

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of unresolved negotiation of interconnection agreement with BellSouth Telecommunications, Inc. by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom.	DOCKET NO. 030137-TP ORDER NO. PSC-04-0884-PCO-TP ISSUED: September 9, 2004
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ORDER GRANTING JOINT MOTION OF BELLSOUTH AND ITC FOR  
ADDITIONAL EXTENSION OF TIME FOR SUPPLEMENTAL BRIEFS

On February 7, 2003, ITC^DeltaCom Communications, Inc. (ITC) filed its Petition for Arbitration with BellSouth pursuant to the Telecommunications Act of 1996. On March 4, 2003, BellSouth Telecommunications, Inc. (BellSouth) filed its response to ITC's Petition. By Order No. PSC-03-0534-PCO-TP, issued April 23, 2003 (Order Establishing Procedure), the hearing date, prehearing date, and other key activities dates were established. An administrative hearing was held on September 3-4, 2003. The parties submitted post hearing briefs on October 17, 2003. At the parties' request, the post hearing procedures were held in abeyance.

On August 4, 2004, the parties filed a Joint Motion to Permit Supplemental Briefs to address the TRO, USTA II<sup>1</sup>, the FCC's interim UNE rules, and the FCC's ongoing rulemaking proceeding. Order No. PSC-04-0784-PCO-TP, issued August 10, 2004, granted the Joint Motion to Permit Supplemental Briefs. Further, by Order No. PSC-04-0826-PCO-TP, issued August 23, 2004, the parties were granted until 20 days after the release of the FCC's order noticing the adoption of interim UNE rules to file their supplemental briefs. On September 2, 2004, the parties again filed a Joint Motion for Additional Extension of Time For Supplemental Briefs.

In support of their Motion for Additional Extension of Time, the parties note that on Friday, August 23, 2004, the FCC issued its rules, thus the supplemental briefs are due September 9, 2004. The parties state that because of a previously scheduled vacation by BellSouth's attorney beginning on the date the rules were issued, BellSouth counsel's first opportunity to review the interim rules was on Monday, August 30, 2004. They also state that BellSouth counsel has other deadlines between the filing of this motion and September 9, 2004, that would make it extremely difficult for him to prepare and file a supplemental brief by September 9, 2004. They assert that BellSouth counsel consulted with ITC counsel regarding an additional short extension, and ITC proposed September 23, 2004. They contend that this is a reasonable deadline under the circumstances. Thus, they request that the Commission amend Order No. PSC-04-0826-PCO-TP to extend the deadline for the submission of supplemental briefs to September 23, 2004.

<sup>1</sup> See, United States Telecom Ass'n v. FCC, 359 F.3d 554 (D.C. Cir. 2004) (and consolidated cases)(hereinafter USTA II).

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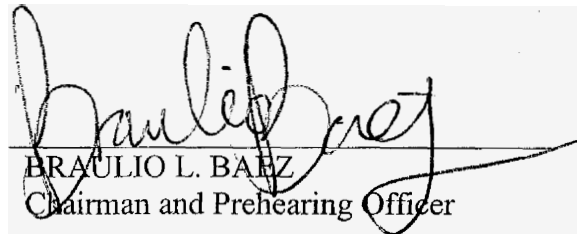
Based on the foregoing, I find it appropriate to grant the Joint Motion for Additional Extension of Time for Supplemental Briefs. The parties shall file supplemental briefs on September 23, 2004.

Based on the foregoing, it is,

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that ITC^DeltaCom Communications, Inc. and BellSouth Telecommunications, Inc.'s Joint Motion of BellSouth and ITC for Additional Extension of Time for Supplemental Briefs is hereby granted. It is further

ORDERED that the parties shall file supplemental briefs on September 23, 2004.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 9th day of September, 2004.



BRAULIO L. BAEZ  
Chairman and Prehearing Officer

(SEAL)

PAC

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

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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.