

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of ALEC, Inc.
for enforcement of
interconnection agreement with
Sprint-Florida, Incorporated and
request for relief.

DOCKET NO. 020099-TP
ORDER NO. PSC-02-0774-PCO-TP
ISSUED: June 10, 2002

ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

On February 5, 2002, ALEC, Inc. f/k/a Metrolink (ALEC), a subsidiary of Duro Communications Corp., filed a complaint against Sprint-Florida, Inc. d/b/a Sprint (Sprint) requesting relief and enforcement of the current Interconnection Agreement between ALEC and Sprint. On March 4, 2002, Sprint filed its Motion to Dismiss Count II of ALEC's complaint and answer to ALEC's complaint. The parties reached a settlement agreement on Count II and Sprint withdrew the Motion to Dismiss Count II. By Order No. PSC-02-0594-PCO-TP, Order Establishing Procedure, issued May 1, 2002, the procedures were established and the controlling dates in this proceeding were set.

The parties, by mutual consent, have requested that the time for responding to discovery be shortened to 20 days from the date of service to allow the parties an opportunity for a second round of discovery. The Order Establishing Procedure requires the parties to complete discovery by July 31, 2002. The hearing in this docket is set for August 7, 2002. The current time frame of 30 days for responding to discovery would not permit the parties to pursue a second round of discovery should they so choose.

Upon consideration, the parties' request appears to be reasonable, and in light of their mutual consent, the motion is hereby granted. Accordingly, Order No. PSC-02-0594-PCO-TP, the Order Establishing Procedure, is hereby revised as follows: Discovery will be completed no later than July 31, 2002. The parties shall respond to discovery requests in this proceeding within 20 days of the date of service by either express mail, facsimile, or hand delivery. Order No. PSC-02-0594-PCO-TP is reaffirmed in all other respects.

Based on the foregoing, it is

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ORDER NO. PSC-02-0774-PCO-TP
DOCKET NO. 020099-TP
PAGE 2

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, Order No. PSC-02-0594-PCO-TP, the Order Establishing Procedure, is modified to state that parties shall respond to discovery requests in this proceeding within 20 days of the date of service by either express mail, facsimile, or hand delivery. It is further

ORDERED that Order No. PSC-02-0594-PCO-TP is reaffirmed in all other respects.

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



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

LHD

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.

ORDER NO. PSC-02-0774-PCO-TP
DOCKET NO. 020099-TP
PAGE 3

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.