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September 28, 1999

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SEP 28 AM 11:35  
RECORDS AND REPORTING

**BY HAND DELIVERY**

Ms. Blanca Bayo, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 981008-TP

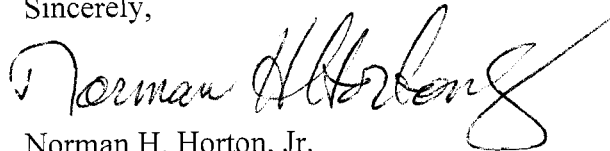
Dear Ms. Bayo:

Enclosed for filing on behalf of e.spire Communications, Inc. are an original and fifteen copies of e.spire Communication, Inc.'s Request for Oral Presentation in the above captioned docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

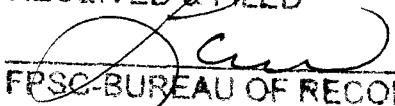
Sincerely,



Norman H. Horton, Jr.

NHH/amb  
Enclosure

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU Favor
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- SEC 1
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11703 SEP 28 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning )  
complaint of American Communication )  
Services of Jacksonville, Inc. d/b/a )  
e.spire Communications, Inc. and ACSI )  
Local Switched Services, Inc. d/b/a e.spire )  
Communications, Inc. against BellSouth )  
Telecommunications, Inc. regarding )  
reciprocal compensation for traffic )  
terminated to Internet service providers. )  
\_\_\_\_\_)

DOCKET NO. 981008-TP  
FILED: September 28, 1999

**e.spire COMMUNICATIONS, INC.'S REQUEST  
FOR ORAL PRESENTATION**

COMES NOW, American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (collectively "e.spire" or the "Company") through undersigned counsel and requests the Commission to allow oral presentation with respect to the captioned docket at the agenda conference. As basis, e.spire would state:

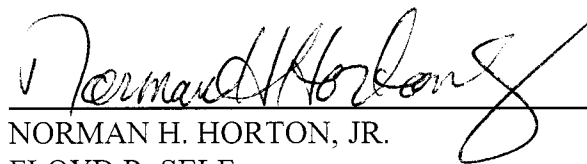
1. On April 6, 1999, the Commission issued Order No. PSC 99-0658-FOF-TP resolving e.spire's complaint against BellSouth with respect to the treatment of ISP traffic for purposes of their interconnection agreement. The Commission concluded, *inter alia*, that ISP traffic should be considered as local traffic for purposes of determining reciprocal compensation. BellSouth filed a Petition for Reconsideration of the Order which was denied (Order No. PSC-99-1453-FOF-TP, July 26, 1999). On August 20, 1999, BellSouth Telecommunications, Inc. filed a Motion to Stay Pending Appeal and on August 24, 1999 filed a Complaint in the U.S. District Court for the Northern District of Florida.

2. Despite agreeing with e.spire that the Commission decision was correct and an appeal will be unsuccessful, Staff has recommended that the Stay be granted. That recommendation is not consistent with the Staff's conclusion that BellSouth would not be successful on appeal.

3. Rule 25-22.0021, Florida Administrative Code, permits persons who may be affected by Commission action to address the Commission when these items are taken up. That opportunity is generally not available where, as here, there has been a hearing. However, subsection (2) of the rule does permit a presentation when the Commission is considering "new matters related to but not addressed at the hearing." The issue of a stay was not addressed at the hearing and it would be appropriate to afford parties the opportunity to present comment to the Commission on the issue.

WHEREFORE, e.spire respectfully requests the opportunity to address the Commission at the Agenda Conference with respect to the Motion for Stay.

Respectfully submitted,



NORMAN H. HORTON, JR.  
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Attorneys for e.spire Communications, Inc.

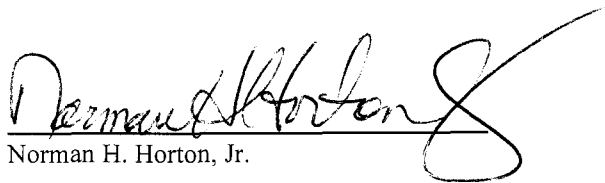
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of e.spire Communications, Inc.'s Request for Oral Presentation have been served upon the following parties by Hand Delivery (\*) and/or U. S. Mail this 28th day of September, 1999.

Beth Keating, Esq.\*  
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