

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth
Telecommunications, Inc. for
arbitration of resale agreement
with TEL-LINK of Florida, L.L.C.
and Tel-Link, L.L.C.

DOCKET NO. 991786-TP
ORDER NO. PSC-00-0234-PCO-TP
ISSUED: February 4, 2000

ORDER GRANTING REQUEST FOR EXTENSION OF TIME
AND REVISING DATES FOR TESTIMONY, PREHEARING STATEMENTS,
PREHEARING, HEARING AND BRIEFS

On November 30, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of an interconnection agreement with Tel-Link, L.L.C. and Tel-Link of Florida, L.L.C. (collectively Tel-Link) under Section 252(b) of the Federal Telecommunications Act of 1996. Tel-Link did not file a response to BellSouth's petition. This matter has been set for an administrative hearing.

On January 3, 2000, Tel-Link filed a request for a 90 day extension of time in the docket schedule. Tel-Link states that it has reached an agreement in principle for the sale of the company. Tel-Link asserts that it would not be in BellSouth's or Tel-Link's best interest to arbitrate the issues in this docket, because Tel-Link's purchaser would likely require negotiations for a resale agreement governing the acquired company.

On January 4, 2000, an issue identification conference was conducted by our staff. Both Tel-Link and BellSouth attended. At that time, the parties had not come to any agreement regarding Tel-Link's request.

Order No. PSC-00-0077-PCO-TP, the Order Establishing Procedure, issued January 10, 2000, set forth the procedural dates for this docket and set forth the issue for arbitration, which had been raised in BellSouth's petition and modified during the issue identification conference.

On January 11, 2000, BellSouth filed a response to Tel-Link's request for extension of time. BellSouth states that it will not oppose Tel-Link's request. BellSouth does assert, however, that such an extension of time should only act to "freeze-frame" this proceeding as it currently exists, especially given that the issue identification conference has been conducted, and the Order Establishing Procedure has been issued.

DOCUMENT NUMBER-DATE

01589 FEB-48

FPSC-RECORDS/REPORTING

Section 252(b) addresses agreements arrived through compulsory arbitration. Specifically, Section 252(b)(1) states:

(1) Arbitration. - During the period from the 135th to 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

Section 252(b)(4)(C) states that the State commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. This section requires this Commission to conclude the resolution of any unresolved issues not later than nine months after the date on which the local exchange carrier received the request under this section. The parties have, however, explicitly waived the nine-month requirement set forth in the Act.

Based on Tel-Link's need for time to complete its proposed sale, and based on the parties' waiver of the nine-month requirement set forth above, Tel-Link's request for a 90 day extension is hereby granted. Nevertheless, this proceeding should be resolved as expeditiously as possible within the extended time, given the time constraints set forth in the Act. For this reason, and because Tel-Link did not file a response to BellSouth's petition for arbitration, this proceeding shall be limited to the issue set forth in Order No. PSC-00-0077-PCO-TP.

Accordingly, the following revised dates shall govern this case.

- | | |
|--|----------------|
| 1) Direct testimony and exhibits (all) | April 10, 2000 |
| 2) Prehearing Statements | May 1, 2000 |
| 3) Rebuttal testimony and exhibits | May 1, 2000 |
| 4) Prehearing Conference | May 15, 2000 |
| 5) Hearing | June 7, 2000 |
| 6) Briefs | June 28, 2000 |

ORDER NO. PSC-00-0234-PCO-TP
DOCKET NO. 991786-TP
PAGE 3

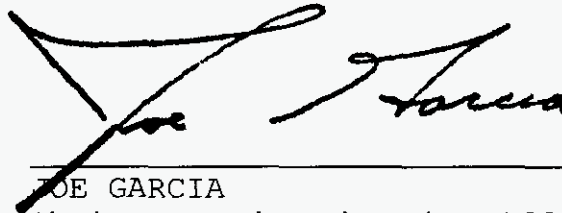
Order No. PSC-00-0077-PCO-TP is hereby affirmed in all other respects.

Based upon the foregoing, it is

ORDERED by Chairman Joe Garcia, as Prehearing Officer, that the dates for filing testimony, prehearing statement and briefs, and the prehearing and hearing dates are hereby revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-00-0077-PCO-TP is hereby affirmed in all respects.

By ORDER of Chairman Joe Garcia, as Prehearing Officer, this 4th day of February, 2000.

A handwritten signature in black ink, appearing to read "Joe Garcia", is written over a horizontal line. The signature is stylized and cursive.

JOE GARCIA
Chairman and Prehearing Officer

(S E A L)

TV

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.