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May 6, 2003

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VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 020507-TP

Dear Ms. Bayo:

On behalf of the Florida Competitive Carriers Association (FCCA), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ The Florida Competitive Carriers Association's Response to BellSouth Telecommunications, Inc.'s Motion for Continuance and/or Rescheduling.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman

Vicki Gordon Kaufman

AUS _____
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FPSC-BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of the Florida Competitive Carriers Association Against BellSouth Telecommunications, Inc. Regarding BellSouth's Practice of Refusing to Provide FastAccess Internet Service to Customers who Receive Voice Service from a Competitive Voice Provider, and Request for Expedited Relief

Docket No. 020507-TP

Filed: May 6, 2003

The Florida Competitive Carriers Association's Response to BellSouth Telecommunications, Inc.'s Motion for Continuance and/or for Rescheduling

The Florida Competitive Carriers Association (FCCA), pursuant to rule 25-28-106.204, Florida Administrative Code, responds to BellSouth Telecommunications, Inc.'s (BellSouth) Motion for Continuance and/or for Rescheduling.

1. On June 12, 2002, the FCCA filed its Complaint in this case and its request that, due to the nature of the conduct at issue, the Complaint be processed on an expedited basis. Almost a year later, the Complaint remains pending and has yet to be heard. The hearing is set for August 6, 2003. Under the current schedule, the Commission will vote on the matter on November 4, 2003.

2. Given the nature of the issues in this case, as well as the length of time the matter has been pending, it is important that this case proceed to hearing as quickly as possible. And in fact, it was contemplated by the parties' Settlement Agreement, filed on April 2, 2003, that this case would go to hearing no later than June 30, 2003.

3. Nonetheless, the FCCA understands and appreciates the exigencies of the Commission's calendar as well as witness scheduling conflicts which may arise. Thus, when BellSouth approached the FCCA regarding a continuance of the August 6th hearing, the FCCA

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stated it would not object so long as the hearing could be held within the following 30 days. It is the FCCA's understanding that dates within that time frame are available but do not comport with BellSouth's desired schedule for the case. The next available hearing dates¹ are at the end of September, which would mean that a decision in this case would probably not occur until 2004.

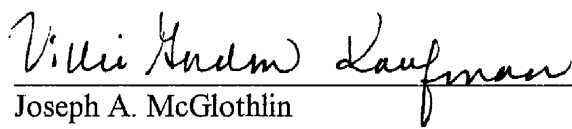
4. Because this case has experienced significant delays already, the FCCA cannot agree to another 60-day continuance.² BellSouth briefly describes the reasons for the unavailability of its witnesses (vacation and testimony in another jurisdiction). However, as this Commission is well aware, it is quite common for a company witness to adopt the testimony of another witness who becomes unavailable. With all due respect to Mr. Ruscilli, it is unclear what is so "unique" about his testimony that the case cannot proceed without him or alternatively, why a different BellSouth witness cannot appear for Mr. Ruscilli in the conflicting arbitration proceeding. The same is true for Mr. Smith. While BellSouth claims that it will be prejudiced if the witnesses it prefers cannot appear, the petitioners in this matter, and Florida consumers, are prejudiced every day that this matter is delayed since while the matter is pending BellSouth is able to continue to refuse service to retail end users.

5. The FCCA remains willing to work cooperatively to find an appropriate hearing date, so long as the hearing is scheduled promptly.

¹ BellSouth does not object to scheduling the hearing before August 6th. It is possible that hearing days may become available on July 21-23 if the case currently scheduled for hearing on those dates (Docket No. 000121C-TP, Verizon performance measures) is settled.

² This would be the 4th continuance of the case.

WHEREFORE, the FCCA objects to BellSouth's Motion for Continuance if it would result in further significant delay in this matter proceeding to hearing.



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Attorneys for the Florida Competitive Carriers Association

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing The Florida Competitive Carriers Association's Response to BellSouth Telecommunications, Inc.'s Motion for Continuance and/or for Rescheduling has been furnished by (*) hand delivery, (**) electronic mail, or by (***) U.S. Mail this 6th day of May 2003, to the following:

(*) (**) Patricia Christensen
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) (**) Nancy White
(**) Meredith Mays
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

(**) (***) Nanette Edwards
Director-Regulatory
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