, in which to respond. However, because of recent holidays and other commitments, BellSouth needs additional time to respond to VarTec's Motion to Dismiss. BellSouth states that VarTec will not be prejudiced by a fourteen day extension of time and represents that VarTec's counsel would not object to the extension of time.

Rule 28-106.204, Florida Administrative Code, provides in pertinent part, "[w]hen time allows, the other parties [to the proceeding] may, within seven days of service of a written motion, file a response in opposition." In this instance with a response to the Motion to Dismiss due by April 10, 2002, and a response to the Motion for Extension of Time due by April 12, 2002, time does

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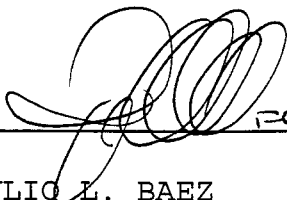
not permit a response to the Motion for Extension of Time. Therefore, with the understanding that VarTec's counsel would not object to the Motion for Extension of Time, the same is hereby granted until April 24, 2002.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Extension of Time is hereby granted. It is further

ORDERED that BellSouth Telecommunications, Inc. shall file a response by April 24, 2002.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 10th Day of April, 2002.

  
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BRAULIO L. BAEZ  
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.