

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-05-0017-PCO-TP  
ISSUED: January 4, 2005

ORDER MODIFYING PROCEDURAL ORDERS

BY THE COMMISSION:

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), a procedural schedule was established for this matter. Subsequently, Order No. PSC-04-0638-PCO-TP was issued revising the Prehearing and Hearing dates to September 20, 2004 and October 6, 2004, respectively. On September 3, 2004, Order No. PSC-04-0864-PCO-TP was issued revising the Prehearing date to September 14, 2004. The administrative hearing was held on October 6, 2004. Post-hearing briefs were due November 5, 2004.

On October 20, 2004, the parties advised staff counsel that discussions were under way which may resolve the issues in dispute in this Docket. Accordingly, they requested a 45-day extension of the due date for filing post-hearing briefs to allow additional time for those discussions. That request was approved on October 28, 2004, with entry of Order No. PSC-04-1063-PCO-TP.

On December 14, 2004, the parties reported that negotiations were continuing, but additional time was needed for those negotiations. They requested that the due date be extended to January 14, 2005. Upon consideration, I find that no prejudice would occur to any party by granting the requested extension.

Therefore, the pertinent date set forth in Order PSC-04-1063-PCO-TP is modified as follows:

Briefs Due

January 14, 2005

Except as modified herein, Orders No. PSC-04-0121-PCO-TP, PSC-04-0638-PCO-TP, PSC-04-0864-PCO-TP, and PSC-04-1063-PCO-TP, are reaffirmed in all other respects.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 4, 2004, Order No. PSC-04-0638-PCO-TP, issued on July 2, 2004, Order No. PSC-04-0864-PCO-TP, issued on September 3, 2004, and Order No. PSC-04-1063-PCO-TP, issued on October 28, 2004, are modified as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-04-0121-PCO-TP, Order No. PSC-04-0638-PCO-TP, Order No. PSC-04-0864-PCO-TP, and Order No. PSC-04-1063-PCO-TP, are hereby reaffirmed in all other respects.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 4th day of January, 2005

  
RUDOLPH "RUDY" BRADLEY  
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 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.