

ORIGINAL

Legal Department

JAMES MEZA III  
Attorney

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

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COMMISSION  
CLERK

September 19, 2001

Mrs. Blanca S. Bayó  
Director, Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 010740-TP (IDS Complaint)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to IDS' Motion to Compel Witnesses for Deposition, Motion to Modify the Order of Witnesses, Motion to Provide an Equitable Division of Hearing Time, and Motion to Allow Customers to Testify Via Telephone, 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*  
James Meza III (KA)

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

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM 5 \_\_\_\_\_  
CTR \_\_\_\_\_  
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FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**Docket No. 010740-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
by (\*) Electronic Mail, Facsimile and Federal Express this 19th day of September, 2001  
to the following:

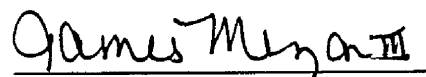
Mary Anne Helton (\*)  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Te. No. (850) 413-6096  
[mhelton@psc.state.fl.us](mailto:mhelton@psc.state.fl.us)

Suzanne Fannon Summerlin (+)  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, Florida 32301  
Tel. No. (850) 656-2288  
Fax No. (850) 656-5589  
[summerlin@nettally.com](mailto:summerlin@nettally.com)  
Represents IDS

Michael Noshay, President  
IDS Long Distance, Inc.  
n/k/a IDS Telcom, LLC  
1525 N.W. 167th Street  
Second Floor  
Miami, Florida 33169  
Tel. No. (305) 913-4000  
Fax No. (305) 913-4039  
[mnoshay@idstelcom.com](mailto:mnoshay@idstelcom.com)

Bruce Culpepper, Esq.  
Akerman, Senterfitt & Edison, P.A.  
301 South Bronough Street  
Suite 200  
Post Office Box 10555  
Tallahassee, Florida 32302-2555  
Tel. No. (850) 222-3471  
Fax. No. (850) 222-8628

John F. O'Sullivan  
Brian P. Miller  
Douglas O' Keefe  
Akerman, Senterfitt & Edison, P.A.  
Suntrust International Center  
28th Floor  
One Southeast Third Avenue  
Miami, Florida 33131-1704  
Tel. No. (305) 374-5600  
Fax. No. (305) 374-5095

  
James Meza III (KA)

(+) Signed Protective Agreement

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No.: 010740-TP

Filed: September 19, 2001

**BELLSOUTH'S RESPONSE TO IDS' MOTION TO COMPEL  
WITNESSES FOR DEPOSITION, MOTION TO MODIFY THE  
ORDER OF IDS' WITNESSES, MOTION TO PROVIDE AN  
EQUITABLE DIVISION OF HEARING TIME, AND MOTION  
TO ALLOW CUSTOMERS TO TESTIFY VIA TELEPHONE**

BellSouth Telecommunications, Inc. ("BellSouth") submits its Response to IDS Telecom, LLC's ("IDS") (1) Motion to Compel BellSouth to Produce Witnesses for Deposition Regarding Win Back Allegations; (2) Motion to Provide an Equitable Division of Hearing Time for Both Parties in Regard to the Cross-Examination of Witnesses; (3) Motion to Modify the Order of IDS' Witnesses; and (4) Motion to Allow Customers to Testify Via Telephone. All of these motions were filed on September 17, 2001 or September 18, 2001, and for the convenience of the Commission and in recognition that these motions have to be addressed prior to the September 21, 2001 hearing date, BellSouth will address the motions referenced above through this consolidated response prior to the seven-day response time provided by Rule 28-106.204, Florida Administrative Code.

For the reasons discussed in detail below, the Florida Public Service Commission ("Commission") should deny IDS' Motion to Compel Witnesses, Motion to Provide an Equitable Division of Hearing Time, and Motion to Allow Customers to Testify Via Telephone. BellSouth does not oppose IDS' Motion to

Modify Order of Witnesses, although counsel picked the order selected for IDS and changing the order of presentation simply serves to deprive BellSouth's counsel of preparation time.

