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Matilda Sanders*1

Matilda Sanders

From: terry.scobie@verizon.com
 Sent: Wednesday, January 26, 2005 12:57 PM
 To: Filings@psc.state.fl.us
 Cc: Richard Chapkis; David Christian; demetria.c.watts@verizon.com; Felicia Banks; dfrappier@crblaw.com; chris.savage@crblaw.com
 Subject: Docket 041170-TP - Joint Motion to Establish Briefing Schedule on Issues Numbers One and Two



041170 Joint Motion 1-26-05.p

The attached filing is submitted in Docket No. 041170-TP on behalf of Verizon Florida Inc. and BrightHouse Networks Information Services, LLC by

Richard A. Chapkis
 Frappier
 201 N. Franklin Street, FLTC0007
 Tampa, Florida 33602
 Suite 200
 (813) 483-1256
 richard.chapkis@verizon.com

Christopher W. Savage/Danielle
 Cole, Raywid & Braverman, LLP
 1919 Pennsylvania Avenue, N.W.,
 Washington, DC 20006
 (202) 659-9750

chris.savage@crblaw.com/dfrappier@crblaw.com

The attached .pdf document contains 5 pages - transmittal letter (1 page), certificate of service (1 page), service list (1 page), and Joint Motion to Establish Briefing Schedule on Issues Numbers One and Two (2 pages).

(See attached file: 041170 Joint Motion 1-26-05.pdf)

Terry Scobie
 Executive Adm. Assistant
 Verizon Legal Department
 813-483-2610 (tel)
 813-204-8870 (fax)

CMPerry.scobie@verizon.com

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Richard A. Chapkis
Vice President & General Counsel –
Southeast Region



201 North Franklin St., FLTC0717
P.O. Box 110
Tampa, FL 33601

Phone: 813-483-1256
Fax: 813-204-8870
richard.chapkis@verizon.com

January 26, 2005 – *VIA ELECTRONIC MAIL*

Ms. 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. 041170-TP
Complaint Against Verizon Florida Inc. and Request for Declaratory Ruling
By Bright House Networks Information Services, LLC (Florida)

Dear Ms. Bayó:

Enclosed is a Joint Motion to Establish Briefing Schedule on Issues Numbers One and Two for filing in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

/s Richard A. Chapkis

Richard A. Chapkis

RAC:tas
Enclosures

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the Joint Motion to Establish Briefing Schedule on Issues Numbers One and Two in Docket No. 041170-TP were sent via U.S. mail on January 26, 2005 to the parties on the attached list.

/s Richard A. Chapkis

Richard A. Chapkis

Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Beth Salak
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Christopher W. Savage
Danielle Frappier
Cole Raywid & Braverman
1919 Pennsylvania Ave. NW
Suite 200
Washington, DC 20006

Bright House Networks
Information Services LLC
301 East Pine Street
Suite 600
Orlando, FL 32801

Bright House Networks
Information Services LLC
Arthur Orduna
5000 Campuswood Drive
East Syracuse, NY 13057

FDN Communications
Matthew Feil
2301 Lucien Way
Suite 200
Maitland, FL 32751

Florida Cable Telecomm. Assn.
Michael A. Gross
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303

AT&T
Tracy Hatch
101 N. Monroe Street, Suite 700
Tallahassee, FL 32301

AT&T
Lisa A. Sapper
1230 Peachtree Street, NE
4th Floor
Atlanta, GA 30309

Gene Watkins
Covad Comm. Co.
1230 Peachtree Street N.E.
Suite 1900
Atlanta, GA 30309

Vicki Gordon Kaufman
McWhirter Reeves Law Firm
117 South Gadsden Street
Tallahassee, FL 32301

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Bright House Networks Information Services,
LLC (Florida),

Complainant,

v.

Verizon Florida, Inc.,

Defendant.

Docket No. 041170-TP

**JOINT MOTION TO ESTABLISH BRIEFING SCHEDULE
ON ISSUES NUMBERS ONE AND TWO**

1. Bright House Networks Information Services, LLC ("BHN") and Verizon Florida Inc. ("Verizon") jointly request that the Commission establish a briefing schedule to address the threshold issue of whether this case should be held in abeyance pending the resolution of other proceedings before the FCC and the federal courts.

2. At the parties' Issue Identification meeting held at the Commission on December 1, 2004, the parties agreed on the language of four issues presented by BHN's complaint in this docket. The first two issues are as follows:

Issue 1: To the extent there are like issues, should the Commission delay a decision in this docket until the FCC resolves the BellSouth request for a Declaratory Ruling regarding Internet access?¹

Issue 2: To the extent there are like issues, should the Commission delay a decision in this case in light of the appeal processes *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.* and/or *In Re: Petition by BellSouth Telecommunications, Inc. for Arbitration of Certain Issues*

¹ This first issue refers to *In Re BellSouth Telecommunications, Inc. Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Services by Requesting BellSouth to Provide Wholesale or Retail Broadband Services to CLEC UNE Voice Customers*, Emergency Request for Declaratory Ruling, WC Docket No. 03-251 (filed Dec. 9, 2003).


*in Interconnection Agreement with Supra Telecommunications and Information Systems, Inc.?*²

Both parties agree that it is appropriate to brief the first two issues so that the Commission can decide these threshold questions before proceeding further with this case.³

3. Accordingly, the parties jointly propose that the Commission adopt a briefing schedule for the parties to address the two issues discussed above. They also propose that they be given 21 days after issuance of the briefing schedule to file opening briefs, and 14 days from the filing of opening briefs for replies.

Respectfully submitted,

Respectfully submitted,



Cole, Raywid & Braverman, LLP
Suite 200

Tampa, FL 33601
Tel: (813) 483-1256
Fax: (813) 273-9825

Counsel for Verizon Florida Inc.

Counsel for Bright House Networks
Information Services, LLC

January 26, 2005

² This second issue refers to *BellSouth Telecommunications, Inc. v. Florida Digital Network, Inc.*, Case No. 4:03cv212-RH (N.D. Florida); *BellSouth Telecommunications, Inc. v. Supra Telecommunications and Information Systems, Inc.*, Case No. 4:02cv325-SPM (N.D. Fla.).

³ The other two issues agreed upon by the parties were:

- Is the Commission authorized under state or federal law to resolve this complaint? and
- Do Verizon's practices regarding the porting of local telephone numbers of DSL customers who choose another local voice provider violate state law? If so, what are the appropriate remedies?