

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-04-0045-PCO-TP
ISSUED: January 14, 2004

ORDER GRANTING MOTION TO LATE-FILE DISCOVERY

This Docket remains open and a procedural schedule has been set to address remaining collocation issues, including pricing. We conducted a hearing August 11-12, 2003, on the outstanding technical and policy issues, and we are set to take evidence on the pricing issues January 28-30, 2004.

On August 18, 2003, Sprint-Florida Incorporated (Sprint) filed its Motion to Accept Late-Filed Discovery Responses (Motion). Sprint states in its motion that it was served with Staff's Eighth Set of Interrogatories and Ninth Request for Production of Documents electronically on July, 23, 2003. Sprint states further that at the hearing held in this matter on August 11-12, 2003, staff sponsored the responses to the requests as a late-filed exhibit and requested parties to file their responses no later than Friday, August 15, 2003.

Sprint states in its motion that due to a computer virus it was unable to meet the deadline for serving and filing the discovery responses by the close of business on Friday, August 15, 2003. Sprint asserts it was able to serve redacted copies of the

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discovery responses to all parties electronically at around 8:00 p.m. on Friday, August 15, 2003.

Sprint contends no party was prejudiced by the late-filing of these responses and that counsel for parties to this proceeding were contacted and none raised objection to Sprint's motion.


Upon consideration, it appears reasonable and appropriate to grant Sprint's Motion to Accept Late-Filed Discovery Responses.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, it is,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Sprint-Florida, Inc.'s Motion to Accept Late-Filed Discovery Responses is granted.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 14th Day of January, 2004



J. TERRY DEASON
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 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.