

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements (Sprint/Verizon track).

DOCKET NO. 990649B-TP  
ORDER NO. PSC-02-1055-PCO-TP  
ISSUED: August 5, 2002

ORDER CONTINUING PROCEEDING

On December 10, 1998, in Docket No. 981834-TP, the Florida Competitive Carriers Association (FCCA), the Telecommunications Resellers, Inc. (TRA), AT&T Communications of the Southern States, Inc. (AT&T), MCIMetro Access Transmission Services, LLC and WorldCom Technologies, Inc. (MCI WorldCom), the Competitive Telecommunications Association (Comptel), MGC Communications, Inc. (MGC), Intermedia Communications Inc. (Intermedia), Supra Telecommunications and Information Systems (Supra), Florida Digital Network, Inc. (Florida Digital Network), and Northpoint Communications, Inc. (Northpoint) (collectively, "Competitive Carriers") filed their Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory. Among other matters, the Competitive Carriers' Petition asked that this Commission set deaveraged unbundled network element (UNE) rates.

On May 26, 1999, this Commission issued Order No. PSC-99-1078-PCO-TP, granting in part and denying in part the Competitive Carriers' petition. Specifically, we granted the request to open a generic UNE pricing docket for the three major incumbent local exchange providers, BellSouth Telecommunications, Inc. (BellSouth), Sprint-Florida, Incorporated (Sprint), and GTE Florida Incorporated (GTEFL). Accordingly, this docket was opened to address the deaveraged pricing of UNEs, as well as the pricing of UNE combinations and nonrecurring charges. An administrative hearing was held on July 17, 2000, on the Part One issues identified in Order No. PSC-00-2015-PCO-TP, issued June 8, 2000. Part Two issues, also identified in Order No. PSC-00-2015-PCO-TP, were heard in an administrative hearing on September 19-22, 2000. On August 18, 2000, Order No. PSC-00-1486-PCO-TP was issued granting Verizon Florida Inc.'s (formerly GTEFL) Motion to Bifurcate and Suspend Proceedings, as well as Sprint's Motion to Bifurcate Proceedings, for a Continuance and Leave to Withdraw Cost Studies and Certain Testimony.

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By Order No. PSC-01-1592-PCO-TP, issued August 2, 2001, the controlling dates for Phase III were established. By Order No. PSC-01-2132-PCO-TP, issued October 29, 2001, the issues were established and the Docket was divided into 990649A-TP, in which filings directed towards the BellSouth track would be placed, and 990649B-TP, in which filings directed towards the Sprint-Verizon track would be placed. The hearing in this matter was conducted on April 29 and 30, 2002.

We are now approaching the date upon which our staff is scheduled to present a recommendation for our consideration. The record in this matter is, however, broad, and it appears that additional time to allow our staff to more fully develop its recommendation is in order. As such, I find it appropriate to allow our staff additional time to prepare its recommendation.

Furthermore, I emphasize that the additional time provided by this continuance should be used wisely by the parties to engage in negotiations to resolve UNE rates in Florida. As emphasized by this Commission in Order No. PSC-02-0841-PCO-TP, a negotiated resolution is in the best interests of the parties and Florida consumers. The parties are certainly better able to determine the needs of their respective businesses, and as such, they should be afforded every opportunity to resolve these matters between themselves. The parties know which elements are of greatest priority to them and in which areas some accommodations can be made, which leads to the logical conclusion that a business solution should be preferable to the parties. Therefore, I encourage the parties to use this additional time to work amongst themselves and to focus on those areas of greatest importance. I am confident that concerted effort by the parties to resolve these issues will yield success in the coming weeks. As always, the parties may request the services of our Commission mediators to assist in their negotiation efforts.

Finally, should some or all issues in this proceeding be resolved, the parties should expeditiously notify us of that agreement and identify the extent to which it may enable us to limit the number of issues and elements upon which we may ultimately have to render a decision.

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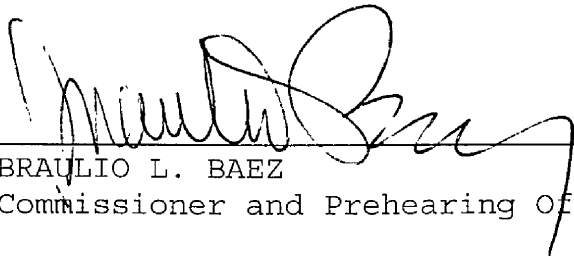
Based on the foregoing, this proceeding shall be continued. The new date for our consideration of our staff's recommendation in this matter will be October 14, 2002.

It is therefore

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that this proceeding shall be continued and that our consideration of our staff's recommendation in this matter will be set for October 14, 2002. It is further

ORDERED that this Docket shall remain open pending our final decision in this matter.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 5th Day of August, 2002.

  
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BRAULIO L. BAEZ  
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.