

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telecom, L.P.; Broadwing Communications, LLC; and John Does 1 through 50 (CLEC's whose true names are currently unknown) for rate discrimination in connection with the provision of intrastate switched access services in alleged violation of Sections 364.08 and 364.10, F.S.

DOCKET NO. 090538-TP  
ORDER NO. PSC-10-0170-PCO-TP  
ISSUED: March 23, 2010

ORDER GRANTING ABEYANCE OF OBJECTION TO SUBPOENA DUCES TECUM

On December 11, 2009, Qwest Communications Company, LLC (Qwest) filed a complaint regarding rate discrimination in connection with the provision of intrastate switched access services. On or about January 15, 2010, Qwest served a Subpoena Duces Tecum without Deposition on AT&T Corp, AT&T Communications of the Southern States, LLC (AT&T). Qwest also served a Subpoena Duces Tecum to Sprint Communications Company Limited Partnership on or about January 26, 2010. On or about January 28, 2010, Qwest served a Subpoena Duces Tecum to Verizon Business Services.

AT&T filed a Non-Party Objection to Subpoena Duces Tecum on January 29, 2010. On February 2, 2010, MCI Communications Services, Inc d/b/a/ Verizon Business Services filed an Objection of Non-Party to Subpoena Duces Tecum. Sprint Communications Company Limited Partnership and SprintCom, Inc. also filed an Objection of Non-Party to Subpoena Duces Tecum on February 3, 2010.

On February 5, 2010, Qwest filed its Response to AT&T's Notice of Non-Party's Objecting to Subpoena Duces Tecum. On February 9, 2010, Qwest filed a Response to Sprint's Objection of Non-Party to Subpoena Duces Tecum and a Response to Petition of Non-Party MCI Communications Services, Inc. d/b/a Verizon Business Services Objecting to Subpoena Duces Tecum.

In each of its responses, Qwest states it has been authorized by counsel for Sprint, AT&T and Verizon to represent that consideration of their objections should be held in abeyance, that Qwest need not respond to the substance of each company's objections at this time, and that the abeyance remain unless and until the companies reach an impasse.

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FPSC-COMMISSION CLERK

As Qwest has been authorized by counsel to represent that this Commission hold the matter of the objections to the Subpoena Duces Tecum in abeyance unless and until the companies reach an impasse and our staff has no objection, it appears no one will be harmed by the request. Upon consideration, the request to hold the Objections to the Subpoenas Duces Tecum is granted. If one company requires this Commission to make a determination regarding its objections to Qwest's Subpoena Duces Tecum, it shall not affect the abeyance granted to the other companies regarding their objections.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that AT&T Inc., AT&T Corp, and AT&T Communications of the Southern States, LLC's Objections to Qwest Communications Company, LLC's Subpoena Duces Tecum be held in abeyance. It is further


ORDERED that MCI Communications Services, Inc d/b/a Verizon Business Services Objections to Qwest's Subpoena Duces Tecum be held in abeyance. It is further

ORDERED that Sprint Communications Company Limited Partnership and SprintCom, Inc.'s Objection of Non-Party to Subpoena Duces Tecum be held in abeyance. It is further

ORDERED that if one company requires a determination regarding its objections to Qwest's Subpoena Duces Tecum, it shall not affect the abeyance granted to the other companies regarding their objections. It is further

ORDERED that the parties shall inform staff of the status of the discussions regarding Qwest's Subpoenas Duces Tecum in sixty days from the issuance of this Order.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 23rd day of March, 2010.

  
LISA POLAK EDGAR  
Commissioner and Prehearing Officer

(SEAL)

TLT

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.