

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint by DPI-Teleconnect, L.L.C.
against BellSouth Telecommunications, Inc.
for dispute arising under interconnection
agreement.

DOCKET NO. 050863-TP
ORDER NO. PSC-07-0712-PCO-TP
ISSUED: August 30, 2007

ORDER DENYING MOTION FOR CONTINUANCE

Background

On November 10, 2005, this docket was established to address dPi-Teleconnect, L.L.C.'s (dPi) complaint against BellSouth Telecommunications, Inc. (AT&T Florida) for a dispute arising under their interconnection agreement. Pursuant to Order No. PSC-06-0185-PCO-TP, the docket was held in abeyance from March 8, 2006 through January 4, 2007, at which time an Order Granting Motion to Lift Stay (Order No. PSC-07-0015-PCO-TP) was issued. On April 13, 2007, Order No. PSC-07-0322-PCO-TP (Order Establishing Procedure) was issued, scheduling the matter for an administrative hearing on July 11, 2007. On May 11, 2007, dPi and AT&T Florida filed a Joint Motion for Continuance, which they jointly withdrew on June 13, 2007. By Order No. PSC-07-0571-PCO-TP (Order Modifying Procedure), issued July 9, 2007, the hearing was rescheduled to October 1, 2007.

Motion for Continuance

On July 20, 2007, dPi filed a Motion for Continuance alleging it had insufficient time for discovery or to request relief of any discovery disputes. dPi requests time to develop the facts of the case. dPi notes that while the docket was in abeyance, the parties were unable to take any action, including discovery. AT&T Florida is not in agreement with the Motion for Continuance.

Ruling

Upon consideration, dPi's Motion for Continuance is denied. dPi's argument that it was not afforded sufficient time to properly prepare discovery and direct testimony is not persuasive. Parties had from January 4, 2007, to the present to conduct discovery. dPi was aware of and agreed to the proposed prehearing and hearing dates and should have recognized the need to commence with the filing of testimony.

While there are difficulties associated with litigating parallel proceedings in multiple states, such litigation should likewise offer streamlining opportunities. In accordance with Rule 28-106.211, Florida Administrative Code, the Commission seeks to promote the just, speedy, and inexpensive determination of all aspects of its cases. dPi has not demonstrated that the interests of judicial economy will be served by granting a continuance. Accordingly, the Motion for Continuance is denied.

DOCUMENT NUMBER-DATE


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FPSC-COMMISSION CLERK

Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that dPi's Motion for Continuance is hereby denied.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 30th day of August, 2007.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

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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.

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 Office of Commission Clerk, 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.