

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint of XO Florida, Inc. against
BellSouth Telecommunications, Inc. for
alleged refusal to convert circuits to UNEs; and
request for expedited processing.

DOCKET NO. 041114-TP
ORDER NO. PSC-04-1068-PCO-TP
ISSUED: November 1, 2004

ORDER DENYING
XO FLORIDA, INC.'S REQUEST FOR EXPEDITED RELIEF

BY THE COMMISSION:


On September 22, 2004, XO Florida, Inc. filed a complaint against BellSouth Telecommunications, Inc. for refusal to convert circuits to UNEs. In that complaint, XO requested that an order be issued setting an expedited procedural schedule pursuant to Rule 25-22.0365, Florida Administrative Code.

Rule 25-22.0365 cites to a number of factors that the Prehearing Officer may consider in making a determination whether the matter is appropriate for expedited treatment, including the number and complexity of the issues set forth. After careful consideration, I have deemed it inappropriate to proceed under an expedited procedural schedule pursuant to Rule 25-22.0365. The issues set forth are sufficient in their complexity to merit a closer examination by this Commission than possible under an expedited procedural schedule.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that XO Florida, Inc.'s request for an expedited procedural schedule pursuant to Rule 25-22.0365, Florida Administrative Code is hereby denied.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 1st day of
November, 2004.


J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

JPR

DOCUMENT NUMBER-DATE
11733 NOV-13
FPSC-COMMISSION CLERK

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.