

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-05-0274-PCO-TP ISSUED: March 14, 2005
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ORDER ON MOTION FOR CONTINUANCE

On September 22, 2004, XO Florida, Inc. filed a complaint against BellSouth Telecommunications, Inc. for alleged refusal to convert special access circuits to UNEs and request for expedited processing. By Order No. PSC-04-1068-PCO-TP, XO's request for expedited processing was denied. Subsequently, pursuant to Order No. PSC-04-1147-PCO-TP, this matter has been set for an administrative hearing.

On March 1, 2005, the parties filed a Joint Motion for Continuance. In the Motion, the parties request that the Prehearing Officer grant them a continuance of the hearing date originally scheduled for March 3, 2005 until May 19, 2005 to allow the parties the opportunity to conduct limited discovery. In the Motion, the parties request permission to conduct discovery limited to the appropriate amount of a true-up, if any, and the circuits to which such a true-up should apply, if any.

Upon consideration, it appears reasonable and appropriate to grant the continuance as requested by the parties to allow the parties the opportunity to conduct limited discovery as detailed above, with a discovery cutoff date of May 10, 2005. Accordingly, the hearing date for this matter is set for May 19, 2005.

Based on the foregoing, it is


ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the parties Joint Motion for Continuance is granted. The hearing date for this matter is hereby set for May 19, 2005.

DOCUMENT NUMBER-DATE

02481 MAR 14 2005

FPSC-COMMISSION CLERK

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 14th day of  
March, 2005

  
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J. TERRY DEASON  
Commissioner and Prehearing Officer

(SEAL)

JPR

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.