

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against AT&T Communications of the Southern States, LLC d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a ACC Business d/b/a SmarTalk d/b/a Unispeaksm Service d/b/a www.prepaidserviceguide.com d/b/a CONQUEST for failure to pay intrastate access charges pursuant to Embarq's tariffs, by Embarq Florida, Inc., f/k/a Sprint-Florida, Incorporated.	DOCKET NO. 060455-TP ORDER NO. PSC-06-0651-PCO-TP ISSUED: August 3, 2006
--	--

ORDER GRANTING  
RENEWED MOTION TO HOLD DISCOVERY IN ABEYANCE

On July 27, 2006, AT&T filed its Renewed Motion to Hold Discovery in Abeyance (Motion). In its Motion, AT&T states that on June 30, 2006, Embarq served its First Set of Interrogatories and First Request for Production of Documents on AT&T. AT&T states further that on July 10, 2006, it filed its Motion to Dismiss the Complaint or Alternatively Hold the Proceeding in Abeyance (Motion to Dismiss).

In the instant Motion, AT&T requests issuance of an order holding all discovery in abeyance pending the resolution of its Motion to Dismiss. AT&T contends that such an order would best serve the interests of judicial economy and conserve the parties' resources.

On July 28, 2006, Embarq filed its Response to AT&T's Motion. Embarq asserts that it "has been trying to obtain information from AT&T for a considerable amount of time to enable the parties to resolve this issue." Alternatively, Embarq states that if the Commission grants AT&T's request to suspend discovery, a date should be set for AT&T to provide its responses to Embarq's discovery in the event the Commission denies AT&T's Motion to Dismiss. Embarq argues further that it will be prejudiced if it is unable to obtain the information it has requested prior to the filing of testimony in this proceeding. Consequently, Embarq contends that two weeks from the Agenda Conference ruling on the Motion to Dismiss would be a reasonable due date for responses and would not unnecessarily delay the filing of testimony should the Commission deny the Motion to Dismiss.

days after the Commission's Agenda Conference ruling. Accordingly, discovery is held in abeyance pending the Commission's resolution of AT&T's Motion to Dismiss.

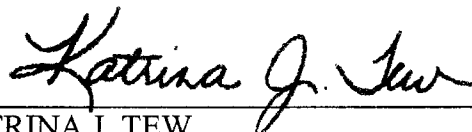
In the event this docket proceeds, the parties' consideration of a discovery agreement is greatly encouraged. For example, Embarq has essentially offered that, should AT&T respond to a discovery request in the Missouri or North Carolina proceedings containing the same information that would have been provided in response to a request in this matter in Florida, AT&T could respond by providing reference to the information provided elsewhere such that Embarq could readily obtain and use the information without the need for AT&T to provide it a second time. Such proposals to work out discovery and other procedural disputes are encouraged and should be given due consideration in an effort to minimize unnecessary delay and regulatory costs.

Based on the foregoing, it is

ORDERED by Commissioner Katrina Tew, as Prehearing Officer, that AT&T's Renewed Motion to Hold Discovery in Abeyance is granted as set forth in the body of this Order. It is further

ORDERED that in the event the Commission denies AT&T's Motion to Dismiss, AT&T shall serve its responses to Embarq's First Set of Interrogatories and First Request for Production of Documents no later than fourteen calendar days after the Commission's Agenda Conference ruling.

By ORDER of Commissioner Katrina J. Tew, as Prehearing Officer, this 3rd day of August, 2006.



KATRINA J. TEW  
Commissioner and Prehearing Officer

(SEAL)

AJT

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.