

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and petition for relief against Image Access, Inc. d/b/a New Phone by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.	DOCKET NO. 100022-TP ORDER NO. PSC-10-0142-PCO-TP ISSUED: March 10, 2010
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ORDER GRANTING EXTENSION OF DUE DATES

On January 8, 2010, BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") filed a Complaint and Petition for Relief ("Complaint") against Image Access, Inc. d/b/a New Phone ("New Phone"). On January 29, 2010, AT&T Florida filed a Motion to Consolidate this docket with Docket No. 100021-TP, which is an AT&T Florida complaint against LifeConnex Telecom, LLC f/k/a Swiftel, LLC, for the limited purposes of expeditiously resolving common issues.

On February 3, 2010, pursuant to Rule 28-106.204, Florida Administrative Code ("F.A.C."), New Phone filed its Unopposed Motion to Set Date to respond to both AT&T Florida's Complaint and AT&T's Motion to Consolidate.

On February 22, 2010, pursuant to Rule 106.204, F.A.C., New Phone filed an Unopposed Motion to Extend Due Date to File Responsive Pleadings to AT&T Florida's Complaint and Petition for Relief and to Extend Due Date to Respond to AT&T Florida's Motion to Consolidate.

On February 25, 2010, pursuant to Rule 106.203, F.A.C., New Phone filed its Answer, Affirmative Defenses, and Counter-Claim. That same day, New Phone filed a Motion to Dismiss and/or Stay and Response in Opposition to Motion for Consolidation and, pursuant to Rule 25-22.058, F.A.C., a Request for Oral Argument on its Motion to Dismiss and/or Stay.

On March 4, 2010, pursuant to Rule 106.204, F.A.C., AT&T Florida filed an Unopposed Motion for Extension of Time to Respond to Motions to Dismiss and/or Stay, Counterclaims and Requests for Oral Argument ("Unopposed Motion").

In its Unopposed Motion, AT&T Florida asserts that due to the complexity of the issues, the need to investigate New Phone's counter-claims, and the need to coordinate responses in nine states, it requires until April 9, 2010 to respond to New Phone's pleadings, motion, and request.

Upon consideration, I find it reasonable and appropriate to grant AT&T Florida's Motion for Extension of Time to Respond to Motions to Dismiss and/or Stay, Counterclaims and Requests for Oral Argument. AT&T Florida's Response shall be due by April 9, 2010.

Based on the foregoing, it is

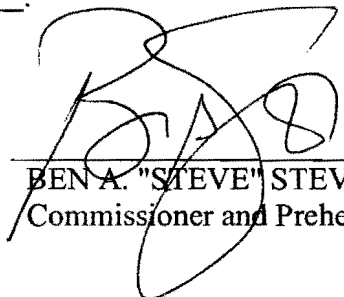
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ORDERED by Commissioner Ben A. "Steve" Stevens III, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Unopposed Motion for Extension of Time to Respond to Motions to Dismiss and/or Stay, Counterclaims and Requests for Oral Argument, is hereby granted.

By ORDER of Commissioner Ben A. "Steve" Stevens III, as Prehearing Officer, this 10th day of March, 2010.



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BEN A. "STEVE" STEVENS III  
Commissioner and Prehearing Officer

(SEAL)

JLM/CWM

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.