

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth
Telecommunications, Inc. for
arbitration of certain issues in
interconnection agreement with
Supra Telecommunications and
Information Systems, Inc.

DOCKET NO. 001305-TP
ORDER NO. PSC-02-0637-PCO-TP
ISSUED: May 8, 2002

ORDER GRANTING, IN PART, AND DENYING, IN PART,
MOTION FOR EXTENSION OF TIME

The background of this proceeding is set forth in Order No. PSC-02-0464-PCO-TP.

On April 24, 2002, Supra Telecommunications and Information Systems, Inc. (Supra) filed a Motion for Extension of Time in the instant docket. The Motion seeks an extension of 30 days from the date we issue a final order disposing of Supra's Motion for Reconsideration, for the parties to file an executed interconnection agreement. Order No. PSC-02-0413-FOF-TP, our Final Order on the issues arbitrated in this Docket, provides that the parties are required to file a final executed interconnection agreement with us within 30 days of the Order, which was issued on March 26, 2002. Supra's Motion for Extension of Time was filed on April 24, 2002, prior to the date the agreement was due to be filed, and as such was timely.

In support of its Motion, Supra contends that similar motions have previously been granted, noting Order No. PSC-01-1951-FOF-TP, issued September 28, 2001, wherein we granted BellSouth's request for an extension of time to file an executed interconnection agreement. Supra also believes that it would be premature to execute a final agreement until we rule on its April 17, 2002, Motion to Disqualify and Recuse Commission Staff and Commission Panel From All Further Consideration of this Docket and to Refer Docket to DOAH for All Further Proceedings. Supra also asserts that neither party would be unduly prejudiced by an extension of time.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

On May 1, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed its Opposition to Supra's Motion for Extension of Time. BellSouth asserts that Supra's filing is for the sole purpose of delay, and contends that we have unequivocally held that a party cannot refuse to sign an interconnection agreement following arbitration. BellSouth believes that it will be prejudiced because any delay allows Supra to continue to operate under an expired agreement which does not contain an express provision authorizing the disconnection of service for nonpayment of undisputed amounts. BellSouth asserts that Supra will not be prejudiced by a denial of its request, because both the expired and new agreements adequately provide for the reservation of Supra's rights. BellSouth claims that the AT&T arbitration referenced by Supra is distinguishable because the parties continued to negotiate terms prior to requesting an extension, and AT&T did not oppose BellSouth's request for an extension. BellSouth believes that we have never granted an extension when one party objects to it, and notes that Supra has not attempted to negotiate during the period after our Order.

Although BellSouth cites Order No. PSC-97-0550-FOF-TP, issued May 13, 1997, in Docket 961173-TP, for the proposition that a party cannot refuse to sign an interconnection agreement following arbitration, that case may be distinguished. There, neither party sought reconsideration of the Commission's Order, and neither party would sign the other's version of the final interconnection agreement. Further, and directly contravening BellSouth's assertions in its response to Supra's Motion, by Order No. PSC-97-0309-FOF-TP, issued in Docket 960833-TP, BellSouth itself requested, and was granted, a 14-day extension of time from the date we issued our Order on Reconsideration in which to file a signed interconnection agreement -- in spite of MCI Telecommunication Corporation's opposition to the request.

Upon consideration of the foregoing, I find it appropriate to grant an extension of 14 days from the date we issue a final order disposing of Supra's Motion for Reconsideration for the parties to file their executed interconnection agreement. Supra's request for an extension from the date of a ruling on its Motion for Recusal is denied.

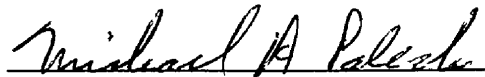
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It is therefore

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Supra Telecommunications and Information Systems, Inc.'s Motion for Extension of Time is granted, in part, and denied, in part, to the extent set forth in the body of this Order. It is further

ORDERED that the parties shall have 14 days from the date we issue a final Order disposing of Supra's Motion for Reconsideration to file an executed interconnection agreement.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 8th Day of May, 2002.



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.