

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements (BellSouth track).

DOCKET NO. 990649A-TP  
ORDER NO. PSC-02-0384-PCO-TP  
ISSUED: March 21, 2002

ORDER ON MOTION FOR EXTENSION OF TIME

On May 25, 2001, this Commission issued its Final Order on Rates for Unbundled Network Elements Provided by BellSouth (Phases I and II), Order No. PSC-01-1181-FOF-TP. Furthermore, we ordered BellSouth to refile, within 120 days of the issuance of the Order, revisions to its cost study addressing xDSL-capable loops, network interface devices, and cable engineering and installation. The parties to the proceeding were also ordered to refile within 120 days of the issuance of the Order, proposals addressing network reliability and security concerns as they pertain to access to subloop elements. The hearing on this docket was held on March 11-12, 2002.

On March 15, 2002, BellSouth Telecommunications, Inc. (BellSouth), Florida Digital Network (FDN), AT&T, and Z-Tel filed a Joint Motion for Extension of Time for the filing of post-hearing briefs to April 19, 2002. In support thereof, the parties note that the transcript from the hearing will not be available until March 20, 2002, with the post hearing briefs being due two weeks after, on April 3, 2002. They note that several holidays will occur during the two week period, and this, along with some of the parties' counsels having scheduling conflicts, will prevent them from devoting the time necessary to preparing their briefs in this matter. The parties assert that the current briefing schedule will place a substantial burden on the parties, and that the extension requested will allow adequate time to address the large and complex record in this proceeding.

The parties state that they are not opposed to a concomitant two-week extension of the deadline for our staff to submit its recommendation. The only exception to this was MCI WorldCom and Z-Tel. These parties are opposed only if the extension of time will result in a delay in our decision on the matter.

Upon consideration, the parties' Joint Motion for Extension of Time is granted, in part, and denied, in part. Given the time constraints and intervening holidays, it is reasonable to permit

DOCUMENT NUMBER-DATE

03251 MAR 21 02

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-0384-PCO-TP  
DOCKET NO. 990649A-TP  
PAGE 2

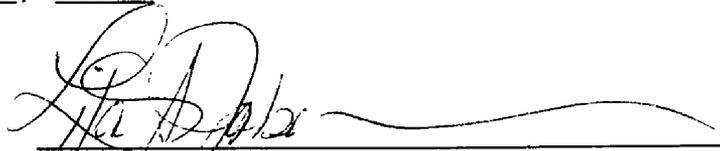
some additional time for the parties to fully address what is indeed a large and complex record. However, in order to keep the schedule for our decision as close to the current schedule as possible, the date by which briefs must be filed shall only be extended to April 12, 2002. Furthermore, this matter will now be scheduled for our consideration at a Special Agenda Conference on June 13, 2002. This limited extension will not result in any undue delay to the detriment of any party.

Based on the foregoing, it is therefore

ORDERED by Chairman Lila A. Jaber, as Prehearing Officer, that BellSouth Telecommunications, Inc., Florida Digital Network, AT&T, and Z-Tel's Joint Motion for Extension of Time is hereby granted, in part, and denied, in part. It is further

ORDERED that post-hearing statements and briefs in this matter shall be filed by April 12, 2002.

By ORDER of Chairman Lila A. Jaber, as Prehearing Officer, this 21st Day of March, 2002.

  
LILA A. JABER  
Chairman and Prehearing Officer

( S E A L )

WDK

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 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.