

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC for resolution of interconnection dispute with Level 3 Communications, LLC, and request for expedited resolution.

DOCKET NO. 070408-TP
ORDER NO. PSC-07-0772-PCO-TP
ISSUED: September 21, 2007

ORDER ALLOWING SUPPLEMENTAL BRIEFS

I. Case Background

On July 11, 2007, Neutral Tandem, Inc. (Neutral Tandem) filed its Second Petition for Interconnection with Level 3 Communications (Level 3) and Request for Expedited Resolution and/or Interim Relief (Second Petition).¹ On July 25, 2007, Level 3 filed its Response and Motion to Dismiss Neutral Tandem's Second Petition.

On August 23, 2007, Commission staff and the parties participated in a conference call to discuss how this Commission should proceed in addressing Neutral Tandem's Second Petition. It is my understanding that neither party seeks additional oral argument before the Commission. However, Level 3 requests that both parties have an opportunity to file supplemental briefs addressing Issues 1-3(a) as set forth in Attachment A of Order No. PSC-07-0392-PCO-TX, issued May 3, 2007, in Docket No. 070127-TP. In response, Neutral Tandem requests that if the parties are allowed to file supplemental briefs, they be limited to addressing only the additional arguments raised in its Second Petition.

II. Decision

Upon consideration of the parties' positions, I find it appropriate to allow the parties to file supplemental briefs addressing Issues 1-3(a). The parties to this proceeding have had the benefit of oral argument and the filing of several pleadings to address the Commission regarding their respective positions. Accordingly, the parties' supplemental briefs shall be limited to five pages, excluding attachments, and shall be due fourteen (14) days from the date of this Order.

¹ By Order No. PSC-07-0698-FOF-TP, issued August 27, 2007, this Commission acknowledged, without prejudice, Neutral Tandem's Voluntary Dismissal of its First Petition for Interconnection with Level 3 Communications in Docket No. 070127-TX (Voluntary Dismissal Order). Pursuant to the Voluntary Dismissal Order, the hearing record from Docket No. 070127-TX was merged into Docket 070408-TP because the same issues were raised in both dockets.

DOCUMENT NUMBER-DATE

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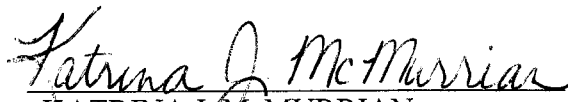
FPSC-COMMISSION CLERK

It is, therefore

ORDERED by Commissioner Katrina J. McMurrin, as Prehearing Officer, that each party may file a supplemental brief no longer than 5 pages, excluding attachments, addressing Issues 1-3(a) as set forth in Attachment A of Order No. PSC-07-0392-PCO-TX. It is further

ORDERED that supplemental briefs shall be due fourteen (14) days from the date of this Order.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 21st day of September, 2007.


KATRINA J. McMURRIAN
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; 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

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Commission Clerk, 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.