

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for arbitration of interconnection agreement with Sprint-Florida, Incorporated.

DOCKET NO. 031047-TP
ORDER NO. PSC-04-0723-PCO-TP
ISSUED: July 27, 2004

ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

On November 12, 2003, KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (KMC) filed a Petition for Arbitration of Interconnection Agreement with Sprint Communications Company Limited Partnership and Sprint-Florida, Incorporated (Sprint). On November 18, 2003, Sprint filed its Response to Petition for Arbitration. On June 1, 2004, Order No. PSC-04-0563-PCO-TP was issued, setting the matter for hearing and establishing the procedures to be followed in preparation for said hearing.

Subsequently, Commission calendar considerations have required that the hearing scheduled on September 8-9, 2004, be moved from those dates. Our staff has contacted counsel for both parties regarding the proposed new date for hearing in this matter and has received no objection to the change from either party.

Based on the foregoing, I find that no prejudice would result to either party, and it is otherwise reasonable to modify the hearing dates for this docket. Therefore, the dates set forth in the Order Establishing Procedure, Order No. PSC-04-0563-PCO-TP, are modified as follows:

Hearing	September 14, 2004
Briefs Due	October 20, 2004

Except as modified herein, Order No. PSC-04-0563-PCO-TP is affirmed in all other respects

Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Order No. PSC-04-0563-PCO-TP, issued June 1, 2004, is modified as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-04-0563-PCO-TP is hereby affirmed in all other respects.

DOCUMENT NUMBER-DATE

08143 JUL 27 04

FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0723-PCO-TP
DOCKET NO. 031047-TP
PAGE 2

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 27th
day of July, 2004.



CHARLES M. DAVIDSON
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.

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.