

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Florida  
Competitive Carriers Association  
against BellSouth  
Telecommunications, Inc.  
regarding BellSouth's practice  
of refusing to provide  
FastAccess Internet Service to  
customers who receive voice  
service from a competitive voice  
provider, and request for  
expedited relief.

DOCKET NO. 020507-TL  
ORDER NO. PSC-03-0177-PCO-TL  
ISSUED: February 5, 2003

ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

On June 12, 2002, the Florida Competitive Carriers Association (FCCA) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) and a Request for Expedited Relief seeking relief from BellSouth's practice of refusing to provide its FastAccess service to customers who receive voice service from an Alternative Local Exchange Carrier (ALEC). By Order No. PSC-02-0935-PCO-TL, issued July 12, 2002, the request for expedited relief was denied.

By Order No. PSC-03-0084-PCO-TL, issued January 10, 2003, BellSouth's Motion to Compel was granted in part and denied in part and FCCA's Motion for Protective Order was denied. On January 17, 2003, FCCA file its Motion for Reconsideration of Order No. PSC-03-0084-PCO-TL. On January 22, 2003, BellSouth filed its Response in Opposition to FCCA's motion. On January 17, 2003, BellSouth filed its Second Emergency Motion to Compel against FCCA. On January 24, 2003, FCCA filed its Response to BellSouth's Second Motion to Compel.

On January 22, 2002, BellSouth filed a Motion for Continuance of the Hearing scheduled January 30, 2002. On January 23, 2002, FCCA filed its Response to the Motion for Continuance. By Order No. PSC-03-0129-PCO-TL, issued January 23, 2003, the Hearing scheduled for January 30, 2003, was continued.

DOCUMENT NUMBER-DATE  
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FPC-03-0177-PCO-TL CLERK

As indicated in Order No. PSC-03-0129-PCO-TL, the hearing date would be rescheduled for a later date. Accordingly, the hearing and key activities dates are modified as follows:

- 1) Discovery Cutoff Date April 9, 2003
- 2) Hearing April 16, 2003
- 3) Briefs May 14, 2003

Except as modified herein, Orders Nos. PSC-02-1537-PCO-TL, issued November 12, 2002 (the Prehearing Order), and PSC-03-0152-PHO-TL, issued January 29, 2003 (the Prehearing Order), are reaffirmed in all other respects.

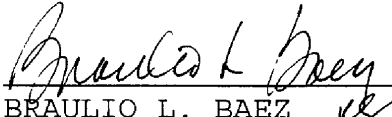
Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Hearing and key activities dates are modified as set forth in the body of this Order. It is further

ORDERED that Orders Nos. PSC-02-1537-PCO-TL, issued November 12, 2002 (the Prehearing Order), and PSC-03-0152-PHO-TL, issued January 29, 2003 (the Prehearing Order), are reaffirmed in all other respects. It is further

ORDERED that this docket shall remain open pending further proceedings.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 5th day of February, 2003.

  
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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.

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; or (2) 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.