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March 29, 2004

BY HAND DELIVERY

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

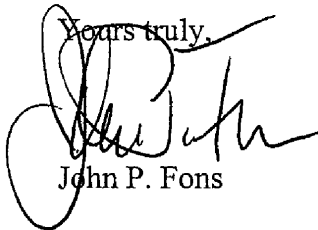
Re: Docket Nos. 030867-TL, 030868-TL, 030869-TL, 030961-TL

Dear Ms. Bayo:

Enclosed for filing in the above-referenced dockets are the original and fifteen (15) copies of Sprint-Florida, Incorporated's Response in Opposition to Attorney General's Amended Request for Oral Argument.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Yours truly,

John P. Fons

Enclosures

cc: Certificate of Service List

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DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Petition of Verizon Florida, Inc, to Reform) Its Intrastate Network Access and Basic Local) Telecommunications rated in Accordance with) Florida Statutes, Section 364.164) | Docket No. 030867-TL |
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| In re: Petition of Sprint-Florida, Incorporated,) To reduce intrastate switched network) Access rates to interstate parity in) Revenue neutral manner pursuant to) Section 364.164(1), Florida Statutes) | Docket No. 030868-TL |
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| 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 |
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| In re: Flow-through of LEC Switched Access) Reductions by IXC's, Pursuant to Section) 364.163(2), Florida Statutes) | Docket No. 030961-TO Filed: March 29, 2004 |

**SPRINT-FLORIDA, INCORPORATED'S RESPONSE
IN OPPOSITION TO ATTORNEY GENERAL'S
AMENDED REQUEST FOR ORAL ARGUMENT**

Sprint-Florida, Incorporated ("Sprint-Florida"), pursuant to Rules 28-106.204(1), 25-22.058 and 25-22.060, Florida Administrative Code ("F.A.C."), hereby responds in opposition to the Attorney General's ("AG") pleading filed on March 17, 2004, self-styled as Amended Request for Oral Argument ("Amended Request"). In support Sprint states as follows:

1. On March 17, 2004, some 60-plus days after the AG filed his Motion for Reconsideration, the AG has filed this Amended Request in which he raises matters that were not raised by the AG in his Motion for Reconsideration or in his untimely filed original Request for

Oral Argument.¹ As will be described herein, the AG's Amended Request is an unauthorized pleading and must be denied.

2. The Commission's Rules of Procedure clearly state that, "[a] request for oral argument shall be contained on a separate document and must accompany the pleading upon which argument is requested." Rule 25-22.058, F.A.C. The AG's Amended Request obviously fails to satisfy that rule. Additionally, the Commission's rules do not authorize amending any request for oral argument. On March 15, 2004, Sprint-Florida filed its Response in Opposition to the AG's Motion for Reconsideration and Request for Oral Argument ("Response") in which Sprint-Florida pointed out why the AG's Request for Oral Argument was deficient and should be denied. Recognizing the merits of Sprint-Florida's Response, the AG is now attempting to "beef up" his original flawed effort. Every party would like to have the opportunity to enhance its pleadings to address valid points raised in responsive pleadings by opponents, however, the rules of administrative procedure don't provide that right, as the Commission has recognized on numerous occasions.²

¹ Although the AG's original Request for Oral Argument shows a service date of January 8, 2004, the Commission's docket sheet shows it was not filed with the Commission Clerk's Office until January 12, 2004. (Document No. 00464-04)

² See, e.g., *In re: Request for arbitration concerning complaint of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc. and TCG South Florida for enforcement of interconnection agreements with BellSouth Telecommunications, Inc.*, Order No. PSC-03-0525-FOF-TP in Docket No. 020919 at page 15 (finding that AT&T's response to BellSouth's response to AT&T's Motion to Strike is an inappropriate pleading that cannot be considered by the Commission); *In re: Petition by Cargill Fertilizer, Inc. for permanent approval of self-service wheeling to, from and between points within Tampa Electric Company's service area*, Order No. PSC-02-1451_PCO-EQ in Docket No. 020898 at 6 (finding that a pleading by Cargill styled as a motion was actually a response pleading to TECO's response to Cargill's motion and was in the nature of a reply, and, therefore, was not authorized by the Uniform Rules of Procedure and was not to be considered by the Commission); *In re: Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996*, Order No. PSC-01-1168-PCO-TP in Docket No. 010098-TP at page 3 (finding that FDN's reply to BellSouth's opposition to a motion filed by FDN was not contemplated by the Commission rules and therefore would not be addressed by the Commission); *In re: Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection*

