

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DOCKET NO. 981834-TP

In re: Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

DOCKET NO. 990321-TP
ORDER NO. PSC-04-0036-PCO-TP
ISSUED: January 13, 2004

ORDER GRANTING MOTION FOR LEAVE TO FILE OUT-OF-TIME

By Proposed Agency Action Order No. PSC-99-1744-PAA-TP, issued September 7, 1999, we adopted a set of procedures and guidelines for collocation, focused largely on those situations in which an incumbent local exchange company (ILEC) believes there is no space for physical collocation. Thereafter, we conducted a hearing to further address collocation guidelines. By Order No. PSC-00-2190-PCO-TP, issued November 17, 2000, various motions for reconsideration and/or clarification of our post-hearing decision regarding collocation guidelines were addressed by the Commission. By that Order, this Docket was left open to address remaining issues associated with collocation, including pricing.

By Order No. PSC-02-1513-PCO-TP, issued November 4, 2002, the procedural schedule and hearing dates were established for this phase of this proceeding in which we will address the remaining technical and pricing issues regarding collocation. On February 7, 2003, the Commission Staff filed a Motion to Revise Order Establishing Procedure.

DOCUMENT NUMBER-DATE

00516 JAN 13 2004

FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0036-PCO-TP
DOCKETS NOS. 981834-TP, 990321-TP
PAGE 2

By Order No. PSC-03-0288-PCO-TP, issued March 4, 2003, Staff's Motion to Revise Order Establishing Procedure was granted. By Order No. PSC-03-0776-PCO-TP, issued July 1, 2003, the procedural schedule was modified to reflect the agreement reached between the parties and our staff to resolve the Joint Motion to Strike, or in the Alternative Grant an Extension of Time.

Subsequent to the issuance of Order No. PSC-03-0776-PCO-TP, conflicts with the Commission calendar required further modification of the procedural schedule. By Order No. PSC-03-1311-PCO-TP, issued November 17, 2003, the hearing date and corresponding controlling dates were modified.

On January 2, 2004, Florida Digital Network, Inc. d/b/a FDN Communications (FDN) filed its Motion for Leave to File Out-of-Time its Revised Prehearing Statements. In its Motion, FDN states that it inadvertently calendared the due date incorrectly, and upon discovering its mistake, moved to file its Motion forthwith. Further, FDN states it has contacted all parties in this proceeding regarding its Motion and none objected.

Accordingly, I find it reasonable and appropriate to grant FDN's Motion for Leave to File Out-of-Time its Revised Prehearing Statement.

Based on the foregoing, it is,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Florida Digital Network, Inc. d/b/a FDN Communications Motion for Leave to File Out-of-Time its Revised Prehearing Statement is granted.

ORDER NO. PSC-04-0036-PCO-TP
DOCKETS NOS. 981834-TP, 990321-TP
PAGE 3

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 13th Day of January, 2004.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

AJT

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,

ORDER NO. PSC-04-0036-PCO-TP
DOCKETS NOS. 981834-TP, 990321-TP
PAGE 4

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.