

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telcom, L.P.; Broadwing Communications, LLC; and John Does 1 through 50 (CLEC's whose true names are currently unknown) for rate discrimination in connection with the provision of intrastate switched access services in alleged violation of Sections 364.08 and 364.10, F.S.

DOCKET NO. 090538-TP
ORDER NO. PSC-10-0012-PCO-TP
ISSUED: January 4, 2010

ORDER GRANTING MOTION FOR EXTENSION OF TIME

On December 11, 2009, Qwest Communications Company, LLC filed a complaint against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telcom, L.P.; Broadwing Communications, LLC; and John Does 1 through 50 (CLEC's whose true names are currently unknown) for rate discrimination in connection with the provision of intrastate switched access services in alleged violation of Sections 364.08 and 364.10, F.S.

On December 22, 2009, Broadwing Communications, LLC (Broadwing) filed an Agreed Motion for Extension of Time to Respond to Complaint on behalf of Broadwing, XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; and Cox Florida Telcom, L.P. Broadwing also states that MCImetroAccess Transmission Services, LLC, d/b/a Verizon Access Transmission Services has no objection to the motion.

The parties request an extension due to the nature of the complaint, which appears to raise issues of first impression in Florida. In consideration of the holidays and previously scheduled vacations, the parties seek an extension of time to properly investigate and respond to the complaint.

Because the parties have jointly filed the Motion and our staff has no objection, it appears no one will be harmed by the request. In addition, as no dates have been established, the extension will not delay this proceeding. Therefore, upon consideration, the request for an extension of time to respond to the complaint is granted. All answers or responses to Qwest's complaint are due no later than January 29, 2010.

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 the Motion for Extension of Time to Respond to Complaint is hereby granted. It is further

ORDERED that the parties may respond to the complaint, no later than January 29, 2010.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 4th day of January, 2010.


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 25-22.0376, 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.