

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by ALLTEL
Communications, Inc. for
arbitration of certain open
issues in existing intercon-
nection agreement with BellSouth
Telecommunications, Inc. .

DOCKET NO. 010302-TP
ORDER NO. PSC-01-1803-PCO-TP
ISSUED: September 6, 2001

FOURTH ORDER REVISING SCHEDULE
AND CANCELING PREHEARING CONFERENCE

Pursuant to a petition by ALLTEL Communications, Inc. (ALLTEL) for arbitration of unresolved issues in an agreement with BellSouth Telecommunications, Inc. (BellSouth), this matter is currently set for an administrative hearing.

By Order No. PSC-01-1127-PCO-TP, issued May 16, 2001 (Order Establishing Procedure), the controlling dates in this matter were established. Those dates were subsequently revised by Orders Nos. PSC-01-1441-PCO-TP and PSC-01-1717-PCO-TP, issued July 3, 2001 and August 22, 2001, respectively.

On August 31, 2001, ALLTEL and BellSouth filed a Joint Motion on Prehearing Conference and Other Procedural Issues. In their Motion, the parties have agreed to proceed in this case without an evidentiary hearing, to waive cross-examination of each other's witnesses at the final hearing, and to submit this matter to this Commission based on the prefiled testimony, prefiled exhibits, and the transcripts of the depositions of the two witnesses (Jayne Eve and Cynthia Cox) to be taken at the instance of our staff on September 5, 2001.

BellSouth and ALLTEL have also agreed that neither party will cross-examine the other party's witness during the depositions taken by our staff. The parties agree that the final hearing need only be convened for the purposes of receiving the above-listed items into the record.

In addition, the parties have also agreed to stipulate that Issue No. 5 as set forth in the draft prehearing order be resolved in accordance with our staff's position as set forth in the draft

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prehearing order, i.e, "The effective date for enforcement mechanisms should be the same as that which is ultimately determined in Docket No. 000121-TP."

The parties state that with the exception of the matters set forth above, the issues, positions, and stipulations set forth in the draft prehearing order are correct. Consequently, the parties state that if Section VIII (Issues and Positions) and Section X (Proposed Stipulations) can be revised to reflect the agreement of the parties as set forth above there is no need to hold the prehearing conference, and the prehearing conference can and should be cancelled with paragraph one of the prehearing order revised accordingly.

Based on the stipulations of the parties, there is no need for a prehearing conference and the prehearing conference scheduled for September 6, 2001, is hereby canceled. The proposed stipulations will be reflected in the Prehearing Order.

Based on the foregoing, it is


ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the Joint Motion on Prehearing Conference and Other Procedural Issues filed by ALLTEL Communications, Inc. and BellSouth Telecommunications, Inc., is hereby granted. It is further

ORDERED that Orders Nos. PSC-01-1127-PCO-TP, PSC-01-1441-PCO-TP, and PSC-01-1717-PCO-TP are revised as set forth herein. It is further

ORDERED that Orders Nos. PSC-01-1127-PCO-TP, PSC-01-1441-PCO-TP, and PSC-01-1717-PCO-TP are reaffirmed in all other respects.

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By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 6th day of September, 2001.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

(S E A L)

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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 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.