

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint of Florida Digital Network, Inc. d/b/a FDN Communications against BellSouth Telecommunications, Inc. for resolution of certain billing disputes and enforcement of unbundled network element (UNE) orders and interconnection agreements.

DOCKET NO. 030829-TP
ORDER NO. PSC-04-0864-PCO-TP
ISSUED: September 3, 2004

ORDER MODIFYING PROCEDURAL ORDERS

On August 18, 2003, Florida Digital Network, Inc. d/b/a FDN Communications (FDN) filed a Complaint for Resolution of Certain Billing Disputes and Enforcement of UNE Orders and Interconnection Agreements with BellSouth Telecommunications, Inc. (BellSouth). On September 3, 2003, BellSouth filed its Answer and Counterclaim. By Order No. PSC-04-0121-PCO-TP, issued February 2, 2004, (Order Establishing Procedure), this matter was scheduled for an administrative hearing on August 18, 2004. Subsequently, upon Motion from FDN, Order No. PSC-04-0638-PCO-TP was issued revising the Prehearing and Hearing dates to September 20, 2004 and October 6, 2004, respectively.

Commission calendaring considerations now require that the Prehearing be moved from the presently designated date.

Therefore, the pertinent date set forth in Order PSC-04-0638-PCO-TP is modified as follows:

Prehearing Conference

September 14, 2004

Except as modified herein, Orders No. PSC-04-0121-PCO-TP and PSC-04-0638-PCO-TP are affirmed in all other respects.

Based on the foregoing, it is

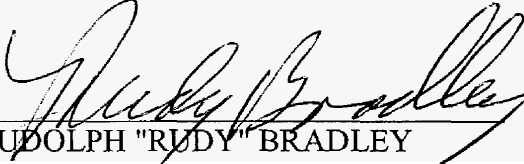
ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Order No. PSC-04-0121-PCO-TP, issued February 2, 2004, and Order No. PSC-04-0638-PCO-TP issued on July 2, 2004, are modified as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-04-0121-PCO-TP and Order No. PSC-04-0638-PCO-TP issued on July 2, 2004, are hereby affirmed in all other respects.

DOCUMENT NUMBER-DATE
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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
3rd day of September, 2004



RUDOLPH "RUDY" BRADLEY
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; 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.