

James Meza III
Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

June 27, 2001

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

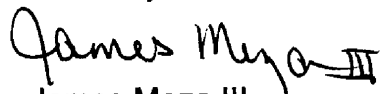
Re: **Docket No. 010309-TL**
Petition For Expedited Review of Area Code Denials

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion to Strike and/or Dismiss Pleading, which we ask that you file in the captioned docket.

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 to the parties shown on the attached Certificate of Service.

Sincerely,


James Meza III (KA)

Enclosures

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE
07972 JUN 27 01
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 010309-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 27th day of June, 2001 to the following:

Patricia Christensen
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

NANPA
Ron Connor
Director
Suite 400
1120 Vermont Avenue
Washington, D.C. 20005

**Attempted to serve previously at this
address; Returned from Post Office
as "No such street number"**

Thomas Enderson
10943 West Colonial Drive
Orange, Florida 34761

**Attempted to serve previously at this
address; Returned from Post Office
as "No such street"**

Jonathan W. Kylleskwy, III
3343 North 5th Street
Suite 911
Miami, Florida 33130

Jonathan W. Kylleskwy, III
P.O. Box 7836
Ft. Lauderdale, FL 33329


James Meza III (KA)

- **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for expedited review)
Of North American Plan Administration's) Docket No. 010309-TL
(NANPA) denial of application for use of)
central office code numbering)
resources or NXX codes in Orlando)
Magnolia switch by BellSouth) Filed: June 27, 2001
Telecommunications, Inc.)

MOTION TO STRIKE AND/OR DISMISS PLEADING

BellSouth Telecommunications, Inc. ("BellSouth") respectfully requests that the Florida Public Service Commission ("Commission") strike and/or dismiss the Motion to Stay and Continue PAA Protest and Response to BellSouth's Alleged, Unreasonable, and Anticompetitive Responses ("Motion to Stay") purportedly filed by Jonathan W. Kyleskwy, III. In support of this motion, BellSouth submits the following:

1. On March 9, 2001, BellSouth filed a Petition for expedited review of North American Numbering Plan Administrator's ("NANPA") denial of its application for additional central office codes ("NXX") for the Orlando-Magnolia switch. In its Petition, BellSouth requested that, pursuant to 47 C.F.R. § 52.15(g)(3)(iv), the Commission reverse NANPA's denial of BellSouth's request for additional numbering resources to serve a specific customer that was in need of 2,500 consecutive Direct Inward Dialing ("DID") numbers.

2. On May 21, 2001, the Florida Public Service Commission ("Commission") issued Order No. PSC-01-1146-PAA-TL (the "PAA"), wherein in granted BellSouth's Petition and ordered NANPA to provide BellSouth with a growth code for the Orlando-Magnolia switch as soon as possible.

3.- On June 1, 2001, some person(s) filed a protest of the PAA ("Protest"). The pleading indicates that two individuals, Thomas Enderson and Jonathan W. Kylleskwy, III, purportedly filed the protest on behalf of "the Florida citizens, their communication needs and services, and the Alternative Local Exchange Companies (ALECs)." Protest at 1. BellSouth filed a Motion to Dismiss the Protest on June 6, 2001 on two grounds: (1) Messrs. Enderson and Kylleskwy lacked standing; and (2) BellSouth believed that the Protest was a bogus pleading filed by a "phantom" author. BellSouth based its belief that the Protest was a bogus pleading on several facts, including the fact that the addresses for the alleged authors did not exist.

4. On June 12, 2001, Mr. Kylleskwy filed the Motion to Stay in this and several other dockets. Mr. Kylleskwy failed to serve the Motion to Stay on BellSouth. BellSouth requests that the Commission strike and/or dismiss the Motion to Stay for the same reasons stated in BellSouth's Motion to Dismiss. It should be noted that the Motion to Stay indicates that Mr. Kylleskwy's address has changed again -- it appears that he is once again a resident of Florida. As this Commission fully knows, Mr. Kylleskwy's listed his address in the first Protest as 3343 North 5th Street, Suite 911, Miami, FL 33130, which does not exist. In a second Protest filed in Docket Nos. 010782 and 010783, he listed his address as North Main Street, Couldersport, PA 16915, which is the corporate headquarters for Adelpia Business Solutions ("Adelpia"). Adelpia has informed BellSouth that it (1) does not employ a person named Jonathan W. Kylleskwy, III; and (2) did not author or authorize the second Protest. Mr.

Kylleskwy now lists his address and phone number as P.O. Box 7836, Ft. Lauderdale, FL 33329, (336) 393-1111, (724) 743-9592 (fax). This phone number is the phone number for American Express customer service and the fax number, which has a Pennsylvania area code, is the same as the fax number listed in the second Protest. Without a doubt, this newest motion is just another bogus pleading.

5. Because the pleadings allegedly filed by a Mr. Kylleskwy are replete with erroneous, deceptive, and totally untrue characterizations and statements, the Commission should not believe any assertion stated in this pleading, including the allegation that Mr. Kylleskwy allegedly has over 30,000 customers in Florida. In none of his pleadings does Mr. Kylleskwy give the name of any telecommunications company in Florida that he represents or is employed by.

6. For these same reasons, BellSouth requests that the Commission sanction the “phantom” author of these pleadings to fullest extent of the law. Further, BellSouth reserves the right to pursue all legal remedies against the “phantom” author as soon as his/her true identity is revealed.

WHEREFORE, for the foregoing reasons, BellSouth respectfully requests that:

1. The Commission dismiss the Protest and the Motion to Stay for lack of standing and because it is a sham pleading authored by a fictitious person;

2. The Commission sanction the “phantom” author of the Protest;

3. The Commission resolve the Motion to Strike and/or Dismiss on an expedited basis through an emergency hearing.

Respectfully submitted this 27th day of June, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White
NANCY B. WHITE (KA)

JAMES MEZA III
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558

R. Douglas Lackey
R. DOUGLAS LACKEY (KA)

Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0747

394584