

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against BellSouth Telecommunications, Inc. for alleged overbilling and discontinuance of service, and petition for emergency order restoring service, by IDS Telecom LLC.

DOCKET NO. 031125-TP  
ORDER NO. PSC-04-0185-PCO-TP  
ISSUED: February 23, 2004

ORDER GRANTING BELLSOUTH'S MOTION FOR EXTENSION OF TIME

BY THE COMMISSION:

On December 23, 2003, IDS Telecom LLC (IDS) filed its Complaint against BellSouth Telecommunications, Inc. (BellSouth) for Overbilling and Discontinuance of Service and a Petition for Emergency Order Restoring Service. On December 30, 2003, IDS filed an Amended Complaint for Overbilling and Discontinuation of Service and Petition for Emergency Order Restoring Service. On January 9, 2004, BellSouth filed its Motion for Extension of Time to file its response to IDS' complaint.

BellSouth states that IDS served both its Complaints via hand delivery on those respective dates. BellSouth states that accordingly, under Rules 28-106.204(5) and 28-106.103, Florida Administrative Code, BellSouth's response to IDS' Amended Complaint is due on January 9, 2003 (ten days (10) days from service). BellSouth contends that due to other work commitments, BellSouth needs additional time to prepare a response to IDS' Amended Complaint. BellSouth states that the Parties would not be prejudiced by a seven (7) day extension of time. BellSouth asserts that it contacted counsel for IDS and IDS had no objection to the extension of time.

BellSouth has stated good cause for granting the Motion for Extension of Time. Thus, the Motion for Extension of Time shall be granted. Accordingly, BellSouth shall have a seven (7) day extension or until January 16, 2004 to file its response.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Extension of Time is hereby granted. BellSouth Telecommunications, Inc. shall have a seven (7) day extension or until January 16, 2004, to file a response.


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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 23rd day of  
February, 2004.

  
J. TERRY DEASON  
Commissioner and Prehearing Officer

(SEAL)

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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.