

**Matilda Sanders**

**From:** Slaughter, Brenda [Brenda.Slaughter@BELLSOUTH.COM]  
**Sent:** Friday, May 28, 2004 12:13 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Fatool, Vicki; Linda Hobbs; Meza, James; Holland, Robyn P.; Nancy Sims; Bixler, Micheale  
**Subject:** Docket 031125-TP  
**Importance:** High

- A. Brenda Slaughter  
 Legal Secretary for James Meza III  
 BellSouth Telecommunications, Inc.  
 c/o Nancy Sims  
 150 South Monroe, Rm. 400  
 Tallahassee, FL 32301-1558  
 (404) 335-0714  
[brenda.slaughter@bellsouth.com](mailto:brenda.slaughter@bellsouth.com)
- B. Docket No. 031125-TP: Complaint of IDS Telecom LLC against BellSouth Telecommunications, Inc.  
 for over billing and discontinuance of service, and petition for emergency order restoring service
- C. BellSouth Telecommunications, Inc.  
 on behalf of James Meza III
- D. 5 pages total
- E. BellSouth Telecommunications, Inc.'s Preliminary Opposition to IDS's Motion for Summary Final Order or Request for Stay of Substantive Response Deadline

MP \_\_\_\_\_ Brenda Slaughter (sent on behalf of James Meza III)  
 OM 3 \_\_\_\_\_ BellSouth Telecommunications, Inc.  
 TR \_\_\_\_\_ Suite 4300 - Legal Department  
 CR \_\_\_\_\_ 675 W. Peachtree Street  
 CL \_\_\_\_\_ Atlanta, GA 30375-0001  
 PC \_\_\_\_\_ Phone: (404) 335-0714

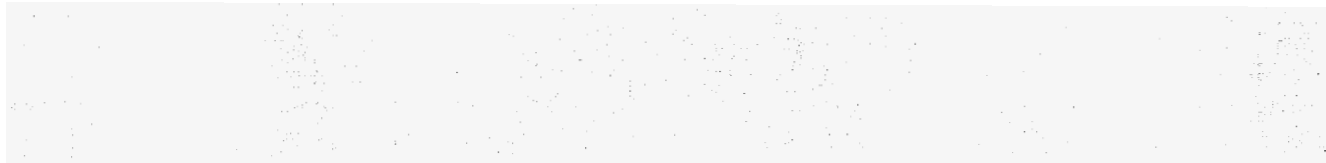
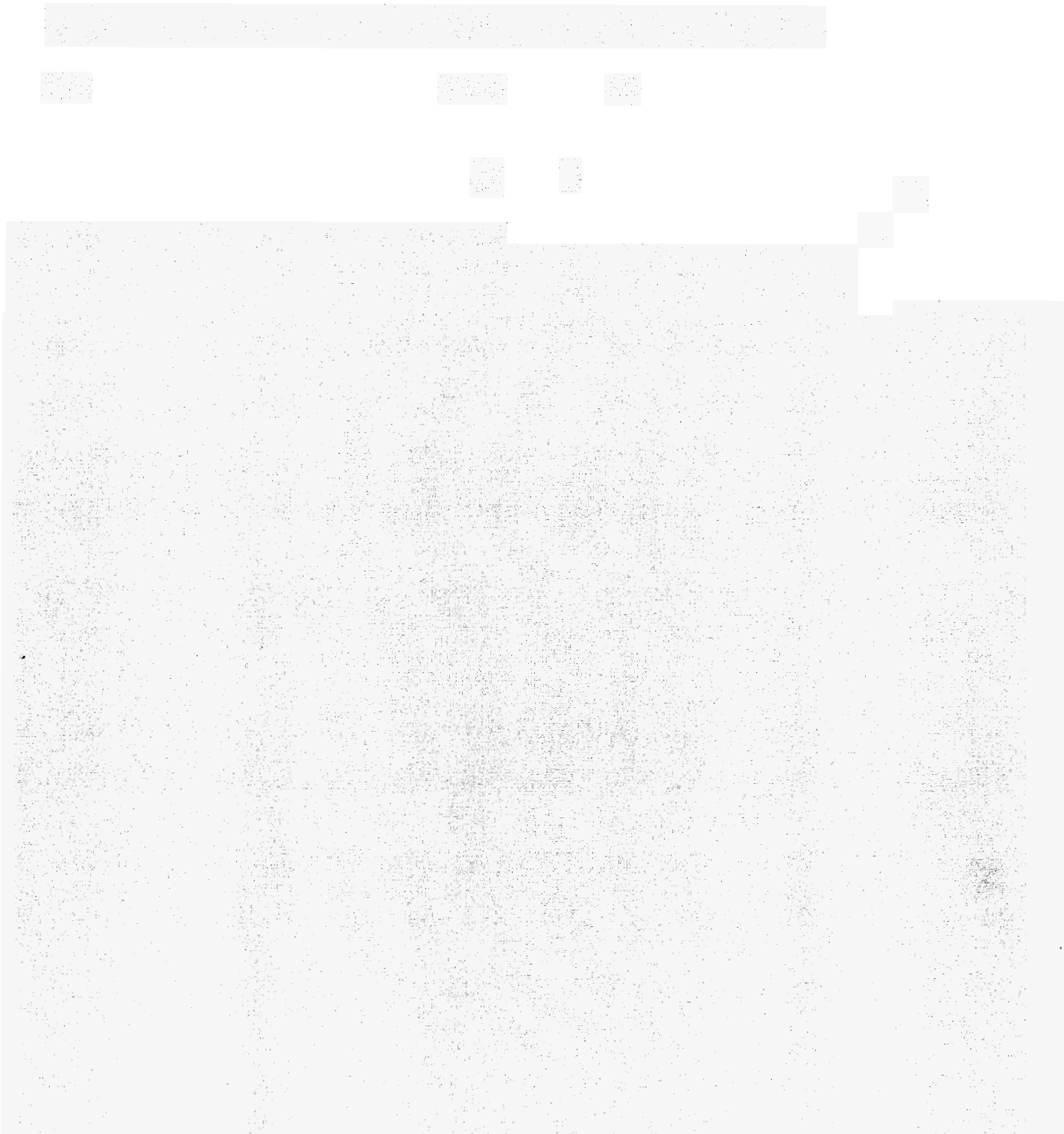
<<Preliminary Opposition.pdf>>

