

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.

DOCKET NO. 020119-TP

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

DOCKET NO. 020578-TP  
ORDER NO. PSC-02-1602-PCO-TP  
ISSUED: November 19, 2002

ORDER GRANTING EXTENSION OF TIME TO  
FILE REBUTTAL TESTIMONY AND PREHEARING STATEMENTS  
AND MODIFYING ORDER ESTABLISHING PROCEDURE

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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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.

On September 23, 2002, Order Establishing Procedure, Order No. PSC-02-1295-PCO-TP, was issued. On October 3, 2002, FCCA filed a Motion for Reconsideration of a portion of Order Establishing Procedure, Order No. PSC-02-1295-PCO-TP. Subsequently, on November 4, 2002, FCCA filed a Notice of Withdrawal of its Motion for Reconsideration.

On November 15, 2002, BellSouth filed a Motion for Extension of Time to file rebuttal testimony and prehearing statements. In its motion, BellSouth requests that a six day extension of time be granted or until November 25, 2002 to file rebuttal testimony and prehearing statements. BellSouth states that rebuttal testimony and prehearing statements are due on November 19, 2002. BellSouth explains that because of previous work commitments, including filings and hearings in other states, BellSouth needs additional time to file rebuttal testimony and prehearing statements. BellSouth indicates that parties would not be prejudiced. BellSouth asserts that all parties to this proceeding have been contacted and that all parties have consented to the motion with the exception of Time Warner.

Although BellSouth states that all parties have consented to the motion with the exception of Time Warner, our staff has indicated that BellSouth's request for extension of time to file rebuttal testimony and prehearing statements will significantly limit the opportunity to conduct discovery on rebuttal testimony in this proceeding. However, staff believes that this concern can be addressed if the response time for discovery and time to object to or request clarification of discovery requests are shortened.

Upon consideration, it appears reasonable and appropriate to grant an extension to all parties to file rebuttal testimony and prehearing statements. Therefore, the new filing date for rebuttal testimony and prehearing statements shall be November 25, 2002. In

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addition, due to the compressed time schedule, all discovery responses shall be served within 15 days of receipt of the discovery request, and objections or requests for clarification to discovery requests shall be made within 7 days of service.

Based on the foregoing, it is

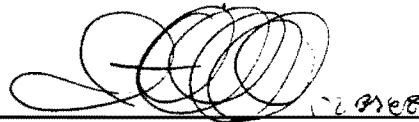
ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Extension of Time is granted as set forth in the body of this Order. It is further

ORDERED that rebuttal testimony and prehearing statements, if any, shall be filed no later than close of business on November 25, 2002. It is further

ORDERED that parties to this proceeding shall respond to discovery requests within 15 days of receipt and file any objection or request for clarification to discovery requests within 7 days of service. It is further

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 19th day of November, 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.

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.