

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint by DPI-Teleconnect, L.L.C.)
against BellSouth Telecommunications, Inc.)
for dispute arising under interconnection)
agreement)
_____)

Docket No. 050863-TP
Filed: March 7, 2008

MOTION FOR LEAVE TO FILE SUPPLEMENTAL TESTIMONY AND ADDITIONAL DIRECT TESTIMONY

dPi Teleconnect, LLC, (“dPi”) through its undersigned and requests this Commission for leave to file supplemental and additional Direct Testimony . This testimony centers around late-produced evidence, is necessary for the Commission to render a just decision, and is not prejudicial to BellSouth.

BACKGROUND AND ARGUMENT

1. This proceeding was initiated by Complaint filed by dPi Teleconnect, Inc. Direct testimony and rebuttal testimony were filed on July 26, 2007, and August 20, 2007, respectively. After the direct and rebuttal testimony was filed originally, BellSouth was compelled by this Commission to respond to certain of dPi’s discovery requests asking for BellSouth’s ordering and billing data, and this material was provided to counsel in two parts. The first half of the discovery was produced September 26, 2007, while the second half was produced November 9, 2007. Because the data was not produced until months after the direct and rebuttal testimony were filed, dPi was not able to incorporate the results of this discovery into its testimony.
2. The data BellSouth provided was incredibly dense, consisting of over 1000 pages with 33 to 38 orders per page. Because of its size, it took considerable time to compile the

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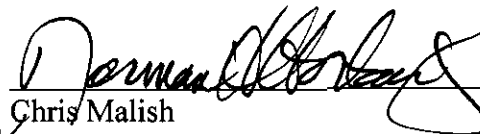
data and analyze the results.

3. Analysis of that data shows that it directly contradicts one of BellSouth's key contentions in this case – that it did not provide the Line Connection Charge Waiver to its own retail customers taking only Basic Service plus the BRD, BCR, and HBG TouchStar Blocking Features. dPi's supplemental testimony and additional direct testimony would demonstrate this contradiction.
4. BellSouth would not be prejudiced by this testimony because it has been aware of the argument's existence for several months. dPi and BellSouth are litigating this same issue in nearly all the former BellSouth states. The information provided in this supplemental testimony is information that has already been provided to BellSouth on more than one occasion, including in connection with dPi's motion for reconsideration filed before the North Carolina PUC in November 2007, and in testimony filed in Alabama mid-February 2008. The additional testimony addresses issues directly relevant to the complaint in this proceeding and granting the motion will insure that all information relevant to the disposition of this complaint is before the Commission for their review. The information presented was not available to dPi at the time Direct Testimony was due and consideration of the analysis contained in the testimony is necessary for a fair adjudication of the issues.
5. Pursuant to Rule 28-106.204, Florida Administrative Code, counsel contacted and left a message for AT&T counsel but also contacted local AT&T counsel and would state that dPi believes AT&T will object to this motion.

WHEREFORE, dPi respectfully requests that the Commission grant the Motion and accept the testimony.

Respectfully Submitted,

FOSTER MALISH & COWAN, LLP



Chris Malish

Texas Bar No. 00791164

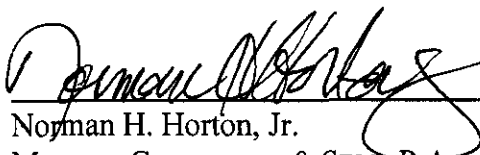
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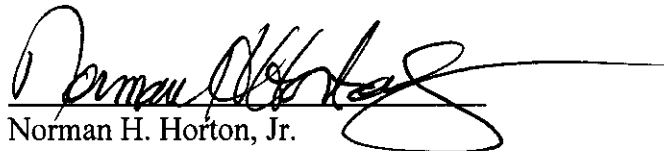
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and U.S. Mail this 6th day of March, 2008.

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