

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth Telecommunications, Inc. d/b/a AT&T Florida against Grande Communications Networks LLC, and Grande Communications Networks, Inc. for dispute arising under interconnection agreement.

DOCKET NO. 100275-TP
ORDER NO. PSC-10-0418-PCO-TP
ISSUED: June 30, 2010

ORDER GRANTING UNOPPOSED MOTION TO REVISE SCHEDULE

On May 11, 2010, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed a Complaint and Petition for Relief (Complaint) against Grande Communications Networks LLC, and Grande Communications Networks (Grande). On May 27, 2010, pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), Grande filed an Unopposed Motion to Set Schedule to respond to AT&T Florida's Complaint by June 8, 2010. That motion was granted by Order No. PSC-10-0352-PCO-TP, issued June 4, 2010. On June 7, 2010, pursuant to Rule 28-106.204, F.A.C., Grande filed an Unopposed Motion to Revise Schedule to respond to AT&T Florida's Complaint by June 18, 2010. That motion was granted by Order No. PSC-10-0379-PCO-TP, issued June 15, 2010.

Thereafter, on June 25, 2010, Grande filed another Unopposed Motion to Revise Schedule. Grande requests an extension to file its responsive pleadings to AT&T Florida's Complaint by June 25, 2010, or in the alternative, that the Commission accept Grande's responsive pleadings filed on June 25, 2010, as timely. Grande asserts that the Florida Administrative Code does not establish a deadline for filing a response, although a motion to dismiss must be filed no later than twenty days after service. Grande further asserts that it intended to file a Second Unopposed Motion to Revise Schedule, but the motion was not filed due to a clerical error, and therefore, the Commission did not revise the schedule. Grande asserts that: (a) it filed its Answer and Affirmative Defenses on the date agreed upon by the parties; (b) no party will be prejudiced by the filing; and (c) AT&T Florida does not oppose Grande's Motion.

I find that Grande's Motion does not prejudice any party at this time. While Grande's Answer and Affirmative Defenses were not filed by June 18, 2010, as required by Order No. PSC-10-0379-PCO-TP, I accept Grande's assertion that a clerical error prevented the filing of a Second Unopposed Motion to Revise Schedule. Upon consideration, I hereby grant Grande's Motion to file its Answer and Affirmative Defenses by June 25, 2010.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Grande Communications Networks LLC, and Grande Communications Networks, Inc.'s Unopposed

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Motion to Revise Schedule to file its responsive pleadings to BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Complaint by June 25, 2010, is granted.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 30th day of June, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

MCB

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.