

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine; Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc.; LecStar Telecom, Inc.; MCI Communications, Inc.; and Network Telephone Corporation ("Joint CLECs") for generic proceeding to set rates, terms, and conditions for hot cuts and batch hot cuts for UNE-P to UNE-L conversions and for retail to UNE-L conversions in BellSouth Telecommunications, Inc. service area.

DOCKET NO. 041338-TP

In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc.

DOCKET NO. 040301-TP

ORDER NO. PSC-05-0746-PCO-TP

ISSUED: July 13, 2005

ORDER GRANTING JOINT MOTION
TO MOVE ISSUE NO. 17 TO PHASE II AND
MODIFYING ORDER ESTABLISHING PROCEDURE

On June 23, 2004, Supra Telecommunications and Information Systems, Inc. (Supra) filed its Amended Petition for Arbitration with BellSouth Telecommunications, Inc. (BellSouth). BellSouth filed its Answer and Response on July 21, 2004.

On November 29, 2004, BellSouth filed an Emergency Motion for Continuance of the hearing in Docket No. 040301-TP. In addition to asking the Commission for a continuance, BellSouth also requested that this docket be consolidated with Docket No. 041338-TP. BellSouth's Motion was granted in part, as to the request for continuance, by Order No. PSC-04-11-PCO-TP, issued on November 30, 2004.

On February 8, 2005, Order No. PSC-04-0157-PCO-TP was issued consolidating Docket Nos. 041338-TP and 040301-TP for purposes of hearing. On April 29, 2005, the Order Establishing Procedure was issued setting forth the procedural schedule and issues in this case. Among other things, this order provided that the issues would be addressed in two phases. Phase I issues are scheduled to be addressed in the hearing. Parties agreed to seek informal resolution of the issues in Phase II (line sharing and line splitting issues) and were granted 60 days, or until June 20, 2005, to resolve issues in Phase II.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

On May 26, 2005, Dieca Communications, Inc. d/b/a Covad Communications Company and BellSouth Telecommunications Inc. filed a Joint Motion to Move Issue No. 17 from Phase I to Phase II (Motion) of this proceeding. Subsequently, on June 20, 2005, Covad and BellSouth filed a letter requesting additional time to attempt to resolve issues in Phase II.

In their Motion, the parties indicate that Issue No. 17 is a loop sharing issue. Issue 17 states:

If BellSouth is required to provide loop sharing where the cross-connection between two different CLECs or between the same CLEC is completed by BellSouth at the central main distribution frame (MDF), what are the appropriate rates?

Because Issue No. 17 is related to loop sharing, parties believe it is more appropriate to consider it with the line splitting and line sharing issues in Phase II of this case. Further, parties state that consideration of Issue No. 17 in Phase II will ensure that both phases are focused on the appropriate issues and result in more efficient and effective proceedings, with a minimum overlap of issues. The Joint Petitioners indicate that the other parties have been contacted and state no objection to moving Issue No. 17 from Phase I to Phase II.

Having fully considered the rationale put forth, the parties' Motion is granted. In addition, in an effort to continue to allow the parties to seek informal resolution of the issues in Phase II, the parties' request for an additional 60 days, or until August 19, 2005, to work on resolving those issues, is granted. Further, the Order Establishing Procedure, Order No. PSC-05-0433-PCO-TP, as amended by PSC-05-0433A-PCO-TP is reaffirmed in other respects.

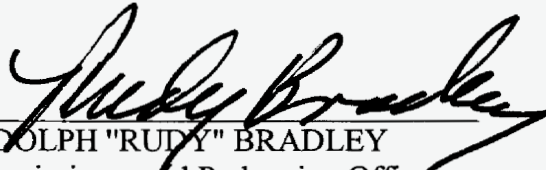
Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer that the Joint Motion to Move Issue No. 17 from Phase I to Phase II filed by Covad Communications Company and BellSouth Telecommunications, Inc. is granted. It is further

ORDERED that the parties' request for an additional 60 days, or until August 19, 2005, to work on resolving the Phase II issues informally, is granted. It is further

ORDERED that the Order Establishing Procedure, Order No. PSC-05-0433-PCO-TP, as amended by PSC-05-0433A-PCO-TP, is reaffirmed in other respects.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
13th day of July, 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.