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Legal Department

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July 30, 1997

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

RE: Docket No. 960786-TL

Dear Mrs. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion For Extension Of Time To File Objections To FCCA's Seventh Set of Interrogatories And FCCA's Third Request For Production of Documents. We ask that this be filed in the captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

*J. Phillip Carver (KR)*

J. Phillip Carver

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2 \_\_\_\_\_
- LIN 5 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

Enclosures

cc: All Parties of Record  
A. M. Lombardo  
R. G. Beatty  
W. J. Ellenberg

RECEIVED & FILED

EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07701 JUL 30 97

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Consideration of	)	
BellSouth Telecommunications,	)	Docket No. 960786-TL
Inc.'s entry into interLATA	)	
services pursuant to Section 271	)	Filed: July 30, 1997
of the Federal Telecommunications	)	
Act of 1996	)	
_____	)	

BELLSOUTH TELECOMMUNICATIONS, INC.'S MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO FCCA'S SEVENTH SET OF INTERROGATORIES AND FCCA'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

BellSouth Telecommunications, Inc.'s ("BellSouth") hereby files its Motion For Extension Of Time To File Objections To FCCA's Seventh Set of Interrogatories And FCCA's Third Request For Production Of Documents and states the following:

1. After the close of business on Friday, July 25, 1997 (i.e., after 5:00 p.m.), the Florida Competitive Carriers Association (FCCA) left at the offices of BellSouth in Tallahassee, discovery requests that bore the heading FCCA's Sixth Set of Interrogatories and FCCA's Third Request to Produce. The certificate of service represented that service had been made by hand delivery on July 25, 1997. There had, however, already been propounded by FCCA a sixth set of interrogatories to BellSouth.

2. Well after the close of business on Monday evening, July 28, 1997, FCCA left at BellSouth's offices discovery labeled FCCA's Amended Seventh

Set of Interrogatories and FCCA's Amended Third Request for Production of Documents. This discovery contained a certificate of service showing hand-delivery on July 28, 1997. These appeared to be duplicates of the discovery sent the previous Friday. Each of these discovery requests contain a footnote stating that the respective discovery was "served on July 25, 1997", and that the amendments are simply to correct numbering errors.

3. BellSouth presumes that FCCA has placed this footnote in the discovery requests as the basis to assert that, even though it took three days for it to correct its error, that the 5 day time period set forth in Order No. PSC-97-0703-PCO-TL should run from July 25 rather than from July 28. If this were the case, then BellSouth's objections to these would be due on this day.

4. Unfortunately, FCCA has adopted the fairly routine practice in this case of serving discovery by hand delivery on BellSouth after the close of business. In this instance, by serving the initial interrogatories on the evening of Friday, July 25, FCCA has effectively reduced the five day objection period (as well as the ten day response period) by three days. Moreover, in this particular example, by amending the request late on the evening of the third day, FCCA is attempting to reduce BellSouth's time to analyze the discovery and frame appropriate objections even more.

5. In this particular instance, responses will obviously not be filed to both of the sets of duplicate discovery. Instead, only the second set, which was delivered late the evening of July 28, 1997 will be answered. Moreover, July 28,

1997 was the effective delivery date of the original set which, again, was served after the close of business the previous Friday.

6. For these reasons, BellSouth requests that it be allowed until August 4, 1997 to file objections. This is, of course, the time that BellSouth would have if the five day response period were counted from July 28, 1997, the date on which BellSouth first had a meaningful opportunity to begin review of the requests.<sup>1</sup> BellSouth also requests that its time for filing responses be extended until Thursday, August 7, 1997.

7. The granting of this request will in no way prejudice FCCA or any other party to this proceeding. If this Motion is denied, however, the result is that BellSouth will have inadequate time to frame objections and, subsequently, responses. BellSouth would be prejudiced by having to file objections and its responses in an inordinately short time frame.

8. Finally, BellSouth objects generally to the continuing practice by FCCA of serving discovery after the close of the business day on which FCCA certifies that the service has occurred. To the extent that FCCA continues in this practice in the future, BellSouth requests the entry of an Order allowing it to treat the following day as the date upon which service is accomplished, which is the practical effect of service by FCCA after the close of business.

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<sup>1</sup> Counting from July 28, 1997, the five day objection period would end on Saturday, August 2, 1997. Pursuant to the Florida Rules of Civil Procedure (Rule 1.090, Fla. R. Civ. Pro.), objections would, accordingly, be due on Monday, August 4, 1997.

WHEREFORE, BellSouth respectfully requests the entry of an Order granting the relief described above.

BellSouth Telecommunications, Inc.

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**CERTIFICATE OF SERVICE**  
**DOCKET NO. 960786-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express this 30th day of July, 1997 to the following:

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