

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of 9278 Communications, Inc. for apparent violation of Sections 364.02 and 364.04, Florida Statutes. | DOCKET NO. 030696-TI  
| ORDER NO. PSC-05-0497-PCO-TI  
| ISSUED: May 5, 2005

ORDER GRANTING MOTION TO COMPEL

Pursuant to the Order Establishing Procedure, Order No. PSC-05-0019-PHO-TI, all discovery responses are due 20 days after service of the request with no additional time for mailing. Commission Staff served its First Set of Interrogatories and First Request for Production of Documents on 9278 Communications, Inc. (9278) on February 8, 2005, by U.S. Mail. Thus, 9278's responses were due on February 28, 2005.

On February 25, 2005, 9278 filed a Motion for Extension of Time, requesting an additional 10 days to respond to Staff's discovery request. Staff did not file a response opposing the motion. On March 14, 2005, 9278 filed an Amended Request for Extension of Time, asking for an extension to file its responses to Staff's discovery to March 18, 2005. In the amended request, counsel for 9278 stated that he had contacted Staff counsel and that Staff counsel had no objection to the request. The motion was granted and the time for 9278 to respond to Commission Staff's First Set of Interrogatories and Request for Production of Documents was extended to March 18, 2005.

On April 20, 2005, Commission Staff filed a Motion to Compel, asserting that none of the discovery responses have been received from 9278. 9278 has not responded to the motion to compel discovery.

Based upon the foregoing, it is


ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Commission Staff's Motion to Compel 9278 Communications, Inc. to respond to Staff's First Set of Interrogatories and Request for Production of Documents is hereby granted. 9278 is directed to answer these discovery requests within 10 days of the issuance date of this order. Pursuant to the Order Establishing Procedure, 9278's responses to interrogatories, and to the extent possible, its responses to the request for documents, shall be served by e-mail. A hard copy of the responses shall follow by U.S. Mail or hand delivery.

DOCUMENT NUMBER - DATE

04410 MAY-5 05

FPSC-COMMISSION CLERK

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 5th day of  
May \_\_\_\_\_, 2005

  
LISA POLAK EDGAR  
Commissioner and Prehearing Officer

( S E A L )

CTM

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.