

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (AT&T FLORIDA TRACK)

DOCKET NO. 000121A-TP
ORDER NO. PSC-09-0741-PCO-TP
ISSUED: November 9, 2009

ORDER GRANTING CBeyond COMMUNICATIONS, LLC AND AT&T FLORIDA'S
JOINT MOTION TO STAY PROCEEDINGS

On October 9, 2009, Cbeyond Communications, LLC ("Cbeyond") filed its Complaint and Request for Stay of OSS Release against BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T. Due to the fact that AT&T plans to implement its new release in November, Cbeyond requested that its Complaint be processed on an expedited basis.

On October 19, 2009, the parties filed a Joint Motion to Stay Proceedings (Motion). The parties request that we stay the proceedings until the testing phase of the 22-state LEX GUI ordering interface is completed (which is currently expected to be completed November 9, 2009). In support of their Motion, the parties assert that after completion of the testing, Cbeyond will advise AT&T whether Cbeyond intends to move forward on the Complaint, and, if so, AT&T will have fifteen (15) days from such notification to file its response.

Upon consideration, I find it reasonable and appropriate to grant the parties' Motion. I further find that since both parties in this docket have requested the stay, no party will be prejudiced.

Based upon the foregoing, it is

ORDERED by Chairman Matthew M. Carter II, Prehearing Officer, that the parties' Joint Motion to Stay Proceedings is hereby granted. It is further


ORDERED that all proceedings in this docket shall be stayed until the testing phase of the 22-state LEX GUI ordering interface is completed (which is currently expected to be completed November 9, 2009).

DOCUMENT NUMBER DATE

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FPSC-COMMISSION OF FL

By ORDER of Chairman Matthew M. Carter II, as Prehearing Officer, this 9th day of November, 2009.


MATTHEW M. CARTER II
Chairman and Prehearing Officer

(S E A L)

TJB

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.