

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for alleged violation of Section 364.16(3)(a), F.S., by Sprint-Florida, Incorporated.

DOCKET NO. 041144-TP
ORDER NO. PSC-05-0871-PCO-TP
ISSUED: August 31, 2005

ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEFS

On September 24, 2004, Sprint-Florida, Incorporated (Sprint) filed its complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (collectively KMC) for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs, and for alleged violation of Section 364.16(3)(a), F.S.

The hearing in this matter was convened on July 12, 2005. At that hearing, the parties reached a procedural stipulation, which included the filing of reply briefs. The stipulation was accepted by the Commission, and it was determined that the reply briefs would be due September 2, 2005. On August 23, 2005, KMC filed a Motion for Extension of Time to File Reply Briefs. Therein, KMC requests an additional five days, until September 7, 2005, to file the reply briefs. KMC asserts that, in view of the arguments presented in the parties' initial briefs, an extension of time will allow each party to more fully analyze and address the competing arguments in the reply briefs. Furthermore, KMC asserts that neither party will be prejudiced by an extension, nor will the requested extension have a significant impact on the current schedule. As such, KMC requests that both parties be authorized to file their reply briefs on September 7, 2005. KMC indicates that Sprint does not oppose this request.

Upon consideration, the request appears reasonable and unlikely to adversely affect the current schedule to any significant degree. Thus, the request is granted.

It is therefore

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that KMC's Motion for Extension of Time to File Reply Briefs is hereby granted. It is further

ORDERED that Reply Briefs shall be due September 7, 2005.

ORDERED that this Docket shall remain open.

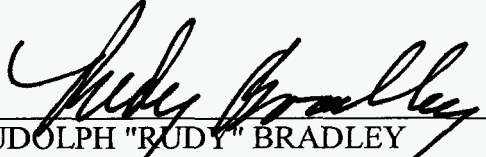
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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
31st day of August, 2005.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

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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.