

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

DOCKET NO. 041464-TP  
ORDER NO. PSC-06-0089-PCO-TP  
ISSUED: February 8, 2006

ORDER GRANTING STAY PENDING RECONSIDERATION

This Order is issued under 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 January 10, 2006, this Commission issued its Final Order, Order No. PSC-06-0027-FOF-TP, setting forth its findings on the issues presented in this Docket. That Order provided that the parties shall submit to this Commission, within 30 days of the issuance of the Order, a conforming agreement for review by our staff. On January 25, 2006, Sprint-Florida, Incorporated (Sprint) filed its Motion for Reconsideration. On February 1, 2006, Florida Digital Network, Inc. d/b/a FDN Communications (FDN) filed its Response and Motion to Stay Pending Reconsideration.

The proper and fair consideration of the Motion for Reconsideration by this Commission will require some time, but will be done expeditiously. Consequently, February 9, 2006 is not a realistic date for submission of the agreement between Sprint and FDN, recognizing that the Motion for Reconsideration presents the possibility of change or greater clarification of this Commission's findings in the Final Order. Similarly, in Docket No. 040156-TP (Verizon generic arbitration) this Commission temporarily stayed the filing of amendments and/or agreements by the parties until reconsideration was addressed.<sup>1</sup> Accordingly, I find it appropriate and reasonable to grant FDN's Motion to Stay Pending Reconsideration in the instant arbitration proceeding.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that a stay of the required date for the submission of the conforming agreement between Sprint-Florida, Incorporated and Florida Digital Network, Inc. d/b/a FDN Communications is hereby granted pending this Commission's findings on the Motion for Reconsideration. It is further

ORDERED that the precise revised date for the submission of the agreement will be determined contiguous with the decision on the Motion for Reconsideration.


<sup>1</sup> See Order PSC-06-0018-PCO-TP.

DOCUMENT NUMBER-DATE

01120 FEB-8 06

FPSC-COMMISSION CLERK

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 8th day of February, 2006.

  
\_\_\_\_\_  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

KS

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.