

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 Telecom, 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-10-0079-PCO-TP
ISSUED: February 10, 2010

ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME

On December 11, 2009, Qwest Communications Company, LLC (Qwest) filed a complaint against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services) (Verizon Access); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telecom, L.P.; Broadwing Communications, LLC (Joint CLECs); 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 January 29, 2010, the Joint CLECs filed a Partial Motion to Dismiss and Verizon Access filed a Motion to Dismiss Reparations Claim and a Motion for Summary Final Order Dismissing All Other Claims Against Verizon Access. On February 2, 2010, Qwest filed its Unopposed Motion for Extension of Time to Respond to Motions to Dismiss. Qwest states that the Joint CLECs and Verizon Access have no objection to an extension of time.

Qwest requests the extension of time because the Motions to Dismiss filed by the Joint CLECs and Verizon Access raise an extensive number of issues that will require time for Qwest to adequately prepare and file its responses.

Because Qwest's Motion for Extension of Time to Respond to Motions to Dismiss is unopposed 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 Motions to Dismiss is granted. Qwest's Responses to the Motions to Dismiss are due no later than March 9, 2010.

Based on the foregoing, it is

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ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Unopposed Motion for Extension of Time to Respond to Motions to Dismiss is hereby granted. It is further

ORDERED that Qwest Communications Company, LLC may respond to the Motions to Dismiss no later than March 9, 2010.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 10th day of February, 2010.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(S E A L)

TLT

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.

ORDER NO. PSC-10-0079-PCO-TP

DOCKET NO. 090538-TP

PAGE 3

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.