

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by DPI-Teleconnect, L.L.C.
against BellSouth Telecommunications, Inc.
for dispute arising under interconnection
agreement.

DOCKET NO. 050863-TP
ORDER NO. PSC-07-0814-PCO-TP
ISSUED: October 10, 2007

ORDER GRANTING EMERGENCY JOINT MOTION FOR CONTINUANCE
AND SECOND ORDER MODIFYING PROCEDURE

I. Case Background

On November 10, 2005, this docket was established to address dPi-Teleconnect, L.L.C.'s (dPi) complaint against BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) for a dispute arising under their interconnection agreement. On April 13, 2007, Order No. PSC-07-0322-PCO-TP (Order Establishing Procedure) was issued, scheduling the matter for an administrative hearing on July 11, 2007. By Order No. PSC-07-0571-PCO-TP (Order Modifying Procedure), issued July 9, 2007, the hearing was rescheduled to October 1, 2007.

On September 26, 2007, dPi filed a Motion for Continuance. By Order No. PSC-07-0791-PCO-TP, issued on September 27, 2007, dPi's Motion for Continuance was denied as untimely. On September 28, 2007, AT&T and dPi filed an Emergency Joint Motion for Continuance (Joint Motion).

II. Joint Motion

In support of the Joint Motion, the parties state that they are engaged in settlement negotiations and are attempting to resolve the issues in this case, both for Florida and on a region-wide basis. The parties anticipate that negotiations will proceed promptly, but recognize that negotiations cannot be completed before the October 1, 2007, hearing date. Therefore, the parties request a continuance of the hearing date on an emergency basis.

III. Ruling and Revised Controlling Dates

Because both parties seek a continuance and are working together to resolve their dispute, I find it reasonable and appropriate to grant the Joint Motion. The requested continuance appears to be in the best interest of the parties and the Commission because it will promote administrative economy if the issues can be settled without litigation. Further, no party will be prejudiced by a continuance. Accordingly, AT&T and dPi's Emergency Joint Motion for Continuance is hereby granted.

DOCUMENT NUMBER-DATE

09273 OCT 10 05

FPSC-COMMISSION CLERK

To keep the Commission informed of their progress, AT&T and dPi shall file a report jointly or separately by November 1, 2007, addressing the status of their settlement negotiations. If the parties do not reach a settlement agreement, the following revised dates shall govern this case:

- 1) Hearing November 30, 2007
- 2) Briefs December 21, 2007

Based on the foregoing, it is


ORDERED by Commissioner Katrina J. McMurrin, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a AT&T Florida and dPi-Teleconnect, L.L.C.'s Emergency Joint Motion for Continuance is granted. It is further

ORDERED that BellSouth Telecommunications, Inc. d/b/a AT&T Florida and dPi-Teleconnect, L.L.C., shall file a report by November 1, 2007, addressing the status of their settlement negotiations. It is further

ORDERED that the controlling dates as established in Order No. PSC-07-0571-PCO-TP are modified as set forth in this order. It is further

ORDERED that all other aspects of Order No. PSC-07-0571-PCO-TP are reaffirmed.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 10th day of October, 2007.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(SEAL)

TLT

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 25-22.060, 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.