

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for arbitration of interconnection agreement with Sprint-Florida, Incorporated.	DOCKET NO. 031047-TP ORDER NO. PSC-05-0247-PCO-TP ISSUED: March 3, 2005
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ORDER GRANTING JOINT MOTION FOR ABEYANCE

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy and inexpensive determination of all aspects of the case.

On November 12, 2003, KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (KMC) filed a Petition for Arbitration of Interconnection Agreement with Sprint Communications Company Limited Partnership and Sprint-Florida, Incorporated (Sprint). On November 18, 2003, Sprint filed its Response to Petition for Arbitration. On June 1, 2004, Order No. PSC-04-0563-PCO-TP was issued, setting the matter for hearing and establishing the procedures to be followed in preparation for said hearing.

At the Prehearing held August 30, 2004, the parties announced that all issues except one had been resolved. It was also determined at the Prehearing that the remaining issue (Issue No. 2) concerning traffic carried using Internet protocol (VoIP) would be redefined. After consideration of the parties' positions, the final wording of the issue presented for arbitration and resolution was approved.

On December 13, 2004, KMC filed its Motion for Temporary Abeyance of this Docket, and on December 20, 2004, Sprint filed its Response in Opposition to KMC's Motion to Hold Proceedings in Abeyance. KMC's Motion was denied by the entry of Order No. PSC-05-0074-PCO-TP on January 20, 2005.

On February 25, 2005, the parties filed their Joint Motion for Abeyance, accompanied by a Settlement Agreement, properly executed by the parties. The parties announced that they had reached a settlement on all issues which are a part of this Docket. This Order addresses the Joint Motion.

The parties are commended for continuing to negotiate resolution of the disputed issues throughout the late stages of this proceeding. Based on the announced settlement of all issues set forth in this arbitration, and the Joint Motion for Abeyance, it appears that no prejudice would occur to any party as a result of granting the Motion. Accordingly, the Motion is granted.

DOCUMENT NUMBER-DATE

02207 MAR-3 05

FPSC-COMMISSION CLERK

Based on the forgoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that the Joint Motion for Abeyance filed by KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC and Sprint Communications Company Limited Partnership and Sprint-Florida, Incorporated is granted. It is further

ORDERED that this Docket shall remain open pending approval of the final agreement and the filing of a Notice of Voluntary Dismissal.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 3rd day of March, 2005.



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CHARLES M. DAVIDSON  
Commissioner and Prehearing Officer

(SEAL)

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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.