

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain issues arising in negotiation of interconnection agreement with **BellSouth** Telecommunications, Inc., by **Cbeyond** Communications, LLC.

DOCKET NO. 040514-TP
ORDER NO. PSC-04-0817-PCO-TP
ISSUED: August 20, 2004

ORDER GRANTING JOINT MOTION
TO HOLD PROCEEDING IN ABEYANCE

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy and inexpensive determination of all aspects of the case.

On May 28, 2004, Cbeyond Communications, LLC (Cbeyond) filed a Petition for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. (BellSouth). On June 22, 2004, BellSouth filed its Response to Cbeyond's Petition. On July 23, 2004, both parties filed a Joint Motion to hold the Proceeding in Abeyance. This Order only addresses the Joint Motion.

In the Joint motion, the parties highlight that many of the Federal Communications Commission (FCC) rules regarding BellSouth's obligation to provide Cbeyond network elements on an unbundled basis are currently subject to review and revision by the FCC. Both parties agree that they will continue to operate under their current Interconnection Agreement until they are able to move into the new arbitrated/negotiated agreement that ensues from this proceeding. In addition, parties agree that ninety-day (90) abatement would be a sufficient amount of time to incorporate the new rules into their Interconnection Agreement, and reduce the current amount of issues, if not all issues. Parties will file amended issues matrices on October 15, 2004, if necessary.

In light of the above, the Joint Motion to hold the Proceeding in Abeyance is hereby granted in its entirety. If the parties do not reach agreement on all issues, then the parties shall file amended issues matrices on October 15, 2004.

Based on the foregoing, it is

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that Cbeyond Communications, LLC and BellSouth Telecommunications, Inc.'s Joint Motion to Hold the Proceeding in Abeyance is hereby granted. It is further,

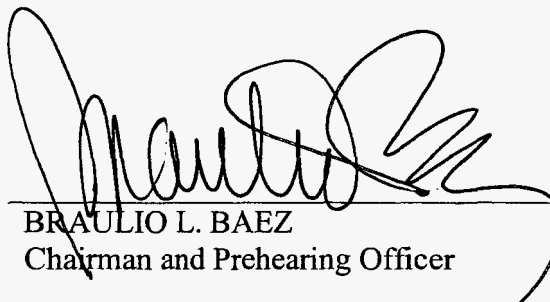
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ORDERED that parties are hereby required to file amended issues matrices on October 15, 2004, barring any resolution of all issues to the Interconnection Agreement.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 20th day of August, 2004.



BRAULIO L. BAEZ
Chairman 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 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

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remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.