**I. Motion to Compel Witnesses**

On September 17, 2000, without citing to any specific authority, IDS filed a motion requesting that the Commission order BellSouth to produce two witnesses for deposition on September 18, 2001 or September 24, 25, 2001.<sup>1</sup> IDS' sole basis for its motion is that, on or about August 20, 2001, at the deposition of BellSouth's witnesses by IDS, IDS' counsel verbally asked BellSouth's counsel for the identity of certain witnesses related to BellSouth's win back activities. IDS then claims that BellSouth refused to identify these individuals and that this refusal prevented IDS from taking the depositions of these employees prior to the September 14, 2001 discovery cut off date. Nothing can be farther from the truth.

When IDS' counsel verbally requested the identification of certain individuals on or before August 20, 2001 at the deposition of BellSouth employees, BellSouth's counsel, during the course of the depositions, suggested that IDS' counsel issue written discovery or a 30(b)(6) or Rule 1.310(b)(6) Notice of Deposition. Under Rule 1.310(b)(6), IDS could have named BellSouth as the deponent regarding particular matters on which examination would be requested and BellSouth would then have been required to designate particular

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<sup>1</sup> In Paragraph 3 of its Motion, IDS states that the "Florida Public Service has permitted discovery activities, including depositions, to continue up until the day before the hearing in various cases, in some situations cases which have taken as long as two years or more to complete." IDS cites to no authority in support of this statement. In any event, BellSouth submits that, assuming that

persons to testify on its behalf about the matters being inquired into. IDS never issued a 30(b)(6) or Rule 1.310(6) Notice of Deposition to BellSouth. Additionally, IDS never put its verbal request in writing, and IDS never requested to depose any win back witnesses until the afternoon of September 14, 2001. That date, of course, was the discovery cut-off date established by the July 18, 2001 Order Establishing Procedure (PSC No. 01-1501-PCO-TP).

Importantly, during this time period, BellSouth's counsel (1) sent IDS' counsel at least three letters requesting the identification of certain IDS employees and/or informing IDS' counsel that BellSouth intended to depose yet to be identified individuals, *see* August, 29, 2001 Letter to IDS, August 31, 2001, Letter to IDS; September 6, 2001 Letter to IDS, attached hereto as Exh. 1; and (2) issued three Notices of Depositions and Depositions *Duces Tecums* for both identified and yet to be identified IDS employees pursuant to Rule 1.310(b)(2), *see* Notice of Deposition, Amended Notice of Deposition, and Second Amended Notice of Deposition, attached hereto as Exh. 2; *see also*, Rule 1.310(b)(2) (stating that identification of the deponent is not necessary as a general description sufficient to identify the person will suffice). Even after receiving these notices, IDS' neither served similar notices on BellSouth nor asked BellSouth to make any win back witnesses available for deposition prior to the discovery cutoff date. Additionally, after IDS made its verbal requests during the depositions, BellSouth filed testimony and responses to discovery requests

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the Commission has allowed depositions to take place beyond the discovery cut off period in the past, none of those cases likely involve facts similar to the case at hand.

addressing win back activities. Upon receiving this information, IDS still did not seek to depose any BellSouth employee regarding winback activities.

Further, instead of raising this issue at the Prehearing Conference held on September 10, 2001, IDS waited until the eve of trial and on the discovery cut off date to seek to depose certain BellSouth individuals. IDS' excuse for not raising this issue at the Prehearing Conference – that IDS' counsel simply forgot to bring the issue up – is inexcusable, especially given the fact that the conference and the associated meetings with the parties and staff took up the entire day. In effect, granting IDS' motion would be to excuse IDS' failure to comply with the Commission's Procedural Order and would eviscerate the September 14, 2001 discovery cut off date.

