

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration
of unresolved issues in
negotiation of interconnection
agreement with Verizon Florida
Inc. by US LEC of Florida Inc.

DOCKET NO. 020412-TP
ORDER NO. PSC-02-1279-PCO-TP
ISSUED: September 18, 2002

ORDER ON SECOND MOTION FOR EXTENSION OF TIME

On May 15, 2002, US LEC of Florida Inc. (US LEC) filed a Petition for arbitration of unresolved issues in negotiation of an interconnection agreement with Verizon Florida Inc. (Verizon). On June 4, 2002, Verizon filed its response to the Petition. This matter has been set for an administrative hearing.

Order No. PSC-02-0928-FOF-TP, issued July 23, 2002, established September 5, 2002, as the deadline for filing rebuttal testimony and exhibits in this docket. On August 30, 2002, US LEC filed a Motion for Extension of Time requesting a fourteen (14) day extension to file rebuttal testimony. The Motion was granted by Order No. PSC-02-1213-PCO-TP and set September 19, 2002, as the new deadline for filing rebuttal testimony and exhibits.

On September 16, 2002, US LEC filed its Second Motion for Extension of Time for the Parties to File Prefiled Rebuttal Testimony and Exhibits. In the Motion, US LEC is requesting an additional seven (7) days for the parties to file Prefiled Rebuttal Testimony and Exhibits. In support of its Motion, US LEC states that an additional seven days will allow US LEC a reasonable period of time to review Verizon's responses to US LEC's discovery requests, prior to the filing of its rebuttal testimony.

In addition, counsel for US LEC states it has conferred with counsel for Verizon and is authorized to represent that Verizon does not object to the Motion, so long as both US LEC and Verizon maintain their prior agreement as set forth in US LEC's First Motion for Extension of Time. Furthermore, counsel for US LEC states counsel for Verizon also authorized counsel for US LEC to represent that both parties have agreed to respond to any discovery requests served by Commission Staff within thirteen (13) days of service.

DOCUMENT NUMBER DATE

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Upon consideration, it appears reasonable and appropriate to extend the Rebuttal Testimony due date as requested. Accordingly the deadline for filing Rebuttal Testimony and Exhibits is extended until September 26, 2002.

Based on the foregoing, it is,

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that US LEC of Florida Inc.'s Second Motion for Extension of Time for filing Rebuttal Testimony is approved. The date is hereby extended until September 26, 2002.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 18th day of September, 2002.



BRAULIO L. BAEZ
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.

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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.