

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and petition for relief against LifeConnex Telecom, LLC f/k/a Swiftel, LLC by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

DOCKET NO. 100021-TP

In re: Complaint and petition for relief against Image Access, Inc. d/b/a New Phone by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

DOCKET NO. 100022-TP

ORDER NO. PSC-10-0402-PCO-TP

ISSUED: June 18, 2010

ORDER HOLDING DOCKETS IN ABEYANCE

On January 8, 2010, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (“AT&T Florida”) filed a Complaint and Petition for Relief against LifeConnex Telecom, LLC f/k/a Swiftel, LLC (“LifeConnex”). This matter was assigned Docket No. 100021-TP. On January 8, 2010, AT&T Florida filed a similar Complaint and Petition for Relief against Image Access, Inc. d/b/a New Phone (“New Phone”). This matter has been assigned Docket No. 100022-TP.

In response to motions filed in these Dockets, the Florida Public Service Commission (“Commission”) has issued the following Orders:

Docket No. 100021-TP

PSC-10-0075-PCO-TP, issued in on February 8, 2010.

PSC-10-0100-PCO-TP, issued on February 23, 2010

PSC-10-0141-PCO-TP, issued on March 10, 2010

PSC-10-0259-PCO-TP, issued on April 26, 2010

Docket No. 100022-TP

PSC-10-0074-PCO-TP, issued on February 8, 2010

PSC-10-0101-PCO-TP, issued on February 23, 2010

PSC-10-0142-PCO-TP, issued on March 10, 2010

PSC-10-0260-PCO-TP, issued on April 26, 2010

A more detailed history of the Dockets is set forth in the aforementioned Orders. Numerous pending motions have not been addressed as a result of a Joint Motion on Procedural Issues (“Motion on Procedural Issues”) that was filed in both dockets on May 13, 2010, and a Joint Motion on Procedural Schedule (“Motion on Procedural Schedule”) (collectively, “Joint

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Motions”) that was similarly issued in both dockets on June 15, 2010. This Order addresses the two pending Joint Motions.

In the Motion on Procedural Issues, the parties ask this Commission to hold all other pending motions in abeyance and to convene a consolidated proceeding, in which AT&T and all respondents are parties, in order to resolve specified issues. Once the Commission has issued an order resolving issues in the consolidated phase, the parties agree to work in good faith to address remaining issues or, if necessary, to request this Commission to resolve such issues.

In the Motion on Procedural Schedule, the parties propose that the case before this Commission be held in abeyance pending resolution of similar cases in Alabama, Louisiana, North Carolina, and South Carolina. The parties contend that decisions reached in these states will have significant impact on the parties’ ongoing discussions of issues raised in claims and counter claims before this Commission. The parties agree to submit a progress report to this Commission by November 1, 2010, and also to hold in abeyance any applicable time limits or other procedural rights that are inconsistent with the Motion on Procedural Schedule.

Having reviewed the Joint Motions, I will hold these two Dockets in abeyance pending either resolution of the cases in the states set forth above or the filing of a persuasive motion to resume the dockets. Upon resumption of the dockets, I will consider motions from the parties which take into account intervening events and address both the appropriate scope of the proceedings and the appropriate posture of the proceedings with respect to consolidation. Upon resumption of the Dockets, the parties will be expected to withdraw all moot or superseded motions that are currently pending before this Commission but held in abeyance pursuant to this Order.

Based on the foregoing, it is

ORDERED by Chairman Nancy Argenziano, as Prehearing Officer, that Dockets Nos. 100021-TP and 100022-TP are held in abeyance as set forth above.

By ORDER of Chairman Nancy Argenziano, as Presiding Officer, this 18th day of June, 2010.



NANCY ARGENZIANO
Chairman and Presiding 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 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.