

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for alleged violation of Section 364.16(3)(a), F.S., by Sprint-Florida, Incorporated.

DOCKET NO. 041144-TP  
ORDER NO. PSC-05-0402-PCO-TP  
ISSUED: April 18, 2005

**ORDER REVISING ORDER ESTABLISHING PROCEDURE**

By Order No. PSC-05-0125-PCO-TP, issued January 31, 2005, procedures for this docket were established.

In recent weeks, a number of procedural motions have been filed, as well as a counterclaim. The resolution of the motions may have a significant impact on how this case proceeds; thus, it is important to address these motions before the remainder of the schedule is completed and we proceed to hearing. Staff counsel has advised that the parties agree that an extension of the schedule appears appropriate in this instance. Therefore, the Order Establishing Procedure is revised to provide for the following changes to the controlling dates originally set forth in Order No. PSC-05-0125-PCO-TP:

- |  |                   |
|--|-------------------|
| 1) Direct testimony and exhibits (All)   | February 28, 2005 |
| 2) Rebuttal testimony and exhibits (All) | May 10, 2005      |
| 3) Prehearing Statements                 | June 6, 2005      |
| 4) Prehearing Conference                 | June 20, 2005     |
| 5) Hearing                               | July 12, 2005     |
| 6) Briefs                                | August 16, 2005   |

All other aspects of the Order Establishing Procedure, Order No. PSC-05-0125-PCO-TP, are affirmed.

It is therefore,

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the controlling dates set forth in Order No. PSC-05-0125-PCO-TP are revised as set forth in the body of this Order. It is further,


ORDERED that all other aspects of Order No. PSC-05-0125-PCO-TP are reaffirmed.

DOCUMENT NUMBER - DATE

03738 APR 18 2005

FPSC-COMMISSION CLERK

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this  
18th day of April, 2005



RUDOLPH "RUDY" BRADLEY  
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.