

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida, LLC by Bright House Networks Information Services (Florida), LLC.

DOCKET NO. 090501-TP  
ORDER NO. PSC-10-0492-PCO-TP  
ISSUED: August 6, 2010

ORDER DENYING MOTION TO STRIKE  
AND  
GRANTING MOTION FOR LEAVE TO FILE AMENDED REPLY BRIEF

On July 30, 2010, Bright House Networks Information Services (Florida) LLC (“Bright House”) filed its Reply Brief in this proceeding. The Reply Brief substantially exceeded the 20 page limit established by Order No. PSC-10-0322-PHO-TP, issued in this Docket on May 19, 2010.

On August 3, 2010, Verizon Florida LLC (“Verizon”) filed a Motion to Strike (“Verizon Motion”) the portions of the Bright House Reply Brief exceeding the page limit. Verizon argues that Bright House has submitted a 31 page Reply Brief without permission to exceed the page limit and should not be permitted to gain an advantage over Verizon which complied with the 20 page limit.

On August 3, 2010, Bright House filed a Motion for Leave to File Amended Post Hearing Reply Brief (“Bright House Motion”) and an Amended Reply Brief. In the Bright House Motion, the company

- acknowledges exceeding the page limit for Reply Briefs
- asserts that the error was unintentional
- asserts that neither the Commission staff nor Verizon will experience any prejudice by permitting Bright House to file a shortened Reply Brief
- apologizes for the inconvenience caused by its error, and
- acknowledges that Verizon opposes the Bright House Motion.

The amended Reply Brief filed by Bright House conformed to the page limit requirement established by Order No. PSC-10-0322-PHO-TP.

Upon review, I find that denying the Verizon Motion and granting the Bright House Motion 1) will prejudice neither party, 2) ensures compliance with the Reply Brief page limit requirement established by Order No. PSC-10-0322-PHO-TP, and 3) is the best solution to the unfortunate circumstance that Bright House has created.

Based on the foregoing, it is

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ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Verizon Florida LLC's August 3, 2010, Motion to Strike is hereby Denied. It is further,

ORDERED that Bright House Network Information Services (Florida) LLC's August 3, 2010, Motion for Leave to File Amended Post Hearing Reply Brief is hereby Granted.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 6th day of August, 2010.



NATHAN A. SKOP  
Commissioner and Prehearing Officer

( S E A L )

CWM

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.