Finally, granting IDS' motion would simply be unfair. IDS is the party that has sought "emergency relief" in this proceeding and IDS is the party that has demanded an expedited schedule for this proceeding. It would be grossly unfair to require BellSouth to prepare its case and cross-examine IDS' witnesses on this expedited schedule and to then allow IDS additional time to prepare its own case – after some or all of its witnesses have been cross-examined by BellSouth. BellSouth, therefore, would be severely prejudiced and IDS would receive an unjust advantage if IDS is allowed to conduct depositions between the September 21 and October 1 hearing dates.

In light of the above facts, IDS' claim that BellSouth prevented IDS from timely deposing win back witnesses is simply wrong. IDS could have issued a Rule 1.310(b)(6) deposition – it did not. Like BellSouth, IDS could have issued a

notice of deposition without knowing the names of the BellSouth witnesses with knowledge about BellSouth win back activities – it did not. IDS could have noticed the depositions based on BellSouth’s testimony and responses to discovery requests – it did not. Finally, IDS could have raised this issue at the Prehearing Conference – it did not.

Simply put, contrary to IDS’ statement, IDS’ own inactions and not BellSouth prevented IDS from timely deposing BellSouth employees with knowledge about BellSouth’s win back activities. Accordingly, for the forgoing reasons, IDS’ Motion to Compel should be denied.

## **II. Motion to Provide Equitable Division of Hearing Time**

The title of this motion clearly is a misnomer, because there is nothing equitable about IDS’ request to essentially limit BellSouth to no more than one day to conduct cross-examination of IDS’ witnesses. The Order Establishing Procedure (which established hearing dates of September 21 and October 1) was issued on July 18, 2001 – before IDS filed its first set of testimony in this docket and before IDS or BellSouth conducted any discovery. Five days after this Order was issued, IDS filed the direct testimony of 4 witnesses. This direct testimony consisted of more than 110 pages excluding exhibits. On September 5, 2001, IDS filed rebuttal testimony of 6 witnesses, and this second set of IDS’ testimony consisted of approximately 115 pages, excluding literally hundreds of pages of exhibits. IDS, therefore, has filed more than 225 pages of testimony in a docket that it suggested could be tried in two days.

Moreover, IDS' testimony is full of disputed factual allegations regarding BellSouth's purported actions. BellSouth has attempted to explore these factual allegations by deposing the persons who filed testimony on behalf of IDS, and it took the better part of 5 days to take these depositions.<sup>2</sup> The transcripts of these depositions will probably exceed 1000 pages.

As the Florida Courts have noted, "[t]he fact that this is a civil proceeding does not mean that justice can be administered arbitrarily with a stopwatch." See *Woodham v. Roy*, 471 So.2d 132, 134 (Fla. 4th Dist. Ct. App. 1985)(reversing the trial court's limitation on time for closing argument as being unduly restrictive). IDS, therefore, should not be allowed to request emergency relief on an expedited basis, suggest to the Commission that this case can be tried in two days, subsequently file testimony that raises more factual disputes than can reasonably be addressed in one hearing day, and then attempt to limit to one hearing day the time BellSouth has to address the allegations IDS has chosen to make. Instead, fundamental fairness and due process dictate that BellSouth is entitled to defend itself against each and every one of the allegations IDS has set forth in its testimony.

It is even more egregious for IDS to have waited until the eve of trial to make such an inequitable request. If IDS wanted to make such a request, it clearly could have done so during the Prehearing Conference on September 10, 2001. During that conference, BellSouth's counsel clearly stated that BellSouth did not believe that this proceeding could be tried in only two days. See Tr. of Prehearing Conference at 38. Despite this statement, IDS did not file its motion

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<sup>2</sup> This is in addition to the 5 days IDS spent deposing BellSouth witnesses.



to restrict BellSouth's ability to cross-examine IDS' witnesses until September 17, 2001.