3. In any event, the AG's Amended Request still fails to satisfy the rule's requirement that the request for oral argument "state with particularity why oral argument would aid the Commission in comprehending and evaluating the issue before it." Rule 25-22.058, F.A.C. Instead, the AG now appears to be using an unauthorized amended request for oral argument as an unauthorized attempt to amend his Motion for Reconsideration by introducing a matter (confidentiality) that was not raised in his Motion for Reconsideration or, for that matter, at anytime prior to the Final Order. The AG is challenging the Commission's decisions granting the parties' requests for confidentiality as to certain competitively sensitive information. AG Amended Request at 2 ("there is no basis for applying this designation ['confidential'] to information which would not, as the telephone companies assert, give their competition an unfair advantage if disclosed"). At no time during the proceeding did the AG, or any party, challenge in a timely manner, a party's claim of confidentiality or a party's request for confidential classification pursuant to the statute and rules addressing confidentiality. *See* Section 364.183, Florida Statutes, and Rule 25-22.006, F.A.C. Additionally, at no time has the AG sought timely reconsideration of any of the Commission's Orders granting confidentiality. Again, the AG's

negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc., Order No. PSC-00-2233-FOF-TP in Docket No. 990750-TP at page 3 (denying BellSouth's motion to file a reply memorandum because "[t]he Uniform Rules and the Commission rules do not provide for a Reply to a Response to a Motion for Reconsideration"); *In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief*, Order No. PSC-00-1777-PCO-TP in Docket No. 980119-TP at page 5 (granting Supra's Motion to Strike BellSouth's reply to Supra's response to a motion filed by BellSouth); *In re: Application for rate increase in Flagler County by Palm Coast Utility Corporation*, Order No. PSC-97-0388-FOF-WS in Docket No. 951056-WS at page 29 (denying motions to amend a motion for reconsideration as untimely and improper because they were not filed within the timeframe for filing motions for reconsideration and because they attempted to amend the initial Motion for Reconsideration after responsive pleadings had been filed) But, Cf. *In re: Investigation into Florida Public Service Commission jurisdiction over South States Utilities, Inc. in Florida*, Order No. PSC-94-1040-FOF_WS in Docket No. 930945-WS at 4 (allowing a party to amend its Motion for Reconsideration when no responses to the initial motion had been filed and the filing of an amended motion did not prejudice any other party.)

attempt to inject a whole new matter into the proceeding at this stage evidences the AG's callous disregard for established and recognized procedural rules.

4. Additionally, not only is the AG's Amended Request untimely and unauthorized, it is also inconsistent with the Supreme Court's order relinquishing jurisdiction to the Commission "for the specific purpose of ruling on the January 8, 2004, motions for reconsideration." Supreme Court Corrected Order, issued March 3, 2004, at 1. This Commission has authority only to consider matters contained in the "January 8, 2004," Motions for Reconsideration, and nothing more.

WHEREFORE, having shown that the AG has provided no basis for the relief requested, Sprint-Florida respectfully requests that the AG's Amended Request for Oral Argument be denied.

RESPECTFULLY SUBMITTED this 29th day of March, 2004.



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CERTIFICATE OF SERVICE

I HERBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail, e-mail or hand delivery (*)this 29th day of March, 2004, to the following:

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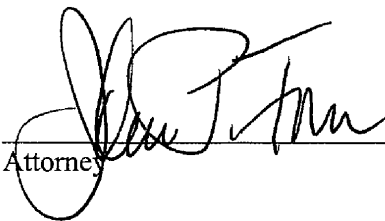
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