

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Sprint  
Communications Company Limited  
Partnership for arbitration of  
certain unresolved terms and  
conditions of a proposed renewal  
of current interconnection  
agreement with BellSouth  
Telecommunications, Inc.

DOCKET NO. 000828-TP  
ORDER NO. PSC-00-2180-PCO-TP  
ISSUED: November 15, 2000

ORDER GRANTING MOTION TO ACCEPT TESTIMONY  
ONE DAY OUT OF TIME

On July 10, 2000, Sprint Communications Company Limited Partnership (Sprint) filed a petition for arbitration of an interconnection agreement with BellSouth Telecommunications, Inc. (BellSouth) under Section 252(b) of the Federal Telecommunications Act of 1996 (Act). On August 4, 2000, BellSouth filed its response to Sprint's petition. Pursuant to Order No. PSC-00-1823-PCO-TP (Order Establishing Procedure), issued October 5, 2000, this matter has been scheduled for an administrative hearing on January 10, 2001.

The Order Establishing Procedure also set forth procedural dates, including dates for prefiled testimony. Pursuant to that Order, prefiled direct testimony and exhibits were due on November 1, 2000. BellSouth timely prefiled its testimony and exhibits. Sprint and Commission staff, however, arrived at the Division of Records and Reporting just after the 5:00 P.M. deadline. As a result, Sprint and staff prefiled testimony on November 2, 2000.

Along with its prefiled testimony, Sprint filed a Motion to Accept Testimony One Day Out of Time. In support of its motion, Sprint states that its employee believed she had arrived at the Division of Records and Reporting prior to the 5:00 P.M. deadline. Sprint states that it understands that the deadline must be rigidly enforced. Sprint explains, however, that it served its testimony on BellSouth via electronic mail and via Federal Express overnight delivery service. Therefore, it states that BellSouth will not be materially harmed by the late filing. Sprint also states that the

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interests of justice will be served if Sprint's testimony is considered in this docket.

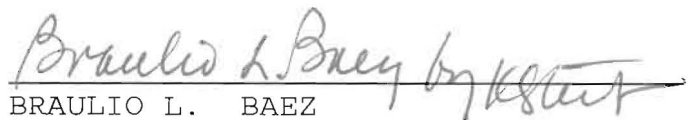
Sprint also urges that, in the interest of fairness, the Commission allow staff's testimony to be prefiled one day out of time. Counsel for BellSouth has been contacted and indicates that it does not object to Sprint's motion, nor does it object to staff being permitted to prefile its testimony one day out of time. Based on the foregoing, I hereby grant Sprint's Motion to Accept Testimony One Day Out of Time. Further, Commission staff's testimony is hereby accepted one day out of time.

Based on the foregoing, it is therefore

ORDERED by Commissioner Braulio L. Baez that Sprint Communications Company Limited Partnership's Motion to Accept Testimony One Day Out of Time is hereby granted. It is further

ORDERED that Commission staff's testimony is hereby accepted one day out of time.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 15th Day of November, 2000.

  
BRAULIO L. BAEZ  
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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, 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.