

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.

DOCKET NO. 030851-TP
ORDER NO. PSC-04-0198-PCO-TP
ISSUED: February 23, 2004

ORDER DENYING MOTION TO ACCEPT LATE-FILED EXHIBITS
TO BE PLACED IN THE RECORD
AND TO BE USED FOR IMPEACHMENT PURPOSES

BY THE COMMISSION:

I. Case Background

In response to the Federal Communications Commission's ("FCC's") August 21, 2003, Triennial Review Order ("TRO"), this Commission opened two dockets to ascertain whether a requesting carrier is impaired by lack of access to certain incumbent local exchange companies' network elements. This docket was initiated to implement those provisions of the TRO concerning whether CLECs are impaired without access to unbundled local circuit switching.

II. Motion

On February, 19, 2004, Supra Telecommunications and Information Systems, Inc., ("Supra"), filed a Motion To Accept Late-Filed Exhibits To Be Placed In The Record And To Be Used For Impeachment Purposes. Supra claims that the late-filed exhibits ("Exhibits") are necessary to impeach BellSouth claims made with respect to the BellSouth Analysis of Competitive Entry ("BACE") model. The Exhibits can be divided into two subject matters: (1) Winback campaigns and (2) Exempted high-spending customers not accounted for in the BACE model.

III. Decision

The Motion is denied. To the extent that Supra is asking that these Exhibits be entered into the record prior to hearing and without being sponsored by a witness, the request is procedurally improper and premature. In rendering this decision on Supra's request, I do not decide whether these Exhibits can be entered into the record at hearing through a more procedurally appropriate vehicle. This decision does not preclude Supra from attempting to do so.

DOCUMENT NUMBER-DATE

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Based upon the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, Prehearing Officer, that Supra's Motion To Accept Late-Filed Exhibits to Be Placed In The Record And to Be Used For Impeachment Purposes is denied to the extent set forth in the body of this Order.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 23rd day of February, 2004.



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(SEAL)

JLS

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

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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.