

Ruth Nettles

From: Woods, Vickie [vf1979@att.com]
Sent: Monday, July 23, 2007 3:29 PM
To: Filings@psc.state.fl.us
Subject: 050863-TP (dPi) AT&T's Response in Opposition to Motion for Continuance
Importance: High
Attachments: dPi_Moti.pdf

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- B. Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.
on behalf of Manuel A. Gurdian
- D. 5 pages total (includes letter, certificate of service and pleading)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Response in Opposition to Motion for Continuance

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7/23/2007

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July 23, 2007

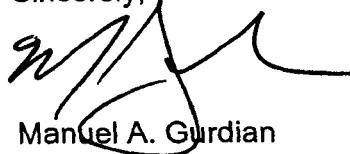
Ms. Ann Cole
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: **Docket No. 050863-TP: dPI Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Response in Opposition to Motion for Continuance, which we ask that you file in the captioned docket.

Sincerely,



Manuel A. Gurdian

cc: All parties of record
Jerry Hendrix
E. Earl Edenfield, Jr.
James Meza III

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**CERTIFICATE OF SERVICE
DOCKET NO. 050863-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 23rd day of July, 2007 to the following:

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Manuel A. Gurdjian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: dPi Teleconnect, L.L.C. v.) Docket No. 050863-TP
BellSouth Telecommunications, Inc.)
_____) Filed: July 23, 2007

**AT&T FLORIDA'S RESPONSE IN OPPOSITION TO
MOTION FOR CONTINUANCE**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") submits this Response in Opposition to dPi Teleconnect, L.L.C.'s ("dPi") Motion for Continuance. In response, AT&T Florida requests that the Florida Public Service Commission deny dPi's request for continuance of discovery, testimony and hearing dates. In support of this Response in Opposition, AT&T Florida states the following:

1. dPi provides in its Motion for Continuance ("Motion") that the case has been "held in abeyance or continued essentially from the time it was filed until July 9, 2007, when the Commission issued a scheduling order requiring direct testimony to be filed July 23, 2007. dPi requests a continuance to allow development of the facts of the case."

2. AT&T Florida disagrees with dPi and contends that dPi has been given ample time to conduct discovery and to develop the facts in this proceeding.

3. On January 4, 2007, Order Granting Motion to Lift Stay, Order No. PSC-07-0015-PCO-TP, was entered by the prehearing officer. Order No. PSC-07-0015-PCO-TP lifted the stay that had been in place since March 8, 2006. At this time, dPi could have served discovery upon AT&T Florida; however, it did not do so.

4. On April 13, 2007, an Order Establishing Procedure, Order No. PSC-07-0322-PCO-TP, was entered. Order No. PSC-07-0322-PCO-TP provided discovery and

testimony deadlines, as well as a hearing date of July 11, 2007. At this time, dPi could have served discovery upon AT&T Florida; however, once again it did not do so.

5. On May 11, 2007, dPi and AT&T Florida filed a Joint Motion for Continuance requesting that the Commission continue the hearing and suspend all prehearing deadlines established in the Order Establishing Procedure until 10 days after the Administrative Law Judge in Louisiana Public Service Commission Docket No. U-29172 issues an order resolving the pending discovery disputes in that proceeding.

6. On June 4, 2007, dPi and AT&T Florida jointly requested that the Commission reestablish prehearing deadlines, including testimony and discovery timeframes, and a new hearing date. At this time, dPi could have served discovery upon AT&T Florida; however, once again it did not do so.

7. On June 13, 2007, dPi and AT&T Florida withdrew their May 11, 2007 Joint Motion for Continuance. In addition, the parties requested that the Commission issue a new Order Establishing Procedure that would establish prehearing deadlines, including testimony and discovery timeframes, and a new hearing date.

8. On July 20, 2007, the date it filed its Motion for Continuance, dPi served its First Set of Requests for Information upon AT&T Florida.

9. Other than the First Set of Requests for Information, dPi has served no other discovery in this proceeding.

10. dPi has been given ample opportunity to conduct discovery in this proceeding.

11. dPi's contention that the parties have not been able to conduct discovery in this proceeding is belied by the fact that dPi has had more than half a year to conduct discovery in this proceeding, from January 4, 2007 to the present.

12. This matter has been pending since November 8, 2005 and dPi should be prepared to proceed.

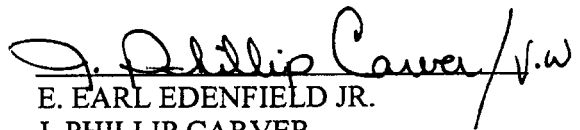
WHEREFORE, based upon the foregoing, AT&T Florida respectfully requests that the Commission deny dPi's Motion for Continuance.

Respectfully submitted this 23rd day of July, 2007.

AT&T FLORIDA



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