

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida,  
Inc. for arbitration of certain  
unresolved issues in  
negotiations for interconnection  
and resale agreement with  
Sprint-Florida, Incorporated.

DOCKET NO. 030467-TP  
ORDER NO. PSC-03-1013-PCO-TP  
ISSUED: September 9, 2003

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

By Order No. PSC-03-0865-PCO-TP, issued July 24, 2003, (Order Establishing Procedure), revised by Order No. PSC-03-0936-PCO-TP, issued August 15, 2003, procedures for this docket were established. However, due to a conflict in scheduling, the date of the hearing for this docket has been changed. This necessitates changing the controlling dates and cutoff for discovery. Hence, the following dates have been established to govern the key activities of this case:

- |                                    |                        |
|------------------------------------|------------------------|
| 1) Direct testimony and exhibits   | October 1, 2003        |
| 2) Rebuttal testimony and exhibits | November 5, 2003       |
| 3) Prehearing Statements           | December 5, 2003       |
| 4) Prehearing Conference           | December 15, 2003      |
| 5) Hearing                         | January 13-14,<br>2004 |
| 6) Briefs                          | February 27, 2004      |

In addition, all discovery shall be completed by January 5, 2004.

All other aspects of the Order Establishing Procedure, Order No. PSC-03-0865-PCO-TP, as revised by revised by Order No. PSC-03-0936-PCO-TP, are affirmed.

It is therefore,

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ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the the controlling and discovery cutoff dates are revised as set forth in the body of this Order. It is further,

ORDERED that all other aspects of Order No. PSC-03-0865-PCO-TP, as revised by revised by Order No. PSC-03-0936-PCO-TP, are reaffirmed.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 9th Day of September, 2003.

 for Commissioner Braulio Baez

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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.

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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 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.