

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-06-0041-PCO-TP
ISSUED: January 17, 2006

ORDER GRANTING SPRINT'S MOTION FOR
EXTENSION OF TIME TO FILE RESPONSE

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy and inexpensive determination of all aspects of the case.

On September 24, 2004, Sprint-Florida, Incorporated (Sprint) filed its complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (collectively KMC) 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. The hearing in this matter was held on July 12, 2005, and on December 19, 2005, we issued our Order on Sprint's Complaint, Order No. PSC-05-1234-FOF-TP.

On January 3, 2006, KMC filed its Motion for Reconsideration of Order No. PSC-05-1234-FOF-TP, and Request for Oral Argument. On January 6, 2006, Sprint filed its Motion for Extension of Time to file its Response to KMC's Motion. Sprint counsel advised that she was out of town on a business commitment and was unable to prepare a proper response by the due date of January 10, 2006. Counsel requested only a three day extension, till January 13, 2006. Counsel also advised that she had discussed the request with counsel for KMC and KMC had no objection to the granting of this request.

It is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Sprint's Motion for Extension of Time to File a Response to the KMC Motion for Reconsideration is hereby granted. It is further

ORDERED that Sprint's Response shall be due on January 13, 2006. It is further


ORDERED that this Docket shall remain open.

DOCUMENT NUMBER-DATE

00403 JAN 17 06

FPSC-COMMISSION CLERK

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 17th day of January, 2006.


J. PERRY DEASON
Commissioner and Prehearing Officer

(SEAL)

LF

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.