Finally, IDS filed its Motion after the Pre-Hearing Order was issued in this docket.<sup>3</sup> The Order Establishing Procedure, however, clearly states that "[a]ny issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party" unless the party demonstrates, among other things, that "it was unable to identify the issue because of the complexity of the matter" and that "introduction of the issue could not be to the prejudice or surprise of any party." Clearly, IDS was able to identify the issue of time restrictions on cross-examination prior to the issuance of the prehearing order and it did not do so. IDS, therefore, has waived its right to make such a request.

BellSouth does not intend to conduct unduly lengthy cross-examination. In light of the circumstances of this case, however, IDS' request to limit BellSouth to one day to cross-examine six adverse witnesses who have filed more than 170 pages of testimony is simply inequitable.

### **III. Motion to Modify Order of Witnesses**

BellSouth does not oppose IDS' Motion to Modify Order of Witnesses so as to allow IDS to present its direct and rebuttal witnesses together, other than to note that the order presently scheduled is the one that IDS asked for, and amending the order at this date simply places a greater burden on BellSouth by reducing its hearing preparation time.

#### IV. Motion to Allow Customers to Testify Via Telephone

On September 18, 2001, IDS filed a motion wherein it requested that customers be permitted to testify at the hearing of this matter via telephone in lieu of appearing in person. IDS' primary basis for the motion is that it would be difficult and costly for the witnesses to appear at the scheduled hearings, especially given the recent terrorists attacks.<sup>4</sup>

IDS' motion is a direct about-face from its position at the Prehearing Conference that took place on September 10, 2001. At the conference, the parties specifically discussed whether customers would be permitted to testify at the hearing in person. See Tr. of Prehearing Conference at pp. 30-34. At no time did IDS raise the issue about customers being able to testify via telephone. In fact, IDS' counsel specifically stated that she did not know if any customers were coming to the hearing because of the costs involved in personally attending the hearing: "First of all, IDS doesn't know if anybody is going to show up. I mean honestly we do not know whether anybody will show up because you're talking that person having to pay for transportation from – generally from Miami." *Id.* at 31. IDS' counsel further stated that she had not spoken to any witness who was coming and that she would be surprised if any witnesses appeared. *Id.* at 32.

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<sup>3</sup> As noted in paragraph 8 of IDS' motion, IDS conferred with BellSouth's counsel prior to filing the motion. At that time IDS' counsel contacted BellSouth's counsel, the Prehearing Order had already been signed and posted on the Commission's web page.

<sup>4</sup> IDS claims that the recent terrorist attacks have "made it extremely difficult to obtain the presence of these customers at the hearing." Motion at ¶ 4. While BellSouth is sensitive to the recent terrorist attacks to our nation, BellSouth points out that counsel for BellSouth and, presumably for IDS, will be able to travel to Tallahassee to attend the hearing.

In light of these statements, the pre-hearing office made the following statement during the Conference:

I'm not going to say that I will not take customer testimony, but I will put this warning out that if it appears that customers are being recruited to come and to testify and that it is trying to circumvent the necessity of prefiling direct testimony, it will not be looked favorably upon at the time.

See Tr. at 33.

Now, on the eve of trial, after the discovery cut off period, after the Prehearing Conference, and after the signing of the Prehearing Order, IDS is requesting that the Commission allow witnesses who executed affidavits that were attached to IDS' testimony to testify via telephone instead of appearing in person. Significantly, it is IDS – and not the customers themselves – that made this motion to participate by telephone. Significantly, IDS is making this motion only with regard to those customers who IDS has previously contacted and from whom IDS has obtained affidavits. It is truly difficult to imagine how IDS can seriously claim that it is not recruiting witnesses to come and testify in an effort to circumvent the prefiling of direct testimony. Indeed, in the deposition of Angel Lerio, taken on September 17, 2001, Mr. Lerio testified that he had personally contacted six IDS customers regarding testifying at the hearing.

