

ORIGINAL

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To: Filings@psc.state.fl.us
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Subject: Docket No. 041114-TP
Attachments: Joint Motion to amend PHO 03.18.05.pdf

Pursuant to the Commission's procedures for e-filing, XO Communications Services, Inc. and BellSouth Communications, Inc. provide the following information:

a. The attorney responsible for this filing is:

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b. This document is to be filed in Docket No. 041114-TP.

c. This document is filed on behalf of XO and BellSouth.

d. This document is 3 pages long.

e. This document is a Joint Motion to Amend Order on Procedure and Prehearing Order.

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FLORIDA PUBLIC SERVICE COMMISSION

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of XO Florida, Inc.
Against BellSouth Telecommunications,
Inc. for Refusal to Convert Circuits to
UNEs and for Expedited Processing

Docket No. 041114-TP

Filed: March 18, 2005

**BELLSOUTH TELECOMMUNICATIONS, INC.'S AND
XO COMMUNICATIONS SERVICES, INC.'S JOINT MOTION
TO AMEND ORDER ON PROCEDURE AND PREHEARING ORDER**

BellSouth Telecommunications, Inc. (BellSouth) and XO Communications Services, Inc. (XO) (jointly, the Parties), pursuant to rule 28-106.204, Florida Administrative Code, file this Joint Motion to Amend the Order on Procedure, Order No. PSC-05-0214-PHO, and the Prehearing Order, Order No. PSC-05-0214-PHO-TP, as set forth herein. **As grounds therefore, the Parties state:**

1. This case was originally scheduled for hearing on March 3, 2005
2. On March 1, 2005, the Parties filed a Joint Motion for Continuance in which they requested that the hearing be continued to allow them to conduct discovery limited to the appropriate amount of a true-up, if any, and the circuits to which such true-up should apply, if any.
3. The Motion for Continuance was granted in Order No. PSC-05-0274-PCO-TP and the hearing was continued to May 19, 2005.
4. So that the issues the Commission must decide are clear and the record in this case is complete, the Parties request that the following issue be added to the case as Issue 4 and that the Parties be permitted to provide their positions on the issue by April 21, 2005:

If the Commission finds in favor of XO on Issue 1:

- a. Which circuits are eligible for conversion?
- b. What is the appropriate effective date of conversion for each eligible circuit?
- c. Is XO entitled to any billing credits as a result of such conversion, and if so, what is the amount of such credit(s)?

5. The Parties further request that they be permitted to file additional testimony limited to the above issue on the following schedule:

Direct Testimony: April 8, 2005

Rebuttal Testimony: April 21, 2005

6. Finally, as to discovery, the Parties request that any depositions, to the extent necessary, be conducted between May 2-6, 2005.

7. Because the Order on Motion for Continuance sets the discovery cut off date as May 10, 2005, the Parties request that any discovery related to rebuttal testimony only be answered on an expedited 10-day basis.

8. The Parties have conferred with Staff and represent that Staff has no objection to the requests made in this Motion.

WHEREFORE, the Parties request that the Commission to amend the Order on Procedure and the Prehearing Order as set out in the body of this Motion.

s/ Vicki Gordon Kaufman

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S/ James Meza

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Motion to Amend Order on Procedure and Prehearing Order was served on the following by electronic mail and U.S. Mail this 18th day of March 2005:

Jason Rojas
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

S/Vicki Gordon Kaufman
Vicki Gordon Kaufman