

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency petition of AT&T  
Communications of the Southern States, LLC  
d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a  
ACC Business d/b/a SmarTalk d/b/a  
Unispeaks Service d/b/a AT&T for cease and  
desist order and other sanctions against Supra  
Telecommunications and Information Systems,  
Inc.

DOCKET NO. 030200-TP  
ORDER NO. PSC-03-0764-PCO-TP  
ISSUED: June 25, 2003

ORDER GRANTING MOTION FOR SUSPENSION OF PROCEDURAL SCHEDULE

On February 24, 2003, AT&T Communications of the Southern States, LLC d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a ACC Business d/b/a SmarTalk d/b/a Unispeaks Service d/b/a AT&T (collectively, AT&T), filed its Emergency Petition Requesting a Cease and Desist Order and Other Sanctions Against Supra Telecommunications and Information Systems, Inc. (Supra). On March 17, 2003, Supra filed its Motion to Dismiss AT&T's Emergency Petition, and on March 24, 2003, AT&T filed its Response to Supra's Motion to Dismiss. On May 6, 2003, Order No. PSC-03-0578-FOF-TP was issued, denying Supra's Motion to Dismiss and setting the matter for hearing. By Order No. PSC-03-0635-PCO-TP, issued May 23, 2003, the hearing and prehearing dates as well as other key activities dates were established for this proceeding. On June 11, 2003, AT&T filed its Motion for Extension of Time to File Testimony. That Motion was granted by Order No. PSC-03-0708-PCO-TP, issued on June 13, 2003. On June 18, 2003, AT&T filed its Motion for Suspension of Procedural Schedule.

In support of its Motion, AT&T states that direct testimony and rebuttal testimony filing dates are currently June 18, 2003, and July 2, 2003, respectively. AT&T asserts that the parties are in settlement negotiations, which they anticipate will result in the amicable resolution of all matters at issue in this proceeding. AT&T contends that these negotiations are substantially completed, but additional time is needed to allow the final details of the settlement to be completed. AT&T requests that in light of the anticipated settlement in this matter, the present procedural schedule be suspended. AT&T reports that counsel for Supra has authorized AT&T to represent that Supra agrees with and joins in the Motion.

Given that the parties have represented that the continued negotiations appear to have been successful and final agreement is expected within the next few days, I find it appropriate to approve the Motion for Suspension of Procedural Schedule. Accordingly, all procedural dates established in Order No. PSC-03-0635-PCO-TP, as modified by Order No. PSC-03-0708-PCO-TP, are hereby suspended, pending further order of this Commission.

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Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that AT&T's Motion for Suspension of Procedural Schedule is granted as set forth in the body of this Order.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 25th Day of June, 2003.

  
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CHARLES M. DAVIDSON  
Commissioner and Prehearing Officer

( S E A L )

LF

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; 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

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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.