Moreover, IDS gives no reason for the abrupt change in its position or as to why it could not raise this issue at the Prehearing Conference. As a result, BellSouth is faced with the possibility of having to cross-examine witnesses prior to having an opportunity to depose them, even though at the Prehearing

Conference, IDS' stated that it had not contacted any witnesses and could not identify a single customer that it expected to appear at the hearing.

If IDS had presented this issue at the Prehearing Conference, BellSouth would have sought to depose those witnesses IDS expected to testify via telephone. IDS did not and has not even identified those affiants that will testify. Consequently, BellSouth does not (1) know which customers will be testifying or (2) have an opportunity to depose these individuals prior to the hearing, thereby severely prejudicing BellSouth. The Commission should not sanction such "trial by ambush" tactics.

Furthermore, even if IDS had previously raised this issue, allowing customers to testify in a Complaint proceeding via telephone would be ill advised. As the trier of fact, the Commission must evaluate all aspects of the witness' demeanor in order to make a credibility determination. Allowing witnesses to testify via telephone would prohibit the Commission from fully performing this task as the Commission could not evaluate the witnesses' appearance, body language, and reaction to cross-examination. This is especially true, when as here, the witnesses testifying have not filed any testimony in this proceeding and when their testimony will be used by IDS to prove its case.

Moreover, for these same reasons, BellSouth's due process rights would be violated because BellSouth would not have an opportunity to adequately cross-examine these witnesses. BellSouth has a fundamental right to face its accuser. To the extent these customers will testify that BellSouth's actions or inactions caused them harm, BellSouth, as a matter of right, should have the

opportunity to adequately defend itself, which includes cross-examining the witness in person. Anything less would severely prejudice BellSouth.

While the Commission does have the authority under Rule 28-106.211 to issue any order to “effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case . . . ,” BellSouth submits and IDS has not cited any authority to the contrary that the Commission should issue an order that would prohibit a defendant from preparing and/or setting forth an adequate defense. Granting IDS’ motion would do just that.

If IDS truly wanted these customers to testify at the hearing, it could have followed the standard practice for requiring third-party witnesses to present testimony at hearings and served the customers with subpoenas to appear at the hearing. Following this process would have cured the due process problems associated with IDS’ motion. IDS did not and instead, waited until after the Prehearing Conference, after the discovery cut-off date, and two days before trial to raise this issue.

Finally, for the reasons stated in Section II, IDS waived this issue by not raising it prior to the issuance of the Prehearing Order.

For these reasons, IDS’ motions should be denied.

Respectfully submitted this 19th day of September, 2001.

**BELLSOUTH TELECOMMUNICATIONS, INC.**

*Nancy B. White*

NANCY B. WHITE

(KA)

JAMES MEZA III

c/o Nancy Sims

150 South Monroe Street, Suite 400

Tallahassee, Florida 32301

(305) 347-5558

*R. Douglas Lackey*

R. DOUGLAS LACKEY

(KA)

PATRICK W. TURNER

675 W. Peachtree Street

Suite 4300

Atlanta, Georgia 30375

(404) 335-0747

411578

**JAMES MEZA III**  
Attorney

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

**FILE COPY**

August 29, 2001

**Via Facsimile and Federal Express**

Suzanne Fannon Summerlin  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, Florida 32301

RE: **Docket No. 010740-TP**

Dear Suzanne:

Enclosed please find Notices of Depositions and Deposition Duces Tecums for Keith Kramer, Rebecca Wellman, Angel Lerio, Bradford Hamilton, and Bill Gulas for September 11-14, 2001 at IDS' offices in Miami, FL.

Additionally, BellSouth also intends to depose any additional witnesses that file rebuttal testimony on behalf of IDS, as well as Mr. Kramer's secretary during January-March, 2000. Please provide me with her name so that I can file an appropriate Notice. BellSouth may wish to depose additional persons after fully reviewing IDS' supplemental discovery responses.

