

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc., and request for expedited processing.

DOCKET NO. 040601-TP  
ORDER NO. PSC-04-0747-PCO-TP  
ISSUED: August 4, 2004

ORDER GRANTING MOTION FOR EXTENSION OF TIME

On June 23, 2004, DIECA Communications, Inc. d/b/a Covad Communications Company (Covad) filed its Petition for Arbitration and Request for Expedited Processing of an issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc. (BellSouth). Covad is requesting Commission resolution of the parties' dispute regarding line sharing rates, terms and conditions. On July 19, 2004, BellSouth filed its Response to Covad's Arbitration Petition.

On July 23, 2004, Covad filed a Motion for Extension of Time to respond to BellSouth's response. In its Motion, Covad asserts that BellSouth's response, although not styled as a motion, is actually a new request for relief seeking conversion of this proceeding into a different type of proceeding than that which Covad originally requested. In addition, Covad contends that BellSouth is seeking arbitration of issues the parties have not yet negotiated, and therefore, Covad should have an opportunity to respond. Covad asserts its response would be due July 27, 2004; however, counsel for Covad will not be available for a period of seven days due to previous commitments. Therefore, Covad is requesting an extension until August 6, 2004, to file its response. Counsel for Covad states it has conferred with BellSouth and is authorized to represent that BellSouth has no objection to the extension.

While neither the Uniform Rules nor our rules contemplate a reply to a response in the normal course of an arbitration, in agreeing to the extension, BellSouth apparently acknowledges that Covad should have an opportunity to respond. Furthermore, in its response BellSouth has raised additional issues and a new request for relief upon which Covad should be afforded the opportunity to respond. Upon consideration, it appears reasonable and appropriate to extend the due date of Covad's response as requested. Accordingly, the due date for Covad's response is hereby extended until August 6, 2004.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that DIECA Communications, Inc. d/b/a Covad Communications Company's Motion for Extension of Time

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to respond to BellSouth Telecommunications, Inc.'s Response to Arbitration Petition is approved. The date is hereby extended until August 6, 2004.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 4th day of August, 2004.



LILA A. JABER  
Commissioner and Prehearing Officer

( S E A L )

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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

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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.