

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida, Inc. for arbitration of certain unresolved issues in negotiations for interconnection and resale agreement with Sprint-Florida, Incorporated.

DOCKET NO. 030467-TP  
ORDER NO. PSC-03-1093-PCO-TP  
ISSUED: October 2, 2003

ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME

On May 29, 2003, XO Florida, Inc. (XO) filed a petition for arbitration of certain unresolved issues in negotiations for interconnection and resale agreement with Sprint-Florida, Incorporated (Sprint). On the same date, Sprint filed a duplicate petition. On June 6, 2003, Sprint filed a letter it had received from XO, which stated that XO planned to file an amended petition and that Sprint would withdraw the petition it had submitted. On June 13, 2003, XO filed its amended petition, resolving the differences between the two petitions. On June 23, Sprint filed its response to XO's petition. An issue identification meeting was held on July 16, 2003. At the conclusion of the issue identification meeting, the parties agreed to all of the issues except Issues 25, 26, and 27.

On September 29, 2003, XO and Sprint filed a joint motion for extension of time in which to file direct testimony. Direct testimony was scheduled to be filed October 1, 2003, however, the parties state that they are close to reaching an agreement that will eliminate the need for the parties to pursue arbitration before us. Once agreement is finalized, the parties state that the arbitration will be voluntarily withdrawn. The parties request an extension of the time for filing of direct testimony until November 1, 2003, in order to work out the final details of their agreement.

Additionally, because it appears very likely that the parties' settlement agreement will be executed, the parties have verbally agreed to forfeit the January 13-14, 2003 hearing dates. Accordingly, should settlement not be reached, new procedural dates in this docket shall be determined at a later date.

DOCUMENT NUMBER-DATE

09510 OCT-28

FPSC-COMMISSION CLERK

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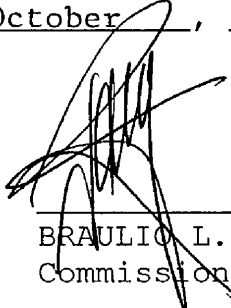
Because the parties have jointly made this request, I find that neither party will be prejudiced by the granting of the Motion. Therefore, the Motion is hereby granted.

Based upon the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Joint Motion for Extension of Time is granted. Present procedural dates are suspended until November 1, 2003. It is further

ORDERED that the procedural dates set forth in Order No. PSC-03-0865-PCO-TP, revised by Order Nos. PSC-03-0936-PCO-TP, and PSC-03-1013-PCO-TP shall be further revised at a later date. Order No. PSC-03-0865-PCO-TP, as revised by Order Nos. PSC-03-0936-PCO-TP, and PSC-03-1013-PCO-TP is reaffirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 2nd Day of October, 2003.

 for Commissioner Braulio Baez

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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

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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.