

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding enforcement of interconnection agreement.

DOCKET NO. 990036-TP
ORDER NO. PSC-99-2128-PCO-TP
ISSUED: October 27, 1999

ORDER GRANTING MOTION FOR CONTINUANCE

On January 8, 1999, e.spire Communications, Inc., on behalf of its operating subsidiaries, American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (e.spire) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) concerning disputes arising under the parties' interconnection agreement. On January 28, 1999, BellSouth filed a Motion to Dismiss e.spire's Complaint. On February 5, 1999, e.spire filed a Motion for Extension of Time to file its response to the Motion to Dismiss, and on February 19, 1999 it filed its Response.

On February 10, 1999, our staff scheduled an issue identification meeting for February 22, 1999. The meeting was canceled, however, as was the hearing schedule, based on the parties' request and their indication that they were seeking to reach an agreement to resolve their dispute. The matter has been held in abeyance pending the settlement negotiations of the parties.

After receiving no word from the parties regarding the status of their negotiation efforts, our staff scheduled an informal conference for September 13, 1999. At the conference, the parties agreed that they would advise our staff by September 27, 1999, whether they had successfully resolved their dispute, or whether the case would need to proceed to hearing. On September 27, 1999, our staff contacted both parties and was informed that no settlement had been reached. Accordingly, in an effort to move the

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case toward resolution, our staff scheduled BellSouth's still pending Motion to Dismiss e.spire's Complaint for consideration by the Commission at an Agenda Conference.

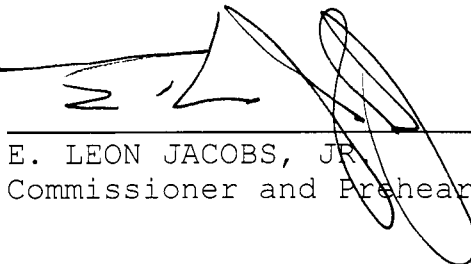
On September 28, 1999, e.spire filed a Motion for Continuance. In its Motion, e.spire requests that this matter be continued until "the parties notify the Commission that the Complaint should go forward." It further states that "[i]t is not known how - or if - this dispute will be resolved but a continuance would be the most efficient use of assets at this time." On October 12, 1999, our staff contacted e.spire to request that it provide a more definite period of time for which it was seeking continuance. At that time, e.spire requested the continuance be granted through December 31, 1999, when the parties' current agreement expires. On October 20, 1999, our staff contacted BellSouth regarding the requested continuance, and it stated that it had no objection.

Upon consideration, e.spire's request appears reasonable. Therefore, e.spire's Motion for Continuance is granted.

Based on the foregoing, it is therefore

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that the Motion for Continuance of e.spire Communications, Inc., on behalf of its operating subsidiaries, American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. is granted.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 27th day of October, 1999.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

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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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, 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.

M E M O R A N D U M

October 27, 1999

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *DMC PIC*

RE: DOCKET NO. 990036-TP - REQUEST FOR ARBITRATION CONCERNING COMPLAINT OF AMERICAN COMMUNICATION SERVICES OF JACKSONVILLE, INC. D/B/A E.SPIRE COMMUNICATIONS, INC. AND ACSI LOCAL SWITCHED SERVICES, INC. D/B/A E.SPIRE COMMUNICATIONS, INC. AGAINST BELLSOUTH TELECOMMUNICATIONS, INC. REGARDING ENFORCEMENT OF INTERCONNECTION AGREEMENT.

2128-PCO

Attached is an ORDER GRANTING MOTION FOR CONTINUANCE, to be issued in the above-referenced docket. (Number of pages in order - 3)

DMC/anc
Attachment
cc: Division of Communications
I: 990036oc.dmc

MUST GO TODAY

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