

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-05-0932-PCO-TP

ISSUED: September 20, 2005

ORDER GRANTING UNOPPOSED JOINT MOTION FOR CONTINUANCE

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 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.

On July 20, 2005, BellSouth, FDN and Supra filed a Joint Motion to Modify Order Establishing Procedure. In this Motion, the parties state that during the last month, the parties have been, and continue to be engaged in settlement negotiations that encompass nearly all of the pending issues in this proceeding. The parties assert that a short extension to the current procedural schedule will allow them time to conclude these settlement discussions, which, if successful, should shorten the amount of time needed for the hearing in this proceeding. By Order No. PSC-05-0834-PCO-TP, issued August 18, 2005, the Joint Motion to Modify Order Establishing Procedure was granted.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

On August 16, 2005, BellSouth and FDN filed an Unopposed Joint Motion for Continuance (Joint Motion). In their Joint Motion, the parties state that they continue to seek resolution of the issues in this consolidated proceeding. They also assert that recent settlement discussions indicate that the majority, and possibly all, of the issues in Phase I could be resolved through mutual assent of the parties. Therefore, with a settlement and stipulation pending, the parties request that the entirety of the current schedule be continued. If a hearing becomes necessary, they ask that it be scheduled no sooner than December 2005.

Having fully considered the rationale put forth, and noting that the Joint Motion was unopposed by our staff and other parties, the Joint Motion is granted. As such, the hearing, prehearing and any procedural events in this proceeding have been suspended until further notice. I note that the parties were notified via e-mail that the Joint Motion was granted. Further, I am encouraged to hear that negotiations have borne fruit; however, I note that the UNE-P to UNE-L conversion deadline of March 11, 2006, is quickly approaching. Time is growing short to hear any issues that may remain unresolved. Therefore, any stipulation reached shall be filed by September 30, 2005, in this docket so we can consider a new procedural schedule if necessary.

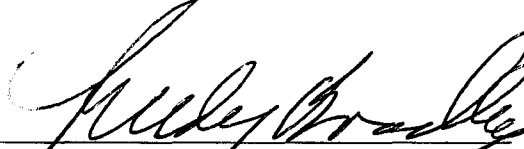
Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the Unopposed Joint Motion for Continuance filed by Florida Digital Networks Inc., d/b/a FDN Communications and BellSouth Telecommunications, Inc. is granted. It is further

ORDERED that to the extent any stipulation is reached on any of the issues, a stipulation shall be filed by September 30, 2005. It is further

ORDERED that the Order Establishing Procedure, Order No. PSC-05-0433-PCO-TP, as amended by PSC-05-0433A-PCO-TP, PSC-05-0746-PCO-TP, and PSC-05-0834-PCO-TP is reaffirmed in all other respects.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 20th day of September, 2005.

  
RUBOLPH "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.