

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for emergency relief and complaint of FLATEL, Inc. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida to resolve interconnection agreement dispute.

DOCKET NO. 110306-TP
ORDER NO. PSC-11-0578-PCO-TP
ISSUED: December 16, 2011

ORDER GRANTING REQUEST FOR EXTENSION OF TIME

BY THE COMMISSION:

On November 7, 2011, FLATEL filed a petition requesting an emergency relief from BellSouth Telecommunications, Inc., d/b/a AT&T Florida (AT&T Florida). On November 28, 2011, AT&T Florida filed its motion to dismiss FLATEL's petition.

On December 12, 2011, FLATEL filed a request for a 30-day extension to respond to AT&T Florida's dismissal motion. On December 14, 2011, AT&T Florida filed a response opposing FLATEL's request for an extension because FLATEL's request was untimely and failed to provide a good cause for the extension.

Pursuant to Rule 28-106.204(6), Florida Administrative Code (F.A.C.), motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state a good cause for the request. I find that FLATEL's request did not state any cause for the requested extension. Additionally, in accordance with Rule 28-106.204(1), F.A.C., to be timely, FLATEL's request must be filed within 7 days after AT&T Florida filed its dismissal motion. Therefore, I find FLATEL's request to be untimely.

However, since FLATEL's owner is a pro se petitioner and neither party will be prejudiced by granting the extension, I find it appropriate to grant FLATEL an extension of 5 days from the date of this Order to file its opposition.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that FLATEL's December 12, 2011 request for an extension of time to file its opposition to AT&T's dismissal motion is hereby granted. It is further


ORDERED that FLATEL shall file its opposition within 5 days from the date of this Order.

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 16th day of December, 2011.



EDUARDO E. BALBIS
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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.