

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint of Florida Digital Network, Inc. d/b/a FDN Communications against BellSouth Telecommunications, Inc. for resolution of certain billing disputes and enforcement of unbundled network element (UNE) orders and interconnection agreements.

DOCKET NO. 030829-TP  
ORDER NO. PSC-04-0638-PCO-TP  
ISSUED: July 2, 2004

ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

On August 18, 2003, Florida Digital Network, Inc. d/b/a FDN Communications (FDN) filed a Complaint for Resolution of Certain Billing Disputes and Enforcement of UNE Orders and Interconnection Agreements with BellSouth Telecommunications, Inc. (BellSouth). On September 3, 2003, BellSouth filed its Answer and Counterclaim. By Order No. PSC-04-0121-PCO-TP, issued February 2, 2004, (Order Establishing Procedure), this matter has been scheduled for an administrative hearing on August 18, 2004.

FDN has subsequently advised our staff that essential witnesses are not available on the date set for hearing in this matter. Our staff has confirmed that FDN has conferred with counsel for BellSouth, who has no objection to continuing the hearing to a later date when all witnesses will be available.

Based on the foregoing, I find that no prejudice would result to either party and it is otherwise reasonable to modify the hearing date for this docket. Therefore, the pertinent dates set forth in the Order Establishing Procedure, Order No. PSC-04-0121-PCO-TP, are modified as follows:

- |                          |                    |
|--------------------------|--------------------|
| 3) Prehearing Statements | August 30, 2004    |
| 4) Prehearing Conference | September 20, 2004 |
| 5) Hearing               | October 6, 2004    |
| 6) Briefs                | November 5, 2004   |

Except as modified herein, Order No. PSC-04-0121-PCO-TP is affirmed in all other respects.

DOCUMENT NUMBER-DATE  
07262 JUL-23  
FPSC-COMMISSION CLERK

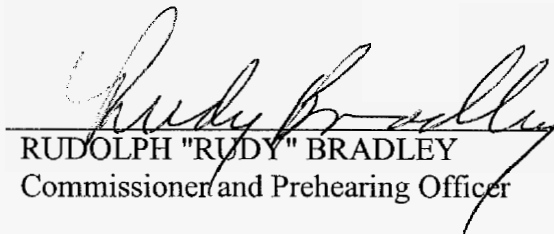
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Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Order No. PSC-04-0121-PCO-TP, issued February 2, 2004, is modified as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-04-0121-PCO-TP is hereby affirmed in all other respects.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 2nd day of July, 2004.

  
RUDOLPH "RUDY" BRADLEY  
Commissioner and Prehearing Officer

(SEAL)

LF

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.

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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.