

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for waiver of Rules 25-4.107, 25-4.108, and 25-4.113, F.A.C., which require provision of basic telecommunications service to certain locations and persons.

DOCKET NO. 000028-TL
ORDER NO. PSC-01-1771-PCO-TL
ISSUED: August 30, 2001

ORDER ON BELLSOUTH'S MOTION AND FIFTH ORDER
MODIFYING ORDER ESTABLISHING PROCEDURE

The hearing date and brief filing dates in the above-referenced docket were modified to December 20, 2001 and January 17, 2002 by Order No. PSC-01-1522-PCO-TL, issued July 23, 2001. On August 1, 2001, BellSouth Telecommunications, Inc. (BellSouth) timely filed a motion entitled Motion for Reconsideration of Order No. PSC-01-1522-PCO-TL (Motion). Although BellSouth styled its motion as a Motion for Reconsideration, it appears more appropriately to be a motion for continuation of the hearing and the brief filing dates. BellSouth does not allege the Order contains any error or omission. Thus, BellSouth's Motion will be treated as a request for a continuance of these dates.

BellSouth states in its Motion that its witness will not be available on December 20, 2001, due to a personal commitment. While BellSouth acknowledges that Order No. PSC-01-1522-PCO-TL states that no further continuance would be granted, BellSouth states that its counsel had not confirmed that the witnesses would be available prior to notifying Commission staff that the date was acceptable. BellSouth apologized for the oversight. BellSouth also indicates in its Motion, that it understands and accepts that a hearing date may not be available in 2001. BellSouth states in its Motion that Mr. Parks has no objection to the selection of another hearing date. No response has been filed to the Motion and the time for filing such has expired.

BellSouth is the party requesting the waiver of Rules 25-4.107, 25-4.108 and 25-4.113, Florida Administrative Code; thus, it bears the burden of proving its case in an administrative hearing. BellSouth's ability to present its case will be impaired because

DOCUMENT NUMBER-DATE

10818 AUG 30 2001

FPSC-COMMISSION CLERK

one of its witnesses will be unavailable on the hearing date set forth in Order No. PSC-01-1522-PCO-TL. Also, BellSouth has not previously requested a change in the procedural dates in this docket.

In view of the concerns raised regarding the availability of BellSouth's witness and the apparent agreement of the parties that this change will not prejudice either party, the hearing shall be rescheduled. Accordingly, the hearing and brief filing dates are modified as follows:

- 1) Hearing February 4, 2002
- 2) Briefs March 4, 2002

Except as modified herein, Orders Nos. PSC-00-2406-PCO-TL, and PSC-01-0722-PHO-TL, are reaffirmed in all other respects.

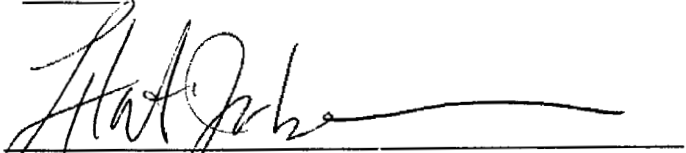
The parties are on notice that THERE SHALL BE NO FURTHER CONTINUANCES GRANTED IN THIS MATTER.

Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the hearing and brief filing dates are modified as set forth in the body of this Order. It is further

ORDERED that except as modified herein, Orders Nos. PSC-00-2406-PCO-TL and PSC-01-0722-PHO-TL are reaffirmed in all other respects.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 30th day of August, 2001,


LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

PAC

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 the Commission Clerk and Administrative Services, 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.