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April 1, 2002

Ms. Blanca Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 020119 – Petition for Expedited Review and Cancellation Of
BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs and For
an Investigation Of BellSouth's Promotional Pricing And Marketing Practices by
Florida Digital Network, Inc.

Dear Ms. Bayó,

Please find enclosed for filing in the above docket an original and seven (7) copies of the
following: Florida Digital Network, Inc.'s Response to BellSouth's Motion for
Reconsideration.

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,

Matthew Feil
Florida Digital Network
General Counsel

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Expedited Review }
and Cancellation of BellSouth }
Telecommunications, Inc.'s Key Customer }
Promotional Tariffs and For an }
Investigation Of BellSouth's Promotional }
Pricing And Marketing Practices by }
Florida Digital Network, Inc }
_____ }

Docket No. 020119-TP

**FLORIDA DIGITAL NETWORK, INC.'S RESPONSE TO
BELLSOUTH'S MOTION FOR RECONSIDERATION**

Pursuant to Rule 28-106-303, Florida Administrative Code, Florida Digital Network, Inc., ("FDN" or "Florida Digital") hereby files its response to BellSouth Telecommunications, Inc.'s Motion for Reconsideration of Order Initiating Expedited Discovery Procedure ("Motion for Reconsideration"), served March 25, 2002. In support hereof, FDN states as follows:

1. To the extent that granting BellSouth's requested relief would delay the Commission's decision to suspend or postpone the effectiveness of BellSouth's promotional tariff(s), FDN objects to BellSouth's Motion for Reconsideration. FDN acknowledges that there may be certain types of discovery requests where additional time may be warranted upon request. FDN maintains asks that any additional time granted, whether on a case-by-case basis or otherwise, not come at the expense of prolonging irreparable harm. If the irreparable harm alleged in the Petition is suspended, more time for discovery may be appropriate.

2. FDN fervently disputes BellSouth's apparent suggestion in ¶ 7 of the Motion for Reconsideration that FDN and Intervenors would not be prejudiced by a delay in this proceeding

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because a complaint was filed after BellSouth implemented the 2002 Key Customer tariff. By arguing this, BellSouth argues a wrong need not be promptly remedied whenever the resulting harm has already taken hold. In effect, BellSouth argues that irreparable harm must be permitted to continue once it has begun. The Commission cannot find this argument persuasive.

Irreparable and anticompetitive harm have been alleged, have occurred and continue to occur as long as BellSouth's unlawful promotions remain in place. A delay in the Commission's decision to suspend or postpone BellSouth's promotions only benefits BellSouth and prejudices the ALECs. BellSouth should not receive deference or benefit from harm it initiated.

WHEREFORE, to the extent that granting BellSouth's Motion for Reconsideration would delay the Commission's decision to suspend or postpone the effectiveness of BellSouth's promotional tariff(s) and permit the harm alleged in the Petition to continue, Florida Digital Network, Inc., asks that the Commission deny BellSouth's Motion for Reconsideration.

Respectfully submitted, this 1 day of April 2002.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing and the referenced discovery responses were served on the following by e-mail (where an email address is identified below) and by U.S. Mail this 1 day of April, 2002.

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