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Ms. Blanca Bayó, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket Nos. 981834-TP and 990321-TP

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Dear Ms. Bayó:

Enclosed for filing on behalf of AT&T Communications of the Southern States, LLC are an original and fifteen copies of AT&T's Motion for Modification of the Procedural Schedule in the above referenced dockets.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

  
Norman H. Horton, Jr.

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Enclosures  
cc: Tracy W. Hatch, Esq.  
Parties of Record

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Competitive Carriers ) for Commission action to support local ) competition in BellSouth ) Telecommunications, Inc.'s service ) territory ) _____ )	Docket No. 981834-TP
In re: Petition of ACI Corp. d/b/a ) Accelerated Connections, Inc. for generic ) investigation to ensure that BellSouth ) Telecommunications, Inc., Sprint-Florida, ) Incorporated, and GTE Florida Incorporated ) comply with obligation to provide alternative ) local exchange carriers with flexible, timely, ) and cost-efficient physical collocation. ) _____ )	Docket No. 990321-TP Filed: July 24, 2003

**AT&T'S MOTION FOR MODIFICATION OF THE PROCEDURAL SCHEDULE**

AT&T Communication of the Southern States, LLC, ("AT&T") pursuant to Rule 28-106.204, Florida Administrative Code, hereby moves the Prehearing Officer to modify the current procedural schedule in this proceeding and in support states the following.

1. By Order No. PSC-02-1513-PCO-TP, issued November 4, 2002, the issues identified for hearing in this portion of Dockets Nos. 981834-TP and 990321-TP were initially set for hearing on August 12-15, 2003. This hearing was scheduled to allow the Commission to receive and consider all the evidence regarding the issues to be resolved by the Commission.

2. Pursuant to the initial procedural schedule, direct testimony for Issues 1-8 was filed December 19, 2002, and rebuttal testimony for Issues 1-8 was filed January 21, 2003. In order to accommodate the requests of BellSouth Telecommunications, Inc., Verizon Florida, Inc. and Sprint Florida, Inc. (collectively the "ILECs") for sufficient time to complete and file collocation cost studies, direct testimony for Issues 9-10 was filed February 4, 2003. Rebuttal

testimony for Issues 9-10 was filed April 18, 2003. Surrebuttal testimony for cost issues is currently set to be filed September 23, 2003.

3. On May 15, 2003, Verizon and Sprint, filed a Joint Motion to Strike, seeking to strike portions of the Rebuttal testimony of AT&T's witness, Steven E. Turner or in the alternative an extension of time to file surrebuttal testimony to allow for additional discovery by Verizon and Sprint on BellSouth regarding BellSouth's collocation cost model. During the course of the Agenda Conference to address the Joint Motion to Strike, the parties agreed to give the ILECs additional time to conduct discovery. However, because sufficient time to hear the entire case at one time was not available in the near future, the parties agreed to a bifurcation of the hearings, which the Commission approved. (See Order No. PSC-03-0702-PCO-TP) The bifurcated hearings would allow the testimony which was ready to be heard to be heard in the original August hearing dates and the remainder of the testimony to be heard November 4-5, 2003.

4. On July 1, 2003, Order No. PSC-03-0776-PCO-TP was issued modifying the procedural schedule to establish the bifurcated hearing process. However, in addition to setting the schedule for the separate hearing dates, the Order also split the entire collocation proceeding into two separate proceedings, each with their own separate hearings, briefing schedules and agenda conferences. Effectively, Order No. PSC-03-0776-PCO-TP has created two separate cases from the one originally noticed by the Commission and contemplated by the parties. AT&T believes that the separation of the collocation proceeding into two separate proceedings has the unintended effect of prejudicing AT&T in the presentation of its case. There is a distinction between multiple hearings in a proceeding and multiple proceedings and decisions. AT&T has agreed with the other parties that there should be multiple hearings

within a single collocation proceeding but AT&T has not agreed to create separate proceedings.

5. AT&T has prepared and presented its case based on the presentation of its evidence in a single proceeding as set forth in the initial procedural order. The rebuttal testimony of AT&T's witness Steven E. Turner, while directed principally at the cost issues, also contains testimony relevant to other issues in the proceeding, specifically Issues 6A-C regarding in what manner the ILECs will be allowed to charge for the consumption of electrical power in their collocation arrangements. In AT&T's view the determination of the policy question on charges for electric power should not be determined without also looking at the cost issues leading to the development of the rates for electric power consumption.

6. Based on Order No. PSC-03-0776-PCO-TP the Commission is scheduled to decide issues 1-8 on November 3, the day before the Commission is set to hear the rest of the evidence in this case. Deciding issues 1-8 before hearing all the relevant evidence on other issues in the case would inappropriately exclude a portion of AT&T's case from the record upon which the Commission's decision is to be based, and would partition a comprehensive decision. AT&T respectfully suggests that deciding certain of the issues in the proceeding without hearing all the relevant evidence is inappropriate and prejudicial to AT&T and would constitute a denial of due process. Moreover, simply from a practical approach, bifurcating the issues and decisions would be confusing and would not improve or expedite the process.

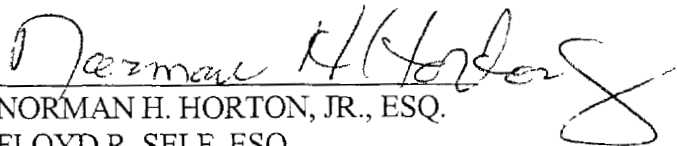
7. As a solution, AT&T requests that the procedural schedule be modified to schedule a single decision making agenda after both hearings have been concluded. This would allow the Commission to consider the entire matter at one time rather than splitting the decisions. Also, this suggestion has the added benefit of being more efficient for the parties

and the staff since it would require only one brief from each party instead of two and would require only one staff recommendation instead of two. Further the Commission would be able to issue a single comprehensive order in the proceeding. AT&T suggests that this would be a better utilization of time and resources and would be the most efficient method.

8. AT&T has consulted with the parties regarding the instant motion during a conference call earlier in the week. Florida Digital Network and Covad do not object. BellSouth, Verizon, and Sprint did not voice a position and must be presumed to oppose the motion. Staff affirmatively took no position.

WHEREFORE, based on the foregoing, AT&T respectfully requests that the Prehearing Officer modify the procedural schedule for this proceeding to provide for a single decision agenda with single briefing schedule and recommendation .

Respectfully Submitted.

  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Hand Delivery (\*) and/or U. S. Mail this 24<sup>th</sup> day of July, 2003.

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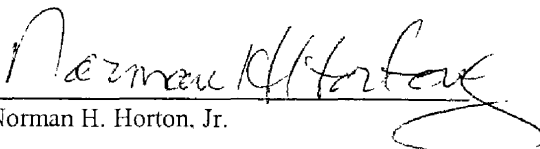
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