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August 19, 2004

VIA HAND DELIVERY

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

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AUG 19 PM 1: 4  
COMMISSION  
CLERK

Re: Docket No. 031125-TP

Dear Ms. Bayo:

On behalf of IDS Telcom, LLC, enclosed for filing and distribution please find the original and fifteen copies of:

- Joint Motion for Continuance.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*  
Vicki Gordon Kaufman

CMP \_\_\_\_\_  
 COM 3  
 CTR \_\_\_\_\_ Enclosures  
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FPSC-BUREAU OF RECORDS

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, PA

DOCUMENT NUMBER-DATE

09072 AUG 19 04

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint against BellSouth	)	
Telecommunications, Inc., for alleged	)	
<b>overbilling and discontinuance of service</b>	)	Docket No. 031125-TP
<b>And petition for emergency order restoring</b>	)	Filed: August 19, 2004
Service, by IDS Telcom LLC.	)	

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**JOINT MOTION FOR CONTINUANCE**

IDS Telcom, LLC (IDS) and BellSouth Telecommunications, Inc. (BellSouth) (collectively, the Parties), move for the entry of an order continuing this hearing and suspending discovery obligations and other activities for thirty (30) days so that the Parties may engage in mediation regarding their disputes.<sup>1</sup> As grounds therefore, the Parties state:

1. This case involves various billing disputes between IDS and BellSouth. Moreover, the Parties have additional billing disputes that are not at issue in this case.
2. The Commission has encouraged the mediation and amicable resolution of disputes.
3. The Parties have agreed to attempt to mediate all of their disputes before a Commission mediator in an attempt to resolve the disputes without protracted litigation.
4. This case is currently set for hearing on September 10, 2004. The proximity of the currently scheduled hearing would require the Parties to devote extensive resources and personnel to discovery and hearing preparation rather than to substantive settlement discussions.
5. Therefore, the Parties request that the Commission: (1) continue the hearing of this matter; (2) hold all activities in this case, including discovery, in abeyance

<sup>1</sup> In addition, IDS has no objection to suspending activity in Docket No. 040611-TP under the same terms.

for 30 days from the date of this filing;<sup>2</sup> and (3) reschedule this one-day hearing for the next available hearing date after the expiration of this 30-day time period.

6. Further, the Parties request that, if it becomes apparent prior to the expiration of the above-30 day time period that settlement will not be feasible, that they be permitted to continue litigating the case prior to expiration of the 30-day period. In such an event, the Parties will advise the Commission that a settlement was not obtainable.

7. Finally, the Parties request that to the extent that a new scheduling order is necessary, such order extend the discovery period to correspond with any new hearing date so that neither party is prejudiced in the event that settlement is not reached.

**WHEREFORE**, the Parties request that the Commission continue the hearing set for September 10, 2004 for 30 days to permit the Parties to engage in mediation of their disputes, suspend all discovery and other activities in this case for this 30-day time period, reschedule the hearing of this matter at the first available hearing date after the expiration of this 30-day time period, and if rescheduling becomes necessary, extend the discovery period accordingly.

S/ James Meza, III  
James Meza, III  
Nancy B. White  
c/o Ms. Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301-1556

Attorney for BellSouth

S/Vicki Gordon Kaufman  
Vicki Gordon Kaufman  
Joseph A. McGlothlin  
McWhirter Reeves McGlothlin  
Davidson Kaufman & Arnold, PA  
117 South Gadsden Street  
Tallahassee, FL 32301

Attorneys for IDS

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<sup>2</sup> The Prehearing Conference in this matter is currently set for August 30, 2004. The Parties suggest that it be rescheduled if it becomes necessary.

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Joint Motion for Continuance has been served upon the following parties by hand delivery and U.S. mail this 19<sup>th</sup> day of August, 2004.

Chairman Braulio Baez  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Commissioner J. Terry Deason, Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Patricia Christensen  
Office of General Counsel  
Room 370 Gunter Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
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S/Vicki Gordon Kaufman  
Vicki Gordon Kaufman