

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-10-0260-PCO-TP ISSUED: April 26, 2010
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ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME

On April 15, 2010, Image Access, Inc. d/b/a NewPhone ("NewPhone") filed an Unopposed Motion for Extension of Time to Respond to BellSouth Telecommunications, Inc., d/b/a AT&T Florida's (AT&T) Motion to Dismiss or Sever Certain Counterclaims ("Unopposed Motion"). In support of its Unopposed Motion, NewPhone asserts the following:

- on January 8, 2010, AT&T filed a Complaint against NewPhone and on January 29, 2010, AT&T filed a Motion to Consolidate this docket with Docket No. 100021-TP;
- on February 25, 2010, NewPhone filed its responsive pleadings and counterclaims;
- AT&T subsequently filed a Motion to Dismiss or Sever the NewPhone counterclaims;
- Rule 28-106.204(1), Florida Administrative Code, provides that a party has 7 days from the date of service to respond in opposition to a written motion;
- Due to a previously scheduled absence of NewPhone's counsel and the need to coordinate similar matters pending in other states, NewPhone seeks a 14 day extension of time, until April 30, 2010, for NewPhone to file its response to the AT&T Motion to Dismiss or Sever;
- AT&T does not oppose the NewPhone Motion for Extension of Time;
- NewPhone desires to elucidate and assert its legal rights and argues that such a pleading will assist the Commission's consideration of this matter.

Having reviewed the Unopposed Motion, I hereby grant the same.

Based on the foregoing, it is

ORDERED by Commissioner Ben A. "Steve" Stevens III, as Prehearing Officer, that Image Access, Inc. d/b/a NewPhone's Unopposed Motion for Extension of Time to Respond to BellSouth Telecommunications, Inc., d/b/a AT&T Florida's Motion to Dismiss or Sever Certain Counterclaims is hereby granted. It is further

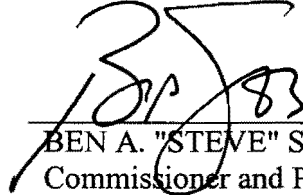
ORDERED that Image Access, Inc. d/b/a NewPhone's response is due on April 30, 2010.

DOCUMENT NUMBER-DATE

03309 APR 26 2010

FPSC-COMMISSION CLERK

By ORDER of Commissioner Ben A. "Steve" Stevens III, as Prehearing Officer, this  
26 day of April, 2010.

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

(SEAL)

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.