

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for Generic Investigation to Ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated Comply with Obligation to Provide Alternative Local Exchange Carriers with Flexible, Timely, and Cost-efficient Physical Collocation.

Docket No. 990321-TP

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Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth Telecommunications, Inc.'s Service Territory.

Docket No. 981834-TP

Filed: November 24, 1999

MOTION OF COVAD COMMUNICATIONS COMPANY FOR LEAVE TO FILE REBUTTAL TESTIMONY OUT OF TIME

COMES NOW Covad Communications Company ("Covad"), through its counsel, and moves this Commission, through the Prehearing Officer, to grant it leave to file the rebuttal testimony of its witness, Michael Moscaritolo, three days out of time, stating good cause as follows.

- 1) In Order No. PSC-99-1991-PCO-TP, Order Establishing Procedure, issued October 12, 1999, the Prehearing Officer established November 19, 1999, as the date by which rebuttal testimony in this proceeding was to be filed.
2) Through the press of numerous filings in several jurisdictions with simultaneous due dates, Covad was unable to prepare and file the rebuttal testimony of its witness, Michael Moscaritolo, on November 19, 1999, as required by the Order Establishing Procedure.
3) Covad states that it has taken forthright steps to complete the testimony of Michael Moscaritolo as quickly as possible so as to minimize the lateness of its filing and the

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inconvenience to the Commission and the other parties of record that its late filing may cause.

Covad respectfully suggests that its late filing will not prejudice the interests of any of the other parties in this proceeding nor impair the Commission's ability to fairly and efficiently resolve the issues herein in dispute.

4) Pursuant to Rule 1.090(b), Florida Rules of Civil Procedure, the Prehearing Officer may grant an enlargement of time upon a finding of "excusable neglect."

WHEREFORE Covad Communications Company apologizes for its failure to meet the requirements of the Order Establishing Procedure and respectfully requests that the Prehearing Officer grant its Motion for Leave to File Rebuttal Testimony Out of Time.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S.

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