

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition by NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communicatfons, LLC, on behalf of its operating subsidiaries Xspedius Management Co. Switched Services LLC and Xspedius Management Co. of Jacksonville, LLC, for arbitration of certain issues arising in negotiation of interconnection agreement with BellSouth Telecommunications, Inc.

DOCKET NO. 040130-TP
ORDER NO. PSC-04-0513-PCO-TP
ISSUED: May 20, 2004

ORDER GRANTING MOTION TO REVISE DATES

On February 11, 2004, the Joint Petitioners¹ (CLECs) filed their Joint Petition for Arbitration with BellSouth Telecommunications, Inc. (BellSouth) pursuant to the Telecommunications Act of 1996. By Order No. PSC-04-0488-PCO-TP, issued May 12, 2004, (Order Establishing Procedure), this matter has been scheduled for an administrative hearing December 1, 2004 through December 3, 2004.

Pursuant to Order No. PSC-04-0488-PCO-TP, direct testimony and exhibits were required to be filed by June 21, 2004. On May 14, 2004, the CLECs filed their Motion to Revise Dates. In support of their Motion, the CLECs ask that the date for filing direct testimony and exhibits be changed to June 30, 2004, because counsel and others will be unavailable the week prior to June 21st and/or the week of June 21st. Furthermore, the CLECs state that changing the filing date ensures the parties will have an adequate opportunity to review the testimony and complete the steps necessary to file the testimony and exhibits. They state that it will not be necessary to change any other dates. The CLECs indicate that counsel for BellSouth is aware of this Motion and has no objection to the requested revision.

Based on the foregoing, it is reasonable to modify the date for filing direct testimony and exhibits for this docket. Therefore, the date set forth in the Order Establishing Procedure, Order No. PSC-04-0488-PCO-TP, is modified in the following manner:

¹ NewSouth Communications Corp. (NewSouth); NuVox Communications, Inc. (NuVox); KMC Telecom V, Inc. (KMC V) and KMC Telecom III LLC (KMC III)(collectively "KMC"); and Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC (Xspedius Switched) and Xspedius Management Co. of Jacksonville, LLC (Xspedius Management) (collectively "Xspedius");(collectively the "Joint Petitioners" or "CLECs")

DOCUMENT NUMBER-DATE

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- 1) Direct testimony June 30, 2004
and exhibits (All)

Except as modified herein, Order No. PSC-04-0488-PCO-TP is affirmed in all other respects.

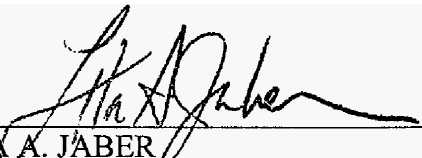
Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the Joint Petitioners' Motion to Revise Dates regarding the filing of direct testimony and exhibits is hereby granted. It is further

ORDERED that Order No. PSC-04-0488-PCO-TP, issued May 12, 2004, is modified as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-04-0488-PCO-TP is hereby affirmed in all other respects.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 20th day of May, 2004.



LILA A. JABER
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.