

BEFORE THE FLORIDA 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-07-0791-PCO-TP ISSUED: September 27, 2007
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ORDER DENYING MOTION FOR CONTINUANCE

This matter is before me on dPi Teleconnect, L.L.C.'s Motion for Continuance of the hearing scheduled for October 1, 2007. dPi filed its Motion for Continuance on September 26, 2007<sup>1</sup>, pursuant to Rule 28-106.210, Florida Administrative Code (F.A.C.). On September 27, 2007, BellSouth Telecommunications, Inc. L.L.C. d/b/a AT&T Florida, filed its Response in Opposition to dPi's Motion for Continuance.

Rule 28-106.210, F.A.C. provides as follows:

The presiding officer may grant a continuance of a hearing for good cause shown. Except in cases of emergency, requests for continuances must be made at least five days prior to the date noticed for hearing.

Rule 28-106.103, F.A.C., governs the computation of time. It provides in pertinent part that when the time allowed is less than 7 days, intermediate Saturdays and Sundays must be excluded in the computation.

Section 120.54(5)(a)1, Florida Statutes, requires all agencies, including this Commission, to follow and enforce the Uniform Rules of Procedure set out in Chapter 28, F.A.C. According to the applicable rules, dPi was required to file a motion for continuance no later than September 24, 2007. Having failed to meet this deadline, and because there is no apparent emergency, dPi's Motion for Continuance is untimely, and must be denied.

Based upon the foregoing, it is

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

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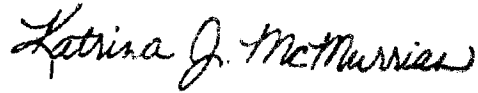
<sup>1</sup> It should be noted that pursuant to Rule 28-106.204(3), F.A.C., motions shall include a statement that the movant has conferred with all other parties of record and shall state whether the party has any objection to the motion. It appears that dPi failed to meet this requirement. dPi should have informed the Commission in its motion whether any party objected, after consultation. The requirement to confer does not mean informing other parties of an impending motion, but rather conducting a discussion to determine whether there is an objection.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 27th  
day of September, 2007.



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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.