

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of US LEC of Florida Inc. against BellSouth Telecommunications, Inc.. for Breach of Terms of Florida Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996, and Request for Relief

DOCKET NO. 990874-TP

FILED: November 12, 1999

ORIGINAL RECEIVED-FPSC NOV 12 PM 4:52 RECORDS AND REPORTING

SECOND MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

COMES NOW US LEC of Florida Inc. ("US LEC"), through its undersigned counsel, and files its Second Motion for Leave to File Amended Complaint ("Second Motion") pursuant to Rule 26-106.202, Florida Administrative Code, stating as grounds the following.

- 1. On July 2, 1999, US LEC filed its Complaint of US LEC of Florida Inc. ("Complaint") with this Commission.
2. On July 30, 1999, US LEC filed an Amended Complaint, together with a Motion for Leave to File Amended Complaint ("First Motion"). The substance of the Amended Complaint was to replace an exhibit that had not been properly edited to assure that it included only materials relevant to this proceeding as described in footnote 7 at page 8 of the Complaint. The Commission granted the First Motion in Order No. PSC-99-1781-PCO-TP, issued September 9, 1999.

3. On July 8, 1999, US LEC and BellSouth Telecommunications, Inc., ("BellSouth") filed a notice of adoption of the interconnection, unbundling and resale agreement

and all amendments thereto entered into and between Intermedia Communications Inc. and BellSouth as of June 30, 1999 ("Intermedia Agreement"). The Commission approved the adoption in Order No. PSC-99-1538-TP, issued August 4, 1999, in Docket No. 990924-TP.

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4. Since US LEC filed its Complaint in this proceeding on July 2, 1999, based on BellSouth's breach of the reciprocal compensation provisions of its Initial¹ and Opt-In² Agreements with US LEC, BellSouth has continued to refuse payment to US LEC for the transport and termination of local traffic and, thus, is now in further breach of the reciprocal compensation provisions of the Opt-In Agreement and in breach of the reciprocal compensation provisions of the Intermedia Agreement as well.

5. The Commission has broad discretionary powers to allow amendment of pleadings, where the privilege to amend has not been abused, in order that disputes may be resolved on their merits. Order No. PSC-98-0332-PCO-TP, issued February 26, 1998, Docket No. 970730-TP.

WHEREFORE, US LEC requests that the Commission grant its Second Motion for Leave to File Amended Complaint for the purpose of efficiently addressing the performance of the parties as of the present time under the reciprocal compensation provisions of all applicable interconnection agreements

Respectfully submitted this 12th day of November, 1999.

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Second Motion for Leave to File Amended Complaint

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¹ See Complaint, ¶9.

² See Complaint, ¶10.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by
U.S. Mail and/or Hand Delivery * this 12th day of November, 1999, to the
following:

Mary Rose Siriani*
Michael Goggin
BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301



PATRICK KNIGHT WIGGINS