

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for waiver of carrier of last resort obligations for multitenant property in Collier County known as Treviso Bay, by Embarq Florida, Inc.

DOCKET NO. 060763-TL
ORDER NO. PSC-07-0047-PCO-TL
ISSUED: January 16, 2007

SECOND ORDER ON PROCEDURE AND
ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME

I. Case Background

On November 20, 2006, pursuant to section 364.025(6)(d), Florida Statutes, Embarq Florida, Inc. (Embarq), filed a Petition for Waiver of its carrier of last resort obligations (COLR) in the Treviso Bay subdivision (development) in Collier County. In accordance with the statute, Embarq served a copy of the petition on that same day on the developers of Treviso Bay, Treviso Bay Development LLC (Treviso Bay). By Order No. PSC-06-1076-PCO-TL, issued December 29, 2006, the procedural schedule and hearing dates for this docket were established.

On January 5, 2007, an Issue Identification Meeting was held. Attached to this Order as Appendix "A" is a list of issues identified by the parties and Commission staff during the meeting.

II. Unopposed Motion for Extension of Time

On January 5, 2007, Treviso Bay filed an Unopposed Motion for Extension of Time to File Testimony. Treviso Bay seeks until January 24, 2007, to file its testimony and exhibits. Treviso Bay represents that counsel for Embarq, as well as counsel for Staff, do not oppose the granting of this Motion.

Upon consideration, I find it appropriate and reasonable to grant Treviso Bay's Unopposed Motion for Extension of Time to File Testimony. The controlling dates are modified as follows:

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| (2) Rebuttal testimony and exhibits | January 24, 2007 |
| (3) Staff's testimony and exhibits, if any | January 31, 2007 |
| (4) Prehearing Statements | January 24, 2007 |
| (5) Prehearing Conference | February 7, 2007 |

DOCUMENT NUMBER - DATE

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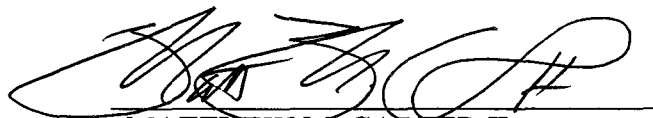
FPSC-COMMISSION CLERK

Based upon the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the controlling dates set forth in the body of this Order, shall be followed unless further modified by the Commission. It is further

ORDERED that Order No. PSC-06-1076-PCO-TL is affirmed in all other respects.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 16th day of January, 2007.



MATTHEW M. CARTER II
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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of

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the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

Appendix A

- Issue 1: Will voice service from other providers be available to customers of Treviso Bay? If so, when and under what conditions?
- Issue 2: Has Treviso Bay entered into any agreements, or done anything else, that would restrict or limit Embarq's ability to provide the requested communications service?
- Issue 3: Do Treviso Bay's existing agreements make it uneconomic for Embarq to provide the requested communications service to the customers of Treviso Bay?
- Issue 4: Has Embarq, formerly known as Sprint-Florida, Incorporated, taken any action that would preclude Embarq from obtaining a waiver of its carrier of last resort obligation in Treviso Bay?
- Issue 4A: Is Embarq obligated to provide service to Treviso Bay by its tariff or by holding itself out as willing and able to provide service?
- Issue 5: Has Embarq demonstrated "good cause" under section 364.025(6)(d) for a waiver of its carrier-of-last-resort obligation in Treviso Bay?