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FLORIDA PUBLIC SERVICE COMM.
DIVISION OF APPEALS Facsimile:
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Patrick F. Philbin
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November 11, 1999

VIA FEDERAL EXPRESS

Robert A. Mossing, Clerk
Office of the Clerk
Northern District of Florida
110 East Park Avenue
Room 122
Tallahassee, FL 32301-7795

Re: GTE Florida Incorporated v. Intermedia Communications, Inc., et al.,
Case No. 4:99 CV 337-RH 980986-TP

Dear Mr. Mossing:

Enclosed for filing in the above-referenced case is the parties' Joint Report entered into pursuant to Fed. R. Civ. P. 16(b). This Joint Report was agreed to by representatives of each party at a meeting held on November 9, 1999 in accordance with Fed. R. Civ. P. 26(f).

Thank you for your assistance in this matter.

Sincerely,


Patrick F. Philbin

AAA _____ PFP:vek
AFP _____ Enclosure
CAF _____
DMJ _____ cc: Counsel of Record
CTR _____
EAG _____
LEB _____
MAS _____
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Done 7/31/00

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FPSC-RECORDS/REPORTING

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

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FLORIDA PUBLIC SERVICE COMM.
DIVISION OF APPEALS

GTE Florida Incorporated,

Plaintiff

v.

Intermedia Communications Inc., the Florida
Public Service Commission, Joe A. Garcia, in his
official capacity as Chairman of the Florida Public
Service Commission; J. Terry Deason, in his
official capacity as Commissioner of the Florida
Public Service Commission; Susan F. Clark, in her
official capacity as Commissioner of the Florida
Public Service Commission; Julia L. Johnson,
Public Service Commission; E. Leon Jacobs, in his
official capacity as Commissioner of the Florida
Public Service Commission,

Defendants

Civil Action No. 4:99-CV-337-RH

Judge Robert C. Hinkle

JOINT REPORT OF THE PARTIES

Pursuant to the initial Scheduling Order entered by this Court on October 12, 1999, and Rule
26(f), Federal Rules of Civil Procedure, a meeting was held on November 9, 1999, attended by:

Patrick F. Philbin
Attorney for GTE Florida Incorporated ("GTEFL")

Charles J. Pellegrini
Patrick Knight Wiggins
Attorneys for Intermedia Communications Inc. ("Intermedia")

Martha Carter Brown
Attorney for the Florida Public Service Commission (the "FPSC")

At that meeting, the parties agreed to request that the Court enter a modified scheduling order adopting
the following procedure and schedule:

1. Nature of Proceeding. GTEFL seeks judicial review of a decision by the FPSC in Docket No. 980986-TP under section 252(e)(6) of the Telecommunications Act of 1996, 47 U.S.C. §252(e)(6), in which the FPSC interpreted certain provisions of the interconnection agreement between GTEFL and Intermedia. This case is effectively an appeal of the order of the FPSC.

2. Possibility of Settlement. The parties agree that settlement is unlikely, and that mediation or other ADR processes would not be helpful in resolving their dispute.

3. Revisions to Initial Scheduling Order. The parties agree that given the nature of this proceeding, the Court should authorize an appellate briefing schedule with an opportunity for oral argument.¹ Accordingly, the parties request that the Court adjust the Initial Scheduling Order as follows:

- a. The FPSC shall file the complete record for the underlying proceeding no later than 30 days after entry of the Order attached to this Report;
- b. Plaintiff's opening brief shall be filed on or before the 35th day after the FPSC serves notice that it has filed the record, but not before January 14, 2000;
- c. Defendants' response briefs shall be filed on or before the 30th day following the last date on which Plaintiff could have filed its opening brief;
- d. Plaintiff's reply brief shall be filed on or before the 21st day following the last date on which Defendants could have filed response briefs; and
- e. Defendant Intermedia's cross-reply brief shall be filed on or before the 21st day following the last date on which Defendants could have filed response briefs.

The parties have further agreed to a 50-page limit for initial and answer briefs. Intermedia's cross-reply brief shall be limited to addressing jurisdictional defenses, if any, raised by the FPSC and shall not exceed 25 pages. GTEFL's reply brief shall be limited to 50 pages with no more than 25 pages

¹ In Case No. 4:98-CV-352-RH, this Court issued a Scheduling Order on April 20, 1999, substantially the same as the parties propose here.

addressing its claims on the merits and the rest devoted to jurisdictional defenses, if any, raised by the FPSC.

4. Discovery Requirements. The parties agree that as to Plaintiff's claims, no discovery is required and that review in this Court should be limited to the record below, and argument of counsel.

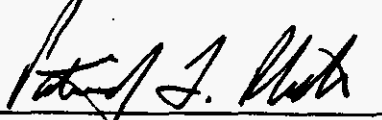
5. Trial. The parties agree that no trial is necessary, and that the Court should decide this matter on the record below, the briefs of the parties, and argument of counsel. The parties further agree that oral argument is necessary for a fair determination of the issues. Finally, the parties request that oral argument be set as soon after the date for filing reply briefs as the Court's calendar permits.

6. Record on Appeal. The parties agree that the entire record below shall be transmitted to the Court. Plaintiff shall serve directions to the Director, Records and Reporting of the FPSC on or before December 1, 1999, instructing the Director to prepare and transmit the record to the Court.

7. Manual for Complex Litigation. The parties agree that this matter should not be made subject to the Manual for Complex Litigation.