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November 1, 2006

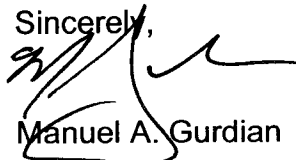
Mrs. Blanca S. Bayó
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Docket No.: 060640-TP
Petition to investigate, claim for damages, complaint, and
other statements against respondents Evercom Systems, Inc.
d/b/a Correctional Billing Services and BellSouth Corporation,
by Bessie Russ**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion to Strike, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Manuel A. Gurdian

cc: All Parties of Record
Jerry D. Hendrix
E. Earl Edenfield, Jr.
James Meza III


CERTIFICATE OF SERVICE
Docket No. 060640-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
(*) Electronic Mail and First Class U. S. Mail this 1st day of November, 2006 to the
following:

Felicia West (*)
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Correctional Billing Services
Mr. Curtis Hopfinger (*)
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Manuel A. Gurdian

FLORIDA PUBLIC SERVICE COMMISSION

Petition to investigate, claim for damages,) complaint, and other statements against) respondents Evercom Systems, Inc. d/b/a) Correctional Billing Services and BellSouth) Corporation, by Bessie Russ) _____)	Docket No. 060640-TP November 1, 2006
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BELLSOUTH TELECOMMUNICATIONS, INC.’S MOTION TO STRIKE

BellSouth Telecommunications, Inc. respectfully submits this Motion to Strike certain portions of Bessie Russ’ (“Petitioner”) “Response to Respondents BellSouth’s Partial Motion to Dismiss and Answer” (“Response”), and, in support states:

1. On October 17, 2006, BellSouth filed its Partial Motion to Dismiss and Answer to Petitioner’s Petition to Investigate, Claim for Damages, Complaint and Other Statements.

2. On October 17, 2006, BellSouth filed its Response in Opposition to Petitioner’s Sworn Motion for Order Granting Access to Emails.

3. On October 20, 2006, Petitioner filed her Response to BellSouth’s Partial Motion to Dismiss and Answer.

4. To the extent Petitioner’s Response responds to BellSouth’s Motion to Dismiss, the instant Motion to Strike does not encompass same. However, portions of Petitioner’s Response constitute an unauthorized reply to BellSouth’s Answer and its Response in Opposition to Petitioner’s Sworn Motion for Order Granting Access to Emails. Specifically, the allegations contained in paragraphs 11 and 17 of Petitioner’s Response are improper.

5. The rules provide that once a motion is filed, a party can file an opposition within seven days of service. Rule 28-106.204, Florida Administrative Code. The rule

does not expressly authorize reply memorandums. See *In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violations of the Telecommunications Act of 1996*, Order No. PSC-00-1777-PCO-TP, Docket No. 980119-TP (Sept. 28, 2000) at 3 (“neither the Uniform Rules nor [the Commission’s] rules contemplate a reply to a response to a Motion.”); *In re: Petition for approval to revise customer contact protocol by BellSouth Telecommunications, Inc.*, Order No. PSC-04-0636-FOF-TL, Docket No. 031038-TL (July 1, 2004) at 4 (“the Uniform Rules of the Administrative Procedure Act do not expressly authorize replies.”); *In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies*, Order No. PSC-04-0511-PAA-TP, Docket No. 000121A-TP (May 19, 2004) at 2 (“we do not have rules which allow for a Reply to a Response”); and *In re: Implementation of requirements arising from Federal Communications Commission’s triennial UNE review: Local Circuit Switching for Mass Market Customers*, PSC-04-0343-FOF-TP, Docket No. 030851-TP (April 2, 2004) at 2 (“our rules do not contemplate any pleadings filed in reply to a response to a motion”).

6. Because reply memoranda are not expressly authorized, a party must seek leave before filing a reply. However, the Commission generally refuses to allow parties to file reply memoranda, even when leave is sought. See *id.*; see also, *In re: ITC—DeltaCom Communications, Inc.*, Order No. PSC-00-2233-FOF-TP, Docket No. 990750-TP, (Nov. 22, 2000) at 2; *In re: Okeechobee Generating Co., L.L.C.*, Order No. PSC-99-2438-PAA-EU, Docket No. 991462-EU, (Dec. 13, 1999) at 4-5.

7. Petitioner has neither sought nor received permission to file a reply to BellSouth's Answer or its Response in Opposition to Petitioner's Sworn Motion for Order Granting Access to Emails. Petitioner has provided no reason whatsoever for this Commission to deviate from its general rule that reply memoranda are not permissible and no such justification exists here.

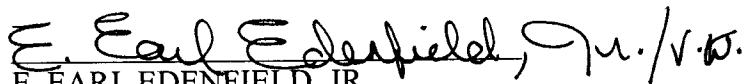
WHEREFORE, based upon the foregoing, BellSouth respectfully requests that the Commission enter an Order striking paragraphs 11 through 17 of Petitioner's "Response to Respondents BellSouth's Partial Motion to Dismiss and Answer."

Respectfully submitted this 1st day of November, 2006.

BELLSOUTH TELECOMMUNICATIONS, INC.



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