

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Supra  
Telecommunications and  
Information Systems, Inc.  
against BellSouth  
Telecommunications, Inc.  
regarding BellSouth's alleged  
use of carrier to carrier  
information.

DOCKET NO. 030349-TP  
ORDER NO. PSC-03-0840-PCO-TP  
ISSUED: July 21, 2003

ORDER GRANTING AN EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY  
AND FIRST ORDER MODIFYING THE ORDER ESTABLISHING PROCEDURE

On April 18, 2003, Supra Telecommunications and Information Systems, Inc. (Supra) filed its Emergency Petition for Expedited Review of BellSouth Telecommunications, Inc.'s (BellSouth) \$75 Cash Back Promotion and Investigation into BellSouth's Pricing and Marketing Practices. On May 5, 2003, BellSouth filed its Answer to Supra's Emergency Petition.

On June 9, 2003, Supra filed for leave to amend its petition along with an Amended Emergency Petition alleging BellSouth's violation of 47 U.S.C. Section 222 and Florida Public Service Commission policies regarding the use of wholesale information in retail marketing. On June 12, 2003, BellSouth filed a Motion for Continuance and/or Rescheduling to extend the date of the hearing. On June 17, 2003, by Order No. PSC-03-0721-PCO-TP, Supra was granted leave to amend its petition. Supra also filed its response to BellSouth's Motion for Continuance and/or Rescheduling on June 17, 2003. BellSouth's Motion for Continuance was denied by Order No. PSC-03-0763-PCO-TP, issued on June 25, 2003.

On June 20, 2003, BellSouth filed its Answer to Supra's Amended Petition and a Partial Motion to Dismiss. On June 24, 2003, Supra filed its response to the Motion to Dismiss. The Motion to Dismiss will be addressed at a future Commission Agenda Conference.

By Order No. PSC-03-0718-PCO-TP, issued June 17, 2003 (Order Establishing Procedure), the hearing date, prehearing date, and other key activity dates were established. In the Order Establishing Procedure, July 22, 2003, was set as the filing date

DOCUMENT NUMBER-DATE

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for rebuttal testimony. On July 16, 2003, BellSouth filed its Motion for Extension of Time, requesting an extension until July 25, 2003, for the parties to file their rebuttal testimony.

In support of its Motion, BellSouth states that due to the voluminous nature of the testimony filed, the expedited time schedule and other work commitments, BellSouth needs an additional three days time to file its rebuttal testimony.

BellSouth states in its Motion that Supra does not object to BellSouth's request and that the three-day extension should apply equally to Supra. Further, our staff has indicated no objection to the Motion. The other dates in the Order Establishing Procedure will remain the same.

For the reasons indicated by BellSouth above, BellSouth has stated good cause for granting the Motion for Extension of Time. Accordingly, the filing date for rebuttal testimony and exhibits, if any, is July 25, 2003. Except as modified herein, Order No. PSC-03-0718-PCO-TP is reaffirmed in all other respects.


Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Extension of Time requesting an extension until July 25, 2003 for the parties to file rebuttal testimony is hereby granted. It is further

ORDERED that Order No. PSC-03-0718-PCO-TP is reaffirmed in all other respects.

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 21st day of July, 2003.

  
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J. TERRY DEASON  
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.

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; or (2) 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,

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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.