

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of IDS Long Distance, Inc.
n/k/a IDS Telcom, L.L.C., Against
BellSouth Telecommunications, Inc., and
Request for Emergency Relief.

DOCKET NO. 010740-TP
FILED: SEPTEMBER 17, 2001

**MOTION TO PROVIDE AN EQUITABLE DIVISION OF
HEARING TIME FOR BOTH PARTIES IN REGARD
TO THE CROSS-EXAMINATION OF WITNESSES**

Pursuant to Rule 28-106.211, Florida Administrative Code, IDS Telcom, LLC ("IDS"), by and through undersigned counsel, hereby files this Motion to Provide an Equitable Division of Hearing Time for Both Parties in Regard to the Cross-Examination of Witnesses and in support thereof states as follows:

1. On May 11, 2001, IDS filed a four count Complaint against BellSouth Telecommunications, Inc. ("BellSouth"). To address the issues raised in IDS' Complaint, the Commission ordered a two-day hearing to be held on September 21, 2001, and October 1, 2001.
2. In anticipation of this hearing, six witnesses have pre-filed testimony on behalf of IDS, and 17 witnesses have pre-filed testimony on behalf of BellSouth. Each of these 23 witnesses is scheduled to provide oral testimony during the two-day hearing to summarize their respective pre-filed testimony, and to provide the adverse party and the Staff with the opportunity to conduct a cross-examination of the testimony.
3. Because of the number of witnesses involved and because the hearing must be concluded within two days, it is unlikely that all 23 of the witnesses will be able

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to testify if either party takes an undue amount of time for cross-examination of any particular witness.

4. In this regard, Rule 28-106.211 of the Florida Administrative Code provides that the Commission may "issue any orders necessary to effectuate discovery, **to prevent delay, and to promote the just, speedy and inexpensive determination of all aspects of the case** . . ." (Emphasis supplied).

5. Accordingly, to ensure that all 23 of the witnesses can testify as scheduled, IDS respectfully requests that the Commission equitably allot the hearing time to provide that BellSouth will have not more than the first day of hearing in which to cross examine IDS' witnesses and IDS will have not more than the second day of hearing to cross-examine BellSouth's witnesses. In the alternative, the Commission could allot a specific segment of time, perhaps one half-hour, for each witness appearing individually, and for each group of witnesses appearing as a panel. Each party would then be permitted to allot its time on whichever witnesses it chose. Of course, this limitation would only apply to the parties, and in no way would limit the Commission's or the Staff's time for cross-examination.

6. Equitably dividing the time for cross-examination in one or the other of these ways will guarantee that the hearing will proceed in a timely and efficient manner. It further guarantees a just proceeding because each party will have an equal opportunity to present their witnesses, and cross-examine the adversary's witnesses.

7. Moreover, there is no resulting prejudice to BellSouth by granting IDS' the requested relief. This is because both IDS and BellSouth would be subject to the same time restrictions for cross-examination of witnesses.

8. Pursuant to Rule 28-106.204(3), Florida Administrative Code, IDS' counsel has conferred with BellSouth's counsel regarding this motion. BellSouth's counsel stated that BellSouth objects to this motion.

WHEREFORE, IDS respectfully requests that the Commission enter an order equitably dividing the hearing time for parties' cross-examination of witnesses in this proceeding.

Respectfully submitted,

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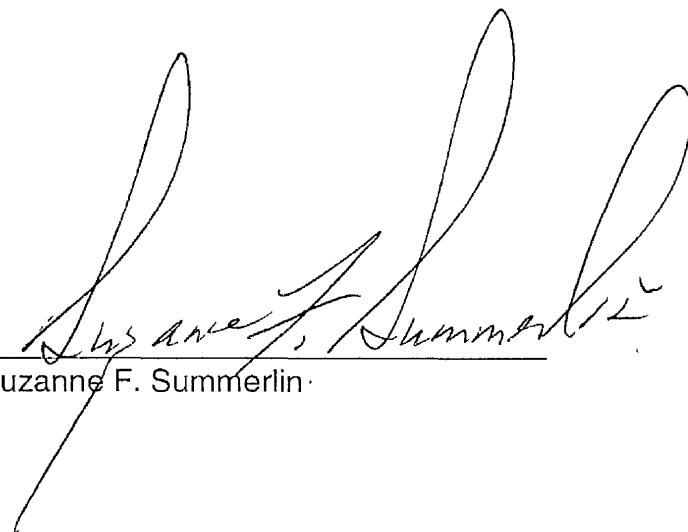
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by Hand Delivery(*), Facsimile(**), and U.S. Mail this 17th day of September, 2001 to the following:

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