

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of unresolved issues resulting from negotiations with Sprint-Florida, Incorporated for interconnection agreement, by AT&T Communications of the Southern States, LLC d/b/a AT&T and TCG South Florida.

DOCKET NO. 030296-TP
ORDER NO. PSC-03-0920-PCO-TP
ISSUED: August 11, 2003

ORDER GRANTING MOTION FOR CONTINUANCE AND FIRST ORDER REVISING
ORDER ESTABLISHING PROCEDURE

Background

On March 24, 2003, AT&T Communications of the Southern States, LLC and TCG South Florida (AT&T) filed a petition pursuant to Section 252(b)(1) of the Telecommunications Act of 1996 (the Act) for arbitration of unresolved issues relating to AT&T's negotiations with Sprint-Florida, Incorporated (Sprint) for an interconnection agreement. On April 21, 2003, Sprint filed its response. Order No. PSC-03-0692-PCO-TP, the Order Establishing Procedure, was issued June 9, 2003. A Prehearing Conference was held on July 24, 2003. Prehearing Order No. PSC-03-0880-PHO-TP was issued July 31, 2003. Pursuant to Section 252(b) of the Act, this matter was set for hearing on August 7 and 8, 2003.

AT&T Motion for Continuance

On August 6, 2003, AT&T filed a Motion for Continuance pursuant to Rules 28-106.24 and 28-106.210, Florida Administrative Code. AT&T stated that on June 19, 2003, David L. Talbott filed Direct Testimony in this proceeding. On July 10, 2003, Mr. Talbott filed Rebuttal Testimony and Rebuttal Exhibits DLT-1 through 4 on behalf of AT&T.

AT&T states that Mr. Talbott has completed the process for adoption of a child from Liberia. Mr. Talbott was scheduled to travel to Liberia to pick up the child during the first two weeks of July. However, due to the current political strife in Liberia, Mr. Talbott has been prevented from entering that country to retrieve his son.

Due to Mr. Talbott's expected need to travel to Liberia on short notice to complete his family's adoption of the child, AT&T states that Mr. Talbott will be unable to attend the hearing currently scheduled for August 7 and 8, 2003, in this docket. AT&T further states that it is unable to obtain a substitute witness for Mr. Talbott in the time available before the hearing. Sprint has indicated that it has no objection to the Motion for Continuance.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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Decision

The Motion for Continuance shall be granted. The hearing in this docket will now be held on September 18 and 19, 2003. Therefore, Order No. PSC-03-0692-PCO-TP, the Order Establishing Procedure, shall be modified as follows: (1) Discovery shall be completed by September 8, 2003; and (2) Responses shall be served within 15 calendar days of receipt of the discovery request. The Order Establishing Procedure is affirmed in all other respects.


Based upon the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that AT&T's Motion for Continuance of the hearing date, shall be granted. The hearing in this docket will now be held on September 18 and 19, 2003. It is further

ORDERED that Order No. PSC-03-0692-PCO-TP is revised as follows: (1) Discovery shall be completed by September 8, 2003; and (2) Responses shall be served within 15 calendar days of receipt of the discovery request. It is further

ORDERED that Order No. PSC-03-0692-PCO-TP is affirmed in all other respects.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 11th day of August, 2003.



CHARLES M. DAVIDSON
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

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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, 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.