

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of Verizon Florida Inc. (f/k/a GTE Florida Inc.) against Teleport Communications Group, Inc. and TCG South Florida for review of decision by The American Arbitration Association, in accordance with Attachment 1 Section 11.2(a) of interconnection agreement between GTE Florida Inc. and TCG South Florida.

DOCKET NO. 030643-TP
ORDER NO. PSC-04-0572-PCO-TP
ISSUED: June 4, 2004

ORDER GRANTING MOTION FOR LEAVE TO FILE CLARIFICATION

I. Case Background

This docket was initiated to address Verizon Florida, Inc.'s petition against TCG seeking review of a decision by the American Arbitration Association in accordance with Section 11.2(a) of the interconnection agreement between GTE Florida, Inc. (k/n/a Verizon Florida, Inc.) and TCG South Florida. At the Commission's agenda conference on May 3, 2004, we voted to allow parties to file briefs addressing our jurisdiction and other enumerated issues. On May 17, 2004, Verizon filed its supplemental brief. Subsequently, on May 27, 2004, Verizon filed a Motion for Leave to File Clarification (Motion). On May 28, 2004, TCG filed its Opposition to Verizon's Motion (Opposition).

II. Motion and Opposition

In its Motion, Verizon states that it seeks leave to file clarification of its supplemental brief filed on May 17, 2004. In support, Verizon asserts that its clarification simply lays out each of the issues individually upon which we requested additional briefing. Verizon contends that the clarification neither adds or modifies its arguments included in its supplemental brief, but merely clarifies or modifies the presentation of the material.

In its Opposition, TCG asserts that Verizon did not contact TCG prior to filing its Motion as required by Rule 28-106.204(3), Florida Administrative Code, and has not served a copy of its Motion on TCG. TCG explains that Verizon has had ample time to address the issues raised by the Commission during its May 3, 2004, Agenda Conference, and that it is inappropriate and prejudicial to extend a second opportunity to Verizon to expand upon its previous filing, particularly since this supplemental filing takes place one business day before TCG's brief is due. Further, TCG contends that Verizon has not alleged good cause for its request to clarify its filing and that granting its Motion will create uncertainty and delay in the final resolution of this private arbitration action. Thus, TCG objects to Verizon's Motion and requests that it be denied. Alternatively, if the Motion for Leave to File Clarification is granted, TCG requests that it be

DOCUMENT NUMBER-DATE

06323 JUN-4 3

FPSC-COMMISSION CLERK

granted an extension of ten (10) days up to and until June 14, 2004, to file its response to Verizon's supplemental brief and clarification.

III. Decision

In reviewing Verizon's clarification, it appears that Verizon has simply reformatted the presentation of its material that was originally filed in its supplemental brief. TCG's argument that Verizon has expanded its arguments in its clarification is unfounded. Furthermore, Verizon's clarification may be helpful to this Commission in our consideration of the issues in this case.

Although Verizon failed to conform to the requirements of Rule 28-106.204(3), Florida Administrative Code, this appears to have been a harmless error. Staff Counsel has indicated that once she received Verizon's Motion, she contacted TCG to get its position on the motion and sent an electronic copy of Verizon's Motion to TCG on the same date of the filing. Therefore, it does not appear that this delay will impact the current case schedule or unduly prejudice TCG. However, in order to give TCG sufficient time to respond to Verizon's clarification, TCG shall be granted an extension of three (3) days, or until June 4, 2004, to file its brief and response to Verizon's clarification. A ten-day extension, as requested by TCG, is not necessary in view of the limited nature of Verizon's clarification.

Additionally, Verizon is reminded of its responsibility to comply with all applicable rules of this Commission.

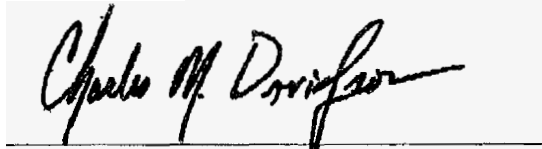
It is therefore,

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Verizon's Motion for Leave to File Clarification is hereby granted. It is further

ORDERED that TCG shall have until close of business on June 4, 2004, to respond to Verizon's brief as modified.

ORDER NO. PSC-04-0572-PCO-TP
DOCKET NO. 030643-TP
PAGE 3

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 4th
day of June, 2004.



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(S E A L)

FRB

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.