

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.

DOCKET NO. 030851-TP
ORDER NO. PSC-04-0196-PCO-TP
ISSUED: February 23, 2004

**ORDER GRANTING SPRINT'S REQUEST FOR LEAVE TO FILE
SUPPLEMENTAL TESTIMONY AND EXHIBIT AND
GRANTING LEAVE TO FILE RESPONSIVE TESTIMONY**

I. Case Background

In response to the Federal Communications Commission's ("FCC's") August 21, 2003, Triennial Review Order ("TRO"), this Commission opened two dockets to ascertain whether a requesting carrier is impaired by lack of access to certain incumbent local exchange companies' network elements. This docket was initiated to implement those provisions of the TRO concerning whether CLECs are impaired without access to unbundled local circuit switching.

II. Motion

On Friday, February 20, 2004, Sprint filed a Motion for Leave to File Supplemental Testimony and Exhibits of Kent W. Dickerson and Christy V. Londerholm. Therein, Sprint asks that it be allowed to file the attached joint testimony of these two witnesses and Exhibit KWD-13. Sprint contends that this additional testimony is necessary for us to have accurate information on BellSouth's BACE model. Sprint explains that it has only recently been able to gain full access to the BACE model in a manner that has allowed it to review previously hidden portions of the model. As a result of this review, Sprint believes that the supplemental testimony it now offers is crucial to the development of a full and complete record, particularly with regard to the underlying assumptions, inputs, and results of the BACE model.

III. Decision

The Motion is granted to the extent that the testimony and attached exhibit address the BACE model and thus, appear to be restricted to the issues already established in this case. Parties may file testimony that is responsive to the Sprint testimony addressed herein, as long as the testimony is restricted to addressing only the information and arguments in the Sprint testimony filed February 20, 2004. Such responsive testimony must be filed by noon on Monday, February 23, 2004.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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It is therefore

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Sprint's Motion for Leave to File Supplemental Testimony and Exhibits of Kent W. Dickerson and Christy V. Londerholm is granted. It is further

ORDERED that parties may file responsive testimony by noon on Monday, February 23, 2004.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 23rd day of February, 2004.



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(SEAL)

JLS

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

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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.