

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration  
concerning complaint of IDS  
Telecom, LLC against BellSouth  
Telecommunications, Inc.  
regarding breach of  
interconnection agreement.

DOCKET NO. 010740-TP  
ORDER NO. PSC-01-1640-PCO-TP  
ISSUED: August 10, 2001

ORDER GRANTING BELLSOUTH'S MOTION  
FOR EXTENSION OF TIME TO FILE TESTIMONY

IDS Long Distance, Inc. n/k/a IDS Telecom, L.L.C. (IDS) filed a Complaint and Request for Emergency Relief against BellSouth Telecommunications, Inc. (BellSouth). IDS raises four counts against BellSouth: (1) BellSouth has breached the interconnection agreement by failing to provide IDS OSS and UNEs at parity; (2) BellSouth has perpetrated an anticompetitive campaign of "win back" tactics against IDS, including the Full Circle Program and fraudulent telemarketing schemes; (3) BellSouth has permitted the sharing of IDS's customer proprietary network information between its retail and wholesale divisions in violation of the Telecommunications Act of 1996; and (4) the Commission should immediately initiate a show cause proceeding to investigate and sanction BellSouth for its anticompetitive activities that have harmed citizens of the State of Florida. BellSouth filed a response and the matter has been set for hearing.

On August 6, 2001, BellSouth filed a motion seeking a two-week extension of time to file its testimony in this case, so that it would be due on Monday, August 27, 2001. BellSouth's direct and rebuttal testimony are currently due on Monday, August 13, 2001, and IDS' rebuttal testimony is currently due on Monday, August 27, 2001. In addition, all discovery must be completed by September 14, 2001, and the hearing commences on September 21, 2001.

BellSouth served discovery on IDS on July 31, 2001, and responses to this discovery are due on August 20, 2001. BellSouth argues that it must have time to analyze these responses before filing its testimony with the Commission because of the many new factual allegations raised in IDS' direct testimony. BellSouth also argues that IDS' complaint was long and very fact-intensive.

DOCUMENT NUMBER-DATE

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IDS does not object to BellSouth's motion, as long as BellSouth agrees to not seek a continuance in this case except under very limited circumstances.

Having considered the arguments raised, I find that BellSouth shall be granted a two-week extension of time to file its rebuttal testimony. Therefore, BellSouth's rebuttal testimony to IDS' direct testimony shall be due on or before Monday, August 27, 2001. This extension of time should enable BellSouth to consider IDS' discovery responses when it files its rebuttal testimony. However, analysis of IDS' discovery responses should not be necessary for BellSouth to file its direct testimony. Therefore, I find that BellSouth shall be given only a one-week extension of time to file its direct testimony, so that BellSouth's direct testimony shall be due on Monday, August 20, 2001. This extension of time necessitates moving IDS' rebuttal testimony due date to Thursday, September 5, 2001. Except for the revisions to the testimony due dates discussed above, the controlling dates set out in the order establishing procedure, Order No. PSC-01-1501-TP, issued July 18, 2001, shall still govern this case. No further extensions of time shall be granted.

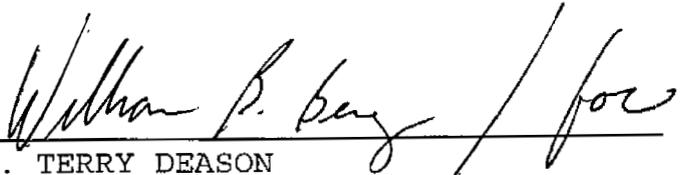
Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunication Inc.'s motion for extension of time to file testimony is granted so that BellSouth shall have until August 20, 2001, to file its direct testimony, and until August 27, 2001, to file its rebuttal testimony. It is further

ORDERED that IDS Long Distance, Inc. n/k/a IDS Telecom, L.L.C.'s due date for filing its rebuttal testimony shall be extended to September 5, 2001.

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 10th day of August, 2001.

  
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J. TERRY DEASON  
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

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reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.