

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding reciprocal compensation for traffic terminated to internet service providers.

DOCKET NO. 981008-TP  
ORDER NO. PSC-98-1527-PCO-TP  
ISSUED: November 19, 1998

ORDER EXTENDING DATE FOR FILING DIRECT TESTIMONY

On August 6, 1998, American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (e.spire) filed a complaint against BellSouth Telecommunications, Inc. (BellSouth). By its Petition, e.spire requests enforcement of its interconnection agreement with BellSouth regarding reciprocal compensation for traffic terminated to Internet Service Providers. On August 31, 1998, BellSouth filed its Answer and Response to e.spire's Petition. This matter has been set for an administrative hearing on January 20, 1999.

By Order No. PSC-98-1396-PCO-TP, issued October 16, 1998, the procedural dates for this docket were established. In accordance with the Order, direct testimony for both parties was due November 5, 1998, and rebuttal testimony is due December 10, 1998. On November 5, 1998, BellSouth and e.spire filed an Agreed Motion for Extension of Time For Filing Testimony. Therein, the parties asked that the dates for filing direct and rebuttal testimony be extended. In view of the current schedule, the request appears appropriate. Extending these dates will not necessitate moving any other filing or hearing dates. The Agreed Motion shall be granted as it applies to the filing of direct testimony. Direct testimony shall be due from both parties on November 12, 1998. It is, however, noted that the parties asked that the date for filing rebuttal testimony be extended from November 19, 1998 to November 30, 1998. As noted above, the date reflected in Order No. PSC-98-

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1396-PCO-TP for filing rebuttal testimony is actually December 10, 1998. As such, the date for filing rebuttal testimony shall remain December 10, 1998, as set forth in the Order.

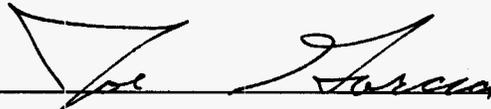
The Agreed Motion for Extension of Time for Filing Testimony is, therefore, granted, in part, and denied, in part. The parties shall file direct testimony on November 12, 1998. Rebuttal testimony shall be filed on December 10, 1998, in accordance with Order No. PSC-98-1396-PCO-TP. Order No. PSC-98-1396-PCO-TP is reaffirmed in all other respects.

Based upon the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the date for filing direct testimony is extended to November 12, 1998. It is further

ORDERED that Order No. PSC-98-1396-PCO-TP is reaffirmed in all other respects.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 19th Day of November, 1998.

  
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JOE GARCIA  
Commissioner and Prehearing Officer

( S E A L )

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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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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.