

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
appropriate methods to  
compensate carriers for exchange  
of traffic subject to Section  
251 of the Telecommunications  
Act of 1996.

DOCKET NO. 000075-TP  
ORDER NO. PSC-01-1094-PCO-TP  
ISSUED: May 8, 2001

ORDER GRANTING MOTION FOR EXTENSION OF TIME  
TO FILE SUPPLEMENTAL BRIEF AND MODIFYING ORDER  
REQUIRING ADDITIONAL BRIEFING (PHASE I)

On January 21, 2000, this docket was established to investigate the appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996 (the Act). An administrative hearing regarding issues delineated for Phase I was conducted on March 7 - 8, 2001. In accordance with Order No. PSC-00-2229-PCO-TP, issued November 22, 2000, as modified by Order No. PSC-01-0863-PCO-TP, issued April 5, 2001, post-hearing briefs were filed on April 18, 2001. Thereafter, on April 19, 2001, the Federal Communications Commission (FCC) released its decision in FCC Dockets Nos. 96-98 and 99-68 on matters regarding intercarrier compensation for telecommunications traffic to Internet service providers that had been remanded to the FCC for further determination by the Court of Appeals for the District of Columbia Circuit. On April 27, 2001, Order No. PSC-01-1036-PCO-TP was issued requiring all parties in this proceeding to file supplemental posthearing briefs addressing the decision of the FCC in Dockets Nos. 96-98 and 99-68 (FCC Order) within 10 days of the issuance of the FCC's Order memorializing the April 19, 2001, decision. On that same day, the FCC Order was memorialized in Docket Nos. 96-98 and 99-68.

On May 2, 2001, AT&T Communications of the Southern States, Inc., TCG of South Florida, Global NAPS, Inc. MediaOne Florida Telecommunications, Inc., Time Warner Telecom of Florida, LP, Florida Cable Telecommunications Association, Inc., Allegiance Telecom of Florida, Inc. and the Florida Competitive Carriers

DOCUMENT NUMBER-DATE

05766 MAY-8a

FPCO-RECORDS/REPORTING

ORDER NO. PSC-01-1094-PCO-TP  
DOCKET NO. 000075-TP  
PAGE 2

Association (collectively "Joint Movants") filed a Joint Motion for Extension of Time to File Supplemental Posthearing Brief.

In its Joint Motion, parties state that the supplemental briefs addressing the FCC Order would be due May 7, 2001, according to Order No. PSC-01-1036-PCO-TP. Joint Movants assert that the FCC Order, although not yet final, is lengthy and potentially implicates every significant issue raised in Phase I of this generic docket, including the jurisdiction of this Commission to determine reciprocal compensation for ISP traffic, the appropriate rates for ISP traffic, the intrastate or interstate nature of ISP traffic, the retroactivity of FCC imposed rates for ISP traffic, and the viability of current intercarrier agreements related to ISP traffic. Further, Joint Movants state that the FCC Order is inextricably tied to another lengthy Order released by the FCC on April 27, 2001, a Notice of Proposed Rulemaking regarding existing intercarrier compensation regulations and regimes. Joint Movants explain that they have pre-existing commitments and matters which leave little, if any, reasonable time to review the FCC Order and related documents and prepare the supplemental posthearing brief by May 7, 2001.

Joint Movants note that counsel for Joint Movants has contacted all parties and is authorized to represent that there is no objection to the granting of a 45 day extension to all parties to file supplemental posthearing briefs addressing the FCC Order. Further, Joint Movants acknowledge also that there is no objection to a reasonable extension of the due dates for the staff's recommendation and the agenda conference for this proceeding.

As I noted in Order No. PSC-01-1036-PCO-TP, to the degree that this decision by the FCC impacts the issues to be determined in Phase I, the supplemental briefing would be beneficial to the Commission. Therefore, noting no objection by the parties, the Joint Motion for Extension of Time to File Supplemental Posthearing Brief is granted. Accordingly, the new filing date to file supplemental post-hearing briefs on the FCC Order is June 21, 2001.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer,

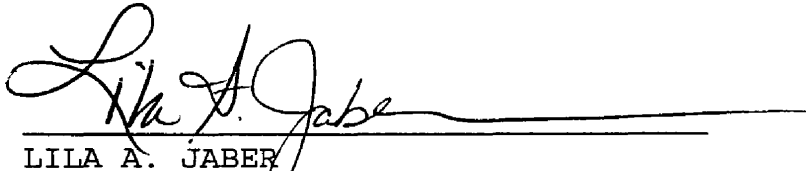
ORDER NO. PSC-01-1094-PCO-TP  
DOCKET NO. 000075-TP  
PAGE 3

that AT&T Communications of the Southern States, Inc., TCG of South Florida, Global NAPS, Inc. MediaOne Florida Telecommunications, Inc., Time Warner Telecom of Florida, LP, Florida Cable Telecommunications Association, Inc., Allegiance Telecom of Florida, Inc. and the Florida Competitive Carriers Association's Motion for Extension of Time to File Supplemental PostHearing Brief is granted. It is further

ORDERED that the new filing date for post-hearing supplemental briefs is June 21, 2001. It is further

ORDERED that the hearing procedure set forth in Orders Nos. PSC-00-2229-PCO-TP, and modified by Orders Nos. PSC-00-2350-PCO-TP, PSC-00-2452-PCO-TP, and PSC-01-0632-PCO-TP, PSC-01-1036-PCO-TP are hereby affirmed in all other respects.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 8th day of May, 2001.

  
LILA A. JABER  
Commissioner and Prehearing Officer

( S E A L )

FRB

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

ORDER NO. PSC-01-1094-PCO-TP

DOCKET NO. 000075-TP

PAGE 4

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.