

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida Inc.

DOCKET NO. 040156-TP
ORDER NO. PSC-05-0484-PCO-TP
ISSUED: May 4, 2005

ORDER DENYING MOTION TO COMPEL

On April 27, 2005, the Competitive Carrier Group (CCG) filed its Motion to Compel Discovery from Verizon Florida Inc. (Verizon), wherein CCG asserted it had served discovery requests upon Verizon on April 8, 2005, and Verizon has not responded. CCG urges that because of a Stipulation filed with this Commission on April 26, 2005, Verizon is obligated to respond to CCG's discovery request. The Stipulation provides that "discovery responses described in the Staff's Exhibit List" would become a part of this proceeding, and CCG emphasizes the subject of the Motion to Compel is identified in staff's Proposed Exhibit list as Verizon's Responses to CCG's First Set of Interrogatories (1-11) and Second Request for Production of Documents (Nos. 2-6). Therefore, argues CCG, the requested discovery was stipulated by all parties, including Verizon.

Verizon responds that the discovery requests were served late in that the response due date is April 23, 2005, after the cut-off date for discovery set forth in Order No. PSC-05-0221-PCO-TP. Therefore, Verizon contends it is not obligated to respond. Additionally, Verizon argues that CCG's argument regarding the Stipulation is flawed as the Stipulation cannot compel discovery that is otherwise objectionable. Verizon notes that if CCG's argument prevails, every objection based on relevancy by any party to any discovery would be moot.


Upon consideration, Verizon makes the more persuasive argument in this matter. CCG's request was served too late, and, therefore, Verizon shall not be compelled to respond. CCG's argument results in an overly broad application of the Stipulation in this case.

DOCUMENT NUMBER-DATE
04345 MAY-4 2005
PSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that the Competitive Carrier Group's Motion to Compel is hereby denied.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 4th day of May, 2005



CHARLES M. DAVIDSON
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.