

ORIGINAL

MCWHIRTER REEVES

ATTORNEYS AT LAW

TAMPA OFFICE
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602-5126
P.O. BOX 3350, TAMPA, FL 336J01-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:
TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 33201
(850) 222-2525
(850) 222-5606 FAX

October 9, 2003

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 Nos. 030851-TP and 020852-TP

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Dear Ms. Bayo:

On behalf of the Florida Competitive Carriers Association ("FCCA"), I am responding to the letter that Nancy White of BellSouth Telecommunications, Inc. ("BellSouth") submitted in the above dockets on October 7, 2003.

In her letter, Ms. White alluded to the document entitled "Proposed Modifications to Orders Establishing Procedure" that FCCA and BellSouth distributed on Monday, October 6, 2003, when Prehearing Officer Davidson took up the Joint Emergency Motion to Amend Procedural Schedule that BellSouth and FCCA filed on September 24, 2003. She also urged the Commission to declare all providers of telecommunications services that are subject to its jurisdiction who have not intervened in these dockets to be parties for the purpose of requiring them to respond to parties' discovery requests.

During the conference of October 6, some suggestions on procedure were presented jointly on behalf of BellSouth and FCCA (through AT&T attorney Mickey Henry, who has been actively involved in negotiating with BellSouth an approach to be applied throughout a nine state region). Because Mr. Lackey of BellSouth broached the possibility of requiring all carriers to become parties at that time, FCCA is concerned it may appear that BellSouth presented this particular proposal on behalf of both BellSouth and FCCA. To clarify, at the time BellSouth raised it on October 6, FCCA had not considered the matter. At the time of the conference, Mr. Henry had communicated to BellSouth that BellSouth should raise the suggestion in its individual capacity, and that he would apprise FCCA, who would respond to the proposal after

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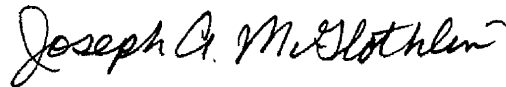
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conferring with all of its members.¹ The purpose of this letter is to provide FCCA's position on the proposal.

FCCA regards BellSouth's suggestion to impose on carriers who choose not to intervene voluntarily the obligation to respond to discovery from intervenors as an extraordinary measure, and one that may be subject to legal objections. However, FCCA also understands that the Commission and parties are faced with extraordinary circumstances in these dockets, in which information from all carriers who own facilities will be essential to fully informed decisions. FCCA had already decided to forgo any legal objections that may be available to it in the event reasonable requests for information from individual members are promulgated to FCCA in these dockets. Similarly, if the Commission issues an order conferring party status on carriers who have not intervened voluntarily for the purpose of requiring them to respond to intervenors' discovery requests, FCCA and its members have decided not to challenge the Commission's authority to do so, and to participate in the discovery framework created by such an order.² However, FCCA wishes to emphasize that its waiver of available objections is due solely to the extraordinary circumstances of these dockets. FCCA reserves its right to raise such objections, without prejudice, in the event similar issues arise in future proceedings.

Yours truly,



Joseph A. McGlothlin

JAM/mls

Enclosure

cc: Parties of record

¹ In their Joint Emergency Motion to Amend Procedural Schedule of September 24, 2003, FCCA and BellSouth indicated they planned to facilitate discovery of non-parties by developing a common set of discovery requests. BellSouth's suggestion to impose party status on all carriers is not contained in the Proposed Modifications to Orders Establishing Procedure, the document that was discussed on October 6, 2003 and that Ms. White attached to her letter of October 7.

² Of course, FCCA and its members reserve any objections regarding the appropriateness of individual discovery requests that may be applicable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by (*) hand delivery, (**) electronic mail or U.S. Mail this 9th day of October 2003, to the following:

(*)(**) Beth Keating
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
bkeating@psc.state.fl.us

(**) Nancy White c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556
Nancy.white@bellsouth.com

(**) Richard Chapkis
Verizon Florida, Inc.
201 North Franklin Street
MC: FLTC0717
Tampa, FL 33602
Richard.chapkis@verizon.com

(**) Susan Masterton
Sprint Communications Company
1313 Blairstone Road
Post Office Box 2214
MC: FLTLHO0107
Tallahassee, FL 32301
Susan.masterton@mail.sprint.com

(**) Donna Canzano McNulty
MCI WorldCom
1203 Governors Square Blvd, Suite 201
Tallahassee, FL 32301
Donna.mculty@wcom.com

(**) Tracy Hatch
AT&T Comm. of the Southern States, LLC
101 North Monroe Street, Suite 700
Tallahassee, FL 32301
thatch@lawfla.com

(**) Michael Gross
Florida Cable Telecommunications
246 East 6th Avenue
Tallahassee, FL 32302
mgross@fcta.com

(**) Charles E. Watkins
Covad Communications Company
1230 Peachtree Street, NE, 19th Floor
Atlanta, GA 30309
gwatkins@covad.com

(**) Matthew Feil
Florida Digital Network, Inc.
390 North Orange Avenue, Suite 200
Orlando, FL 32801
mfeil@floridadigital.net

(**) Jeffrey J. Binder
Allegiance Telecom, Inc.
1919 M Street, NW
Washington, DC 20037
binderj@dsmo.com

(**) Mickey Henry
AT&T Communications, Inc.
1200 Peachtree Street, NE, Suite 8100
Atlanta, GA 30309
mhenry@att.com

(**) Floyd R. Self
Messer, Caparello & Self
215 South Monroe Street, Suite 701
Tallahassee, FL 32301
fself@lawfla.com

Joseph A. McGlothlin