

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

DOCKET NO. 000121-TP
ORDER NO. PSC-01-2046-PCO-TP
ISSUED: October 17, 2001

ORDER MODIFYING ORDER NO. PSC-01-2028-PCO-TP

On October 9, 2001, AT&T Communications of the Southern States, Inc. (AT&T), DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), and WorldCom, Inc. (WorldCom) (collectively, Joint ALECs) filed a Motion for Extension of Time to File Comments and to Postpone Workshop.

That Motion was denied by Order No. PSC-01-2028-PCO-TP, issued October 11, 2001. However, the Joint ALECs were allowed to file comments to BellSouth's proposed Performance Assessment Plan ("Plan") by October 22, 2001, which was to be discussed at a second informal meeting on October 23, 2001.

On October 17, 2001, BellSouth Telecommunications, Inc. ("BellSouth") and the Joint ALECs filed a Joint Motion to Reschedule Time to File Comments and Workshop. The parties state that the October 23, 2001, workshop needs to be rescheduled because:

- (1) BellSouth's Subject Matter Experts are unavailable the week of October 22, 2001;
- (2) Although the majority of the Plan had been previously provided to [the Joint ALECs] and the parties, BellSouth will be unable to distribute a final version of the proposed Plan until October 25, 2001; and
- (3) The ALECs needed additional time to review and comment on the final version of the proposed Plan.

Consequently, the parties request that the comment filing date be rescheduled from October 22, 2001, to November 5, 2001, and that

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the workshop be rescheduled from October 23, 2001 to November 9, 2001. BellSouth maintains that it fully intends to comply with the requirements of Order No. PSC-01-2028-PCO-TP and Order No. PSC-01-1819-FOF-TP, and file its final proposed Plan on October 25, 2001.

RULING

Our staff has indicated that the extension requested will not cause any unnecessary delay in the approval of the Plan. Noting no objection by parties, it appears reasonable and appropriate to reschedule the time to file comments and the date of the second informal meeting.

Accordingly, Order No. PSC-01-2028-PCO-TP, is hereby modified to reflect that any comments on BellSouth's final proposed Plan shall be filed by November 5, 2001. The second informal meeting shall be held on November 9, 2001. Order No. PSC-01-2028-PCO-TP is affirmed in all other respects. I strongly encourage the parties to use this additional time to identify and negotiate any areas of disagreement.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the Joint Motion to Reschedule Time to File Comments and Workshop is hereby granted. It is further

ORDERED that Order No. PSC-01-2028-PCO-TP, issued October 11, 2001, is modified as set forth in the body of this Order. It is further

ORDERED that comments for all parties shall be filed on or before November 5, 2001. It is further

ORDERED that the second informal meeting shall be held on November 9, 2001. It is further

ORDERED that Order No. PSC-01-2028-PCO-TP is affirmed in all other respects.

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By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 17th day of October, 2001.



MICHAEL A. PALECKI
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 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.