

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.
(BELLSOUTH TRACK)

DOCKET NO. 000121A-TP
ORDER NO. PSC-04-0013-PCO-TP
ISSUED: January 6, 2004

ORDER GRANTING MOTION FOR EXTENSION OF TIME

I. Background

We opened Docket No. 000121-TP to develop permanent performance metrics for the ongoing evaluation of operations support systems (OSS) provided for alternative local exchange carriers' (ALECs) use by incumbent local exchange carriers (ILECs). A monitoring and enforcement program to ensure that the ALECs receive nondiscriminatory access to the ILEC's OSS is associated with the performance metrics. Performance monitoring is necessary to ensure that ILECs are meeting their obligation to provide unbundled access, interconnection and resale to ALECs in a nondiscriminatory manner. Additionally, it establishes a standard against which ALECs and this Commission can measure performance over time to detect and correct any degradation of service provided to ALECs.

Docket No. 000121-TP consists of three phases. Phase I began with workshops conducted by our staff with members of the ALEC and ILEC communities. These workshops were held on March 30, 2000, August 8, 2000, and December 13, 2000. The purpose of Phase I was to determine and resolve any policy and legal issues in this matter. Phase II involved establishing permanent metrics for BellSouth Telecommunications, Inc. (BellSouth), including a specific monitoring and enforcement program. With the completion of Phase II, we are currently in Phase III of this docket, which entails the establishment of performance metrics and a performance monitoring and evaluation program for the other Florida ILECs.

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By Order No. PSC-01-1819-FOF-TP (Final Order), issued September 10, 2001, we established permanent performance measures and benchmarks as well as a voluntary self-executing enforcement mechanism (Performance Assessment Plan) for BellSouth. By Order No. PSC-02-0187-FOF-TP, issued February 12, 2002, as amended by Order No. PSC-01-0187A-FOF-TP, issued March 13, 2002, BellSouth's Performance Assessment Plan was approved.

By Order No. PSC-02-0503-PCO-TP, issued April 11, 2002, Docket No. 000121-TP was divided into three subdockets: (1) 000121A-TP, in which filings directed toward the BellSouth track would be placed; (2) 000121B-TP, in which filings directed toward the Sprint track would be placed; and (3) 000121C-TP, in which filings directed toward the Verizon track would be placed.

By Order No. PSC-02-0989-PAA-TP, issued July 22, 2002, BellSouth was required to file a specific action plan designed to improve flow-through and adjust the Self Effectuating Enforcement Mechanism (SEEM) for the flow-through metric by July 30, 2002, for the August 2002 results. Additionally, BellSouth was ordered to establish defect correction metrics to be effective August 1, 2002, as part of the Service Quality Measures in Docket 000121A-TP.

On October 17, 2003, BellSouth filed a Motion to Modify the SEEM Plan and Request to Offset or Escrow Penalty Plans. On November 20, 2003, a number of CLECs filed a response in opposition to BellSouth's Motion to Modify. BellSouth filed its Reply to the CLEC Response on November 14, 2003. However, we do not have rules which allow for a Reply to a Response. Accordingly, BellSouth withdrew its Motion and Reply and, on December 18, 2003 filed an Amended Motion.

On December 23, 2003, AT&T Communications of the Southern States, LLC (AT&T) filed a Request for Extension of Time to File Response to BellSouth's Amended Motion. AT&T states that its counsel and subject matter experts have substantial work and travel conflicts in the two weeks following the request. In addition, needed personnel's availability is reduced during the holidays. Therefore, AT&T requests an extension of time until January 8, 2004, in which to prepare its response to BellSouth's Amended Motion.

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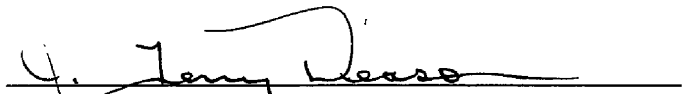
AT&T contends that since no Commission proceedings are currently scheduled in this docket, no party would be prejudiced by granting their request. After telephone discussion with BellSouth on December 30, 2003, BellSouth agreed not to oppose the request.

Therefore, based on the above, AT&T's request for an extension of time is granted until January 8, 2004.

Based on the foregoing, it is

ORDERED by J. Terry Deason, as Prehearing Officer, that AT&T Communications of the Southern States, LLC's Request for Extension of Time to File Response, is hereby granted until January 8, 2004.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 6th Day of January, 2004.



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.

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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.