

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs and for investigation of BellSouth's promotional pricing and marketing practices, by Florida Digital Network, Inc.

Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs by Florida Competitive Carriers Association.

DOCKET NO. 020119-TP
020578-TP
ORDER NO. PSC-02-1415-PCO-TP
ISSUED: October 15, 2002

ORDER GRANTING MOTION FOR EXTENSION OF TIME

On February 14, 2002, Florida Digital Network, Inc. (FDN) filed a Petition for Expedited Review and Cancellation of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs and For An Investigation of BellSouth Telecommunications, Inc.'s Promotional Pricing and Marketing Practices (January tariff filing). On March 5, 2002, BellSouth filed its Response and Answer to FDN's Petition.

On March 13, 2002, the Commission issued Order No. PSC-02-0331-PCO-TP, to initiate an expedited discovery procedure. On June 28, 2002, the Commission issued PAA Order No. PSC-02-0875-PAA-TP in Docket No. 020119-TP.

On June 25, 2002, the Florida Competitive Carriers Association (FCCA) filed a Petition for Expedited Review and Cancellation Of BellSouth's Key Customer Promotional Tariffs (June tariff filing) in Docket No. 020578-TP.

On July 15, 2002, BellSouth filed a Motion to Dismiss or, in the alternative, Response to the "Petition of the Florida Competitive Carriers Association (FCCA) for Expedited Review and

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Cancellation Of BellSouth Telecommunications Inc.'s Key Customer Promotional Tariffs."

On July 19, 2002, FDN and the FCCA filed separate protests of Order No. PSC-02-0875-PAA-TP, each requesting an administrative hearing be convened in Docket No. 020119-TP. On July 22, 2002, the FCCA filed a Response to BellSouth's Motion to Dismiss. By Order No. PSC-02-1237-FOF-TP, issued September 9, 2002, BellSouth's Motion to Dismiss FCCA's complaint was denied and Docket Nos. 020119-TP and 020578-TP were consolidated for purposes of hearing. By Order No. PSC-02-1295-PCO-TP, issued September 23, 2002, the procedural and hearing dates were set for these dockets.

On October 14, 2002, FCCA filed a Motion for Extension of Time to file direct testimony in this proceeding. In its motion, FCCA states that due to case load considerations and other commitments, FCCA moves for an extension of the deadline for filing of prefiled direct testimony until October 23, 2002, an extension of five days from the current schedule. FCCA explains that the dates for filing rebuttal testimony, prehearing statements, the prehearing conference, and the hearing date would be unaffected. Further, FCCA states that while FDN supports the motion, BellSouth, XO Communication, Inc. and ITC Deltacom do not oppose the motion. Our staff has advised me that FCCA's request for extension will not unnecessarily delay the proceedings in this case. Noting no objection by parties and our staff, it appears reasonable and appropriate to grant an extension to file direct testimony to all parties and Commission staff. Therefore, the new filing date for parties to file direct testimony shall be October 23, 2002, and the new filing date for Commission staff to file direct testimony shall be November 6, 2002.

Based on the foregoing, it is

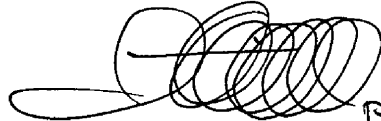
ORDERED by Braulio L. Baez, as Prehearing Officer, that Florida Competitive Carriers Association's Motion for Extension of Time shall be granted. It is further

ORDERED that parties to this proceeding shall file direct testimony no later than close of business on October 23, 2002, and Commission staff shall file its direct testimony no later than close of business on November 6, 2002. It is further

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ORDERED that the hearing procedure set forth in Order No. PSC-02-1295-PCO-TP is hereby affirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 15th Day of October, 2002.



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.

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

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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.