

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Intrado Communications, Inc. for arbitration of certain rates, terms, and conditions for interconnection and related arrangements with Embarq Florida, Inc., pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Section 364.162, F.S.

DOCKET NO. 070699-TP
ORDER NO. PSC-08-0553-PCO-TP
ISSUED: August 20, 2008

ORDER GRANTING EMBARQ FLORIDA, INC'S MOTION
TO ACCEPT POST-HEARING STATEMENT AND BRIEF ONE DAY OUT OF TIME

By Order No. PSC-08-0172-PCO-TP, issued March 21, 2008, the procedural schedule for this docket was established. The Order set forth that the briefs were to be filed with this Commission on August 7, 2008. However, on August 8, 2008, Embarq Florida, Inc. (Embarq) filed its Motion to Accept Post-hearing Statement and Brief One Day Out of Time.

In support of its Motion, Embarq states it timely prepared and attempted to file its Post-hearing Statement and Brief on August 7, 2008 at approximately 4:47 p.m. Embarq asserts that extreme weather caused Embarq to experience network and power failures. Embarq received notice from the Commission that the electronic filing was not received until 7:56 p.m. Embarq states that it served the parties to this docket with electronic copies and hard copies of the Post-hearing Statement and Brief via U.S. Mail on August 7, 2008. Embarq asserts that granting an extension of time to file will not prejudice any party. In addition, Embarq represents that it has consulted with counsel for Intrado Communications, Inc. (Intrado) and that no objection was raised to the requested late file.

Upon consideration, I find it appropriate and reasonable to grant Embarq's unopposed Motion to Accept Post-hearing Statement and Brief One Day Out of Time. It appears that no party will be prejudiced by this extension and Intrado does not oppose this request. Therefore, Embarq's Motion to Accept Post-hearing Statement and Brief One Day Out of Time shall be granted and its Post-hearing Statement and Brief shall be accepted as timely filed.

DOCUMENT NUMBER-DATE


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FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Embarg's Motion to Accept Post-hearing Statement and Brief One Day Out of Time is hereby granted.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 20th day of August, 2008.


LISA POLAK EDGAR
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.