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November 20, 2003

Mrs. Blanca S. Bayó  
Director, Division of the Commission  
Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

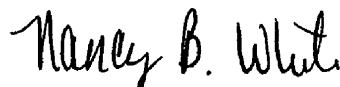
**Re: Docket No. 030301-TP  
Petition by Mpower Communications, Corp. and Florida Digital Network,  
Inc. for expedited temporary and permanent relief against BellSouth  
Telecommunications, Inc. for alleged anticompetitive conduct regarding  
Florida Digital Network, Inc.'s proposed acquisition of assets and customer  
base of Mpower Communications Corp.**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc., Mpower Communications Corp. and FDN Communications' Joint Motion for Further Continuance, in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return a copy to me. Copies have been served to the parties shown on the attached certificate of service.

Sincerely,



Nancy B. White (KA)

Enclosures

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey

DOCUMENT NUMBER-DATE

11788 NOV 20 03

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE  
DOCKET NO. 030301-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and Federal Express this 20th day of November, 2003 to the following:

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**FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Florida Digital ) Docket No. 030301-TP  
Network, Inc. and Mpower Communica- )  
tions Corp. for Expedited Temporary and )  
Permanent Relief against BellSouth )  
Telecommunications, Inc., For its Anti- )  
competitive Conduct Regarding Florida )  
Digital Network, Inc.'s Proposed )  
Acquisition of the Assets and Customer )  
Base of Mpower Communications Corp. )  
In Florida )  
\_\_\_\_\_ ) Filed: November 20, 2003

**JOINT MOTION FOR FURTHER CONTINUANCE**

Pursuant to Rule 28-106.204, Florida Administrative Code, Mpower Communications Corp. ("Mpower"), Florida Digital Network, Inc., d/b/a FDN Communications ("FDN") and BellSouth Telecommunications, Inc., ("BellSouth") by and through their undersigned counsel, hereby jointly move the Commission to continue the suspension of the remaining scheduled dates in this matter and continue the hearing dates as set forth herein. In support hereof, Mpower, FDN and BellSouth (collectively "Joint Movants") state as follows:

1. On September 4, 2003, the Prehearing Officer issued Order No. PSC-03-0997-PCO-TP, granting the Joint Movants Initial Motion for Continuance.
2. Although no further stipulations have been reached at this time, FDN, Mpower and BellSouth remain in active negotiation of a permanent resolution of all issues and progress has been made. The most recent settlement discussions were held via conference call on November 11, 2003. The parties have been exchanging term sheets and the issues still in negotiations have narrowed.

3. Under the current schedule, rebuttal testimony from FDN, Mpower and BellSouth is due on December 8, 2003, the prehearing is scheduled for January 5, 2004, and the hearing is scheduled for January 22, 2004.

4. Joint Movants believe that the parties should continue to devote available resources to negotiating this matter. Accordingly, Joint Movants request that the Prehearing Officer issue an order (1) suspending all scheduled activity and due dates as of the filing date of this Joint Motion, including due dates for rebuttal testimony, objections to discovery, discovery responses, prehearing statements, etc. and (2) continuing the prehearing and hearing dates in this matter for a period of up to thirty (30) days. Joint Movants believe this relief will permit them to finish negotiating a resolution to the dispute.

5. Joint Movants have contacted the Commission staff and Intervenors Comcast and AT&T regarding this motion and report that none object to the motion.

WHEREFORE, Joint Movants respectfully requests that the Commission suspend all due dates and continue the hearing dates in this matter for up to thirty (30) days as set forth herein.

Respectfully submitted this 20<sup>th</sup> day of November, 2003.

BELLSOUTH TELECOMMUNICATIONS, INC.

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