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JAMES MEZA III  
Attorney  
BellSouth Telecommunications, Inc.  
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Room 400  
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(404) 335-0769

May 28, 2004

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

**Re: 031125-TP: Complaint of IDS Telecom LLC against BellSouth  
Telecommunications, Inc., for over billing and discontinuance of  
service, and petition for emergency order restoring service**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Preliminary Opposition to  
IDS's Motion for Summary Final Order or Request for Stay of Substantive Response  
Deadline. We ask that you file this document in the referenced docket.

Copies have been served to the parties shown on the attached Certificate of  
Service.

Sincerely,

  
James Meza III  
(BSS)

Enclosures


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

**CERTIFICATE OF SERVICE  
DOCKET NO. 031125-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and Facsimile this 28th day of May, 2004 to the following:

Patty Christensen  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6191  
Fax. No. (850) 413-6221  
[pchrste@psc.state.fl.us](mailto:pchrste@psc.state.fl.us)

Norman H. Horton, Jr.  
Meser, Caparello & Self, P.A.  
215 South Monroe Street, Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-1876  
Tel. No. (850) 222-0720  
Fax No. (850) 224-4359  
[nhorton@lawfla.com](mailto:nhorton@lawfla.com)  
Represents IDS

  
James Meza III (BMA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint against BellSouth Telecommunications, ) Docket No.: 031125-TP  
 Inc. for alleged overbilling and discontinuance of service, )  
 by IDS Telecom, LLC )  
 \_\_\_\_\_ ) Filed: May 28, 2004

**PRELIMINARY OPPOSITION TO  
 IDS'S MOTION FOR SUMMARY FINAL ORDER OR  
REQUEST FOR STAY OF SUBSTANTIVE RESPONSE DEADLINE**

Defendant and Counter-Claimant, BellSouth Telecommunications, Inc. ("BellSouth"), hereby files this Preliminary Opposition or Request for Stay of Substantive Response Deadline to IDS's Motion for Summary Final Order ("Motion"). In support, BellSouth states the following:

1. On May 19, 2004, IDS filed its Motion for Summary Final Order. IDS brought the Motion solely on the grounds of a typographical error that exists in BellSouth's original Answer. Specifically, in its original Answer, BellSouth admitted the allegations contained in paragraph 10 of IDS's Amended Complaint in error. This paragraph states:

However, rather than billing the Total Amount Due of \$2,475,000.00 to the Q Account as required by the Settlement Agreement, BellSouth erroneously billed \$3,231,996.10 to the Q Account or \$756,996.10 in excess of that specified in the Settlement Agreement.

2. As set forth in BellSouth's Unopposed Motion to Amend Answer, which is still pending, this admission was a typographical error and BellSouth has sought leave to correct it. As to paragraph 10, BellSouth denies the allegations in the Amended Answer.

3. IDS does not oppose BellSouth amending its Answer to deny paragraph 10 of the Amended Complaint.

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4. In light of BellSouth's request to amend its Answer to specifically deny paragraph 10 of the Amended Complaint and IDS's consent to the amendment, it is highly likely that IDS's Motion will be rendered moot.

5. In the event that the Florida Public Service Commission ("Commission") denies BellSouth's request to file an Amended Answer, BellSouth wishes to substantively respond to IDS's Motion. Thus, BellSouth requests that the Commission stay BellSouth's substantive response deadline to the Motion until after it decides BellSouth's request to file an Amended Answer.

6. BellSouth has contacted counsel for IDS who stated that IDS does not oppose BellSouth's request for a stay of its substantive response deadline.

**WHEREFORE**, for the foregoing reasons, BellSouth requests that IDS's Motion for Summary Final Order be denied as moot or alternatively that the Commission stay BellSouth substantive response deadline to the Motion until after it rules on BellSouth's request to file an Amended Answer.

Respectfully submitted this 28th day of May, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
NANCY B. WHITE (BSS)

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