

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition by NewSouth  
Communications Corp., NuVox  
Communications, Inc., and Xspedius  
Communications, LLC, on behalf of its  
operating subsidiaries Xspedius Management  
Co. Switched Services, LLC and Xspedius  
Management Co. of Jacksonville, LLC, for  
arbitration of certain issues arising in  
negotiation of interconnection agreement with  
BellSouth Telecommunications, Inc.

DOCKET NO. 040130-TP  
ORDER NO. PSC-05-1247-PCO-TP  
ISSUED: December 22, 2005

ORDER GRANTING JOINT MOTION

BY THE COMMISSION:

**Case Background**

On December 9, 2005, the parties to this docket filed a Joint Motion For Extension of Time ("Motion"). Pursuant to Order No. PSC-05-1136-PCO ("Final Order"), the above named parties were to file a final executed interconnection agreement with this Commission by December 9, 2005; however, the parties will more than likely be need the Commission to resolve disputes regarding certain language of the Final Order. The parties propose in their Motion that such disputes should be filed with the Commission by December 21, 2005. The parties also request an additional thirty (30) days from the latter of the date this Commission issues an Order resolving the Motion, or 30 days from the date we issue a final Order in Docket No. 041269-TP, to file a signed final interconnection agreement. The parties implicitly argue that neither will be prejudiced by the decision.

**Decision**

Upon consideration, the Motion For Extension of Time is granted. The parties shall file disputes regarding our language in PSC Order No. PSC-05-1136-PCO, by December 21, 2005. A party shall justify its position using no more than five pages per contested issue. Parties are also instructed to include, as attachments to such filings, proposed language for the Agreement. This Commission will then resolve the disputes and enter an Order according to its findings. The parties will then have the latter of 30 days from the issuance of that Order, or 30 days from the issuance of a final Order in Docket No. 041269-TP, to file a final interconnection agreement.

DOCUMENT NUMBER-DATE  
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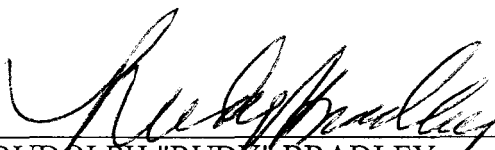
Based on the foregoing, it is

ORDERED by Chairman Rudolph "Rudy" Bradley that the Joint Motion For Extension of Time is granted. It is further

ORDERED that if the parties cannot resolve disputes regarding certain language of PSC Order No. PSC-05-1136-PCO, then they shall file such disputes with this Commission by December 21, 2005. A party shall justify its position using no more than five pages per contested issue. Parties are also instructed to include, as attachments to such filings, proposed language for the Agreement. It is further

ORDERED that the parties will have the latter of 30 days from the issuance of an Order addressing the Joint Motion in this proceeding, or 30 days from the issuance of a final Order in Docket No. 041269-TP, to file a final interconnection agreement.

By ORDER of Chairman Rudolph "Rudy" Bradley, as Prehearing Officer, this 22nd day of December, 2005.

  
RUDOLPH "RUDY" BRADLEY  
Chairman and Prehearing Officer

( S E A L )

JLS

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.

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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.