If you have any questions, please do not hesitate to contact me.

Sincerely,



James Meza III

cc: Nancy B. White  
R. Douglas Lackey  
Patrick W. Turner  
Mary Anne Helton

Exhibit No. 1

**JAMES MEZA III**  
Attorney

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

**FILE COPY**

August 31, 2001

**Via Facsimile**

Suzanne Fannon Summerlin  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, Florida 32301

RE: **Docket No. 010740-TP**

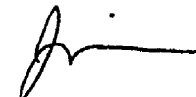
Dear Suzanne:

Pursuant to your request, the last known address BellSouth has for W. Scott Schaefer is P.O. Box 1524, Ross, CA 94957.

In addition, please provide me with the last known address for Bud Higdon and the name of Mr. Kramer's secretary from January through March 2000 by September 5, 2001 at the latest.

I hope you have a safe and enjoyable Labor Day weekend.

Sincerely,



James Meza III

cc: Nancy B. White  
Patrick Turner  
R. Douglas Lackey



---

**JAMES MEZA III**  
Attorney

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

September 6, 2001

**Via Facsimile**

Suzanne Fannon Summerlin  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, Florida 32301

As you know, at approximately 10:30 this morning we were served by facsimile with the rebuttal testimony of Bradford Hamilton, Robert Hacker, and David Allen. BellSouth intends to depose all of IDS' witnesses, including those who only filed rebuttal testimony, which includes Bill Gulas, Robert Hacker, and David Allen. Pursuant to our previous conversations, I understand that IDS will produce Mr. Hacker and Mr. Gulas at the depositions scheduled for September 11 - 14, 2001, but IDS has not decided whether it will voluntarily produce Mr. Allen. Because Mr. Allen is a rebuttal witness for IDS, IDS should produce him for a deposition, regardless of the fact that he purportedly is not an IDS employee. Additionally, as you know, BellSouth voluntarily produced both witnesses and non witnesses for IDS' depositions of BellSouth. BellSouth expects and is entitled to the same cooperation from IDS.

Accordingly, please commit by the close of business tomorrow as to whether IDS will voluntarily produce Mr. Allen for a deposition, tentatively scheduled for September 14, 2001. If IDS refuses to voluntarily produce Mr. Allen for a deposition, BellSouth will have no choice but to take this matter up with the Prehearing Officer at the Prehearing Conference scheduled for September 10, 2001.

Further, I am writing to confirm that BellSouth has not received the CD-ROM exhibit allegedly attached to Mr. Allen's rebuttal testimony. From our conversation today, I understand that IDS is having problems "reproducing" the CD-ROM and that Mr. Allen may have to pull the exhibit. Please provide the CD-ROM to me in Miami as soon as it is ready, but no later than the close of business tomorrow.

Respectfully submitted this 29th day of August, 2001.



NANCY B. WHITE

JAMES MEZA III

c/o Nancy Sims

Suite 400

150 South Monroe Street

Tallahassee, FL 32301

(305) 347-5558



R. DOUGLAS LACKEY

PATRICK W. TURNER

Suite 4300, BellSouth Center

675 W. Peachtree Street, N.E.

Atlanta, GA 30375

(404) 335-0747

COUNSEL FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.

cc: Court Reporter

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of IDS Long Distance, Inc.	)	Docket No.: 010740-TP
n/k/a IDS Telecom, L.L.C., Against	)	
BellSouth Telecommunications, Inc., and	)	
Request for Emergency Relief	)	Filed: September 4, 2001
_____	)	

**AMENDED NOTICE OF DEPOSITIONS AND DEPOSITIONS DUCES TECUM**

TO: Suzanne Fannon Summerlin  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, Florida 32301

PLEASE TAKE NOTICE that BellSouth Telecommunications, Inc. ("BellSouth"), through its counsel, will take depositions upon oral examination for all purposes pursuant to the Florida Rules of Civil Procedure for the following persons:

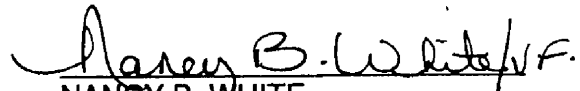
September 11-14, 2001, beginning at 8:30 a.m. on each day.

