

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. | DOCKET NO. 040301-TP
ORDER NO. PSC-04-1180-PCO-TP
ISSUED: November 30, 2004

ORDER GRANTING
BELLSOUTH TELECOMMUNICATIONS, INC.'S
EMERGENCY MOTION FOR CONTINUANCE

BY THE COMMISSION:

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 promote the just, speedy and inexpensive determination of all aspects of the case.

On November 29, 2004, BellSouth Telecommunications, Inc. (BellSouth) filed an Emergency Motion for Continuance (Motion) requesting this proceeding be continued until a determination can be reached as to whether the UNE-P to UNE-L conversion issue is best considered on a generic basis in which all CLECs can participate. BellSouth also states that the only issues in this proceeding that are unique to both BellSouth and Supra, (issues one and two) are no longer relevant because Supra agreed to dismiss the issues.

On November 30, 2004, Supra Telecommunications and Information Systems, Inc. (Supra) filed its response citing three reasons for denying the motion. First, Supra states that it would be severely prejudiced by granting a continuance in light of the uncertainty surrounding UNE-P. Second, Supra's complaint is not mooted by the agreed dismissal of two counts and the filing of a petition for a generic docket. Third, Supra argues that should the Commission be inclined to grant the motion, it should grant Supra's request for an interim rate subject to a true-up.

Upon consideration, BellSouth's Motion For Continuance is hereby granted to the extent that it asks that this matter be continued. The more specific timing and procedural questions raised in BellSouth's motion will be addressed at a later date. It should also be noted that the parties should continue negotiating towards a final resolution of the issues in this docket.

Based on the foregoing, it is

ORDERED by Rudolph "Rudy" Bradley, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Emergency Motion For Continuance is granted.

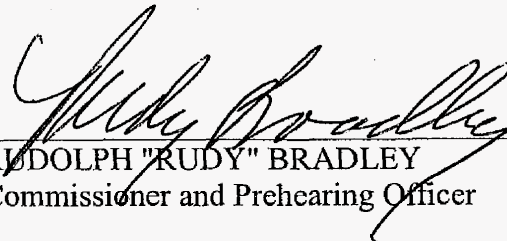
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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
30th day of November, 2004.


RUDOLPH "RUDY" BRADLEY
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 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.