

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-05-0335-PCO-TP
ISSUED: March 24, 2005

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. An Order Establishing Procedure (OEP)¹ was issued on February 21, 2005. On March 14, 2005, the parties filed a Joint Motion to Hold Proceeding in Abeyance (Joint Motion).

In the Joint Motion, the parties respectfully request that this proceeding be held in abeyance with the established procedural schedule suspended to permit further negotiations between the parties. The parties will inform the Commission periodically of the progress of such negotiations. The parties further propose to file a Motion asking for a modified procedural schedule for this arbitration when the parties deem that further negotiations no longer would be fruitful. Parties also represent that in the event the motion is granted, the parties agree to waive the nine month deadline under 47 U.S.C. §252(b)(4)(C) for final resolution by the Commission of the issue set forth in the OEP.

In light of the above, the Joint Motion to Hold Proceeding in Abeyance is hereby granted in its entirety. The parties shall notify our staff via e-mail of the progress of the negotiations every thirty (30) calendar days, and shall file a motion containing a proposed modified procedural schedule for this arbitration if the parties' negotiations do not result in resolution of all matters in this Docket.

¹ Order No. PSC-05-0158-PCO-TP.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

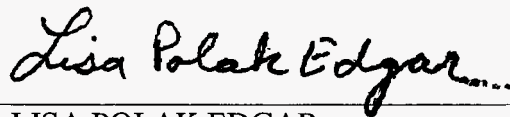
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Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, 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,

ORDERED that Cbeyond Communications, LLC and BellSouth Telecommunications, Inc. shall notify our staff every thirty (30) calendar days regarding the progress of the negotiations and shall file a motion containing a proposed modified procedural schedule for this arbitration when the parties deem that further negotiations are no longer needed.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 24th day of March, 2005.



LISA POLAK EDGAR
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

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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.