

JAMES E. "JIM" KING, JR.

PRESIDENT



Charles J. Beck
Interim
Public Counsel

ORIGINAL

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SPEAKER



STATE OF FLORIDA
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c/o THE FLORIDA LEGISLATURE
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August 28, 2003

Blanca S. Bayo, Director
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
AUG 28 PM 3:14
COMMISSION
CLERK

Re: Docket No. 030869-TL

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Motion to Expedite Discovery Process.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

H F. Mann
Associate Public Counsel

HFM:bsr

Enclosures

- AUS _____
- CAF _____
- CMP _____
- COM 5
- CTR _____
- ECR _____
- GCL 1
- OPC _____
- MMS _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

08057 AUG 28 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by BellSouth
Telecommunications, Inc. To
Reduce Its Network Access Charges
Applicable To Intrastate Long Distance
In A Revenue-Neutral Manner

Docket No. 030869-TL
Filed: August 28, 2003

CITIZENS' MOTION TO EXPEDITE DISCOVERY PROCESS

The Citizens of Florida ("Citizens"), through the Office of Public Counsel and pursuant to Rules 28-106.204, 28-106.206, and 28-106.211, Florida Administrative Code, hereby file their motion seeking the Florida Public Service Commission ("Commission") to expedite the discovery process in the instant proceeding. In support of this request, Citizens state that:

1) On August 27, 2003, BellSouth Telecommunications, Inc. ("Company") filed its petition with the Commission, pursuant to section 364.164, Florida Statutes (2003), to reduce its network access charges applicable to intrastate long distance in a revenue-neutral manner.

2) Florida Rules of Civil Procedure Rules 1.340, and 1.350, provide guides for the discovery that will be conducted by parties to this proceeding. The time set by these rules for response to be made to interrogatories and requests for production of documents is within thirty (30) days of service to the responding party.

3) This proceeding, however, presents unique circumstances that must be addressed at the outset - - that is, section 364.164(1) establishes an extremely limited time frame for conclusion of the proceeding. The statute

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FLORIDA PUBLIC SERVICE COMMISSION

provides that once a local exchange telecommunications company petitions this Commission to reduce its intrastate switched network access rates in a revenue-neutral manner, the Commission shall issue its final order either granting or denying such petition within 90 days.

4) In order for the Citizens and Commission Staff, as well as any other Intervenor to obtain discovery of crucial information necessary to present to this Commission to enable the Commission to reach a fair, just, and well-reasoned decision within that 90-day period, it is of paramount necessity to expedite the discovery process provided by the Florida Rules of Civil Procedure.

5) Rules 28-106.206, and 28-106.211, provide that the Prehearing Officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay. Accordingly, Citizens urge the Prehearing Officer to order the following regarding discovery requests:

a) All discovery requests shall be served by hand delivery, electronic mail, or facsimile, with a hard copy to follow immediately by U.S. Mail or hand delivery.

b) When discovery requests are served and the respondent intends to either object to, or seek clarification of, the discovery requests, the objection or request for clarification shall be made by hand delivery, electronic mail, or facsimile within five business days of service of the discovery request, with a hard copy to follow immediately by U.S. Mail or hand delivery.

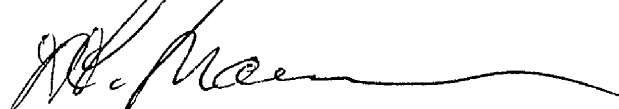
c) Because discovery responses must be expedited to allow parties and the Commission Staff an adequate opportunity to review the information, all responses to interrogatories, and where practicable, production of documents,

shall be served by hand delivery, electronic mail, or facsimile, within 10 calendar days after service of the request, with no additional time for mailing, with a hard copy to follow immediately by U.S. Mail or hand delivery.

WHEREFORE, Citizens urge the Prehearing Officer to issue an order, as suggested above, expediting discovery procedures in this proceeding.

Respectfully submitted,

CHARLES J. BECK
Interim Public Counsel

A handwritten signature in black ink, appearing to read 'H. F. Rick Mann', with a long horizontal flourish extending to the right.

H F. Rick Mann
Associate Public Counsel
Florida Bar #0763225

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DOCKET NO. 030869-TL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 28th day of August, 2003.

A handwritten signature in black ink, appearing to read "H. F. Mann", written over a horizontal line.

H F. Mann

Beth Keating, Esquire
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c/o Nancy H. Sims
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