

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition by NewSouth  
Communications Corp., NuVox  
Communications, Inc., and Xspedius  
Communications, LLC, on behalf of its  
operating subsidiaries Xspedius Management  
Co. Switched Services, LLC and Xspedius  
Management Co. of Jacksonville, LLC, for  
arbitration of certain issues arising in  
negotiation of interconnection agreement with  
BellSouth Telecommunications, Inc.

DOCKET NO. 040130-TP  
ORDER NO. PSC-05-1136-PCO-TP  
ISSUED: November 10, 2005

ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME

On February 11, 2004, a joint petition for arbitration was filed on behalf of NewSouth Communications, Inc., NuVox Communications, Inc., KMC Telecom V, Inc. and KMC Telecom III, L.L.C., and Xspedius Communications LLC (collectively "Joint Petitioners") with BellSouth Telecommunications, Inc. (BellSouth). On March 8, 2004, BellSouth filed its Answer to the Petition, and on August 19, 2004, Order No. PSC-04-0807-PCO-TP was issued, holding the docket in abeyance until October 15, 2004.

Pursuant to Order Nos. PSC-04-0488-PCO-TP, PSC-05-0065-PCO-TP, and PSC-05-0330-PCO-TP, an administrative hearing was held on April 26 through 28, 2005. On June 9, 2005, parties submitted their post-hearing briefs, and on August 2, 2005, the Commission rendered a decision. The Commission's decisions were codified in Order No. PSC-05-0957-FOF-TP, issued October 11, 2005. The parties were required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of that Order.

On November 7, 2005, the parties filed a Joint Motion for Extension of Time (Joint Motion) to file an executed agreement. In their Joint Motion, the parties state that they need additional time to negotiate a final agreement. The parties request a 30-day extension or until December 9, 2005. The parties mention that no party will be prejudiced by such extension.

Upon review and consideration, the Joint Motion is granted. The parties have up to, and including, December 9, 2005, to file a final arbitration agreement in accordance with Order No. PSC-05-0957-FOF-TP.

DOCUMENT NUMBER-DATE


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FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley that the Joint Motion for Extension of Time is hereby granted as set forth in the body of this Order.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 10th day of November, 2005.

  
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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.