

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against Verizon Florida Inc.
and request for declaratory ruling by Bright
House Networks Information Services, LLC
(Florida).

DOCKET NO. 041170-TP
ORDER NO. PSC-05-0130-PCO-TP
ISSUED: February 1, 2005

ORDER GRANTING JOINT MOTION TO FILE BRIEFS

On September 30, 2004, Bright House Information Services, LLC (Bright House) filed a Complaint against Verizon Florida Inc. (Verizon) alleging that Verizon is refusing to port a customer's Local service number unless the customer also disconnects the customer's DSL service provided by Verizon and completely closes the customer's Verizon account. By separate pleading on the same date, Bright House filed a Request for Oral Argument. On November 5, 2004, Verizon filed its Answer and Response to Bright House's Request for Oral Argument. An issue identification meeting was held on December 1, 2004.

On January 26, 2005, Bright House and Verizon filed a Joint Motion to Establish a Briefing Schedule on Issues One and Two (Motion). In their Motion, the parties state that at the issue identification meeting, the parties agreed on the language of four issues to address Bright House's Complaint in this docket. The first two issues are:

Issue 1: To the extent there are like issues, should the Commission delay a decision in this docket until the FCC resolves the BellSouth request for a Declaratory Ruling regarding Internet access?

Issue 2: To the extent there are like issues, should the Commission delay a decision in this case in light of the appeal processes *In Re: Petition by Florida Digital Network, Inc. for Arbitration of Certain Terms and Conditions of Proposed Interconnection and Resale Agreement with BellSouth Telecommunications, Inc. and/or In Re: Petition by BellSouth Telecommunications, Inc. for Arbitration of Certain Issues in Interconnection Agreement with Supra Telecommunications and Information Systems, Inc.?*

Both parties agree that the first two issues should be decided before proceeding further with this case. On that basis, the parties jointly request that a briefing schedule be adopted to address the two issues above. In addition, the parties request that they be given 21 days after issuance of an Order establishing a briefing schedule to file Initial Briefs, and 14 days from the filing of Initial Briefs for filing replies.

Noting the Motion is unopposed, I find it is appropriate to allow the parties to file briefs on Issues One and Two, the threshold questions referenced herein. Accordingly, the parties shall file their Initial Briefs within 21 days after the issuance of this Order. Reply Briefs shall be filed

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within 14 days after the filing date for Initial Briefs. In addition, Initial and Reply Briefs shall each be limited to five (5) pages. The same filing requirements shall also apply to the Interveners in this docket should they choose to file briefs on Issues One and Two.

Bright House has requested I defer a ruling on its Request for Oral Argument until all briefs have been filed regarding Issues One and Two. Therefore, the Request for Oral Argument is not considered herein and will be addressed separately.

It is therefore,

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Joint Motion To Establish Briefing Schedule On Issues One and Two, filed by Bright House Information Services, LLC and Verizon Florida Inc., is granted. It is further

ORDERED that the parties shall file Initial Briefs within 21 days of the issuance of this Order with the Reply Briefs to be filed within 14 days from the due date of the Initial Briefs. It is further

ORDERED that the Initial and Reply Briefs shall each be limited to five (5) pages addressing the two issues set forth in the body of this Order. It is further

ORDERED that the same filing requirements shall also apply to the Interveners in this docket should they choose to file briefs on Issues One and Two.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 1st day of February, 2005.



LISA POLAK EDGAR

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.