

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 050581-TP  
ORDER NO. PSC-06-0150-PCO-TP  
ISSUED: February 28, 2006

ORDER GRANTING SECOND JOINT MOTION FOR EXTENSION OF TIME  
TO FILE DIRECT TESTIMONY

BY THE COMMISSION:

On August 30, 2005, KMC Telecom III LLC and KMC Telecom V, Inc. (KMC) filed its Complaint against Sprint-Florida, Incorporated and Sprint Communications Company, Limited Partnership (Collectively, Sprint) for failure to pay intrastate access charges pursuant to interconnection agreement and tariffs, and for violation of Section 364.16(3)(a), Florida Statutes. On September 20, 2005, Sprint-FL and Sprint LP filed their Answer and Affirmative Defenses to KMC's Complaint.

On January 21, 2006, Order No. PSC-06-0054-PCO-TP was issued, setting forth the procedures and schedules for the conduct of this Docket. That Order, among other things, provided that direct testimony was due on February 20, 2006.

On February 16, 2006, the parties filed a Joint Motion for Extension of Time to File Direct Testimony, requesting an additional week for said filing. That Motion was granted by the issuance of Order No. PSC-06-0136-PCO-TP. On February 24, 2006, the parties filed their second Joint Motion for Extension of Time to File Direct Testimony, requesting an additional two weeks for said filing. Counsel for KMC represented that the parties were in negotiations for a resolution which could render the filing of Direct Testimony moot.

Accordingly, I find it appropriate and reasonable to extend the time for filing direct testimony in this Docket for two additional weeks. As both parties join in this request, no party will be prejudiced by this extension. Additionally, staff has indicated it has no objections to the granting of this request.

Therefore, the Joint Motion for Extension of Time to File Direct Testimony is granted. The new date will be March 13, 2006.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the second Motion for Extension of Time to File Direct Testimony is hereby granted. It is further

ORDERED that the new date for submitting direct testimony shall be March 13, 2006. It is further

ORDERED that the new date for submitting rebuttal testimony shall be April 10, 2006. It is further

ORDERED that Order No. PSC-06-0054-PCO-TP and Order No. PSC-06-0136-PCO-TP are reaffirmed in all other respects.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 28th day of February, 2006.



J. TERRY 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.