Keith Kramer  
Rebecca Wellman  
Bill Gulas  
Bradford Hamilton  
Angel Lerio  
*Keith Kramer's Secretary from January through March, 2000.*  
*Additional Rebuttal Witnesses presented by IDS.*

The witnesses will be deposed in the order provided above. The depositions will be held at the offices of IDS Long Distance, Inc. n/k/a IDS Telecom, L.L.C., 1525 N.W. 167th Street, Second Floor, in Miami, Florida and will be conducted before an authorized officer in accordance with the Florida Rules of Civil Procedure. The depositions will continue from day-to-day until finished. Each deponent is to bring with them all working papers and documents relied on in their prefiled testimony in this matter. *In addition, Keith Kramer is to bring with him all documents IDS provided to the*

*office of the Attorney General for the State of Florida regarding or relating to BellSouth and/or IDS' Complaint in the instant proceeding.*

Respectfully submitted this 4th day of September, 2001.



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



R. DOUGLAS LACKEY  
PATRICK W. TURNER  
Suite 4300, BellSouth Center  
675 W. Peachtree Street, N.E.  
Atlanta, GA 30375  
(404) 335-0747

COUNSEL FOR BELLSOUTH  
TELECOMMUNICATIONS, INC.

cc: Court Reporter

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of IDS Long Distance, Inc. )  
n/k/a IDS Telecom, L.L.C., Against ) Docket No.: 010740-TP  
BellSouth Telecommunications, Inc., and )  
Request for Emergency Relief ) Filed: September 7, 2001  
\_\_\_\_\_ )

**SECOND AMENDED NOTICE OF DEPOSITIONS  
AND DEPOSITIONS DUCES TECUM**

TO: Suzanne Fannon Summerlin  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, Florida 32301

PLEASE TAKE NOTICE that BellSouth Telecommunications, Inc. ("BellSouth"), through its counsel, will take depositions upon oral examination for all purposes pursuant to the Florida Rules of Civil Procedure for the following persons:

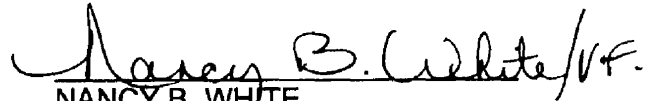
September 11-14, 2001, beginning at 8:30 a.m. on each day.

Keith Kramer  
Rebecca Wellman  
Bill Gulas  
Bradford Hamilton  
Angel Lerio  
*Robert Hacker*  
*David Allen*  
Keith Kramer's Secretary from January through March, 2000.

The witnesses will be deposed in the order provided above. The depositions will be held at the offices of IDS Long Distance, Inc. n/k/a IDS Telecom, L.L.C., 1525 N.W. 167th Street, Second Floor, in Miami, Florida and will be conducted before an authorized officer in accordance with the Florida Rules of Civil Procedure. The depositions will continue from day-to-day until finished. Each deponent is to bring with them all working papers and documents relied on in their prefiled testimony in this

matter. In addition, Keith Kramer is to bring with him all documents IDS provided to the office of the Attorney General for the State of Florida regarding or relating to BellSouth and/or IDS' Complaint in the instant proceeding.

Respectfully submitted this 7th day of September, 2001.



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



R. DOUGLAS LACKEY  
PATRICK W. TURNER  
Suite 4300, BellSouth Center  
675 W. Peachtree Street, N.E.  
Atlanta, GA 30375  
(404) 335-0747

COUNSEL FOR BELLSOUTH  
TELECOMMUNICATIONS, INC.

cc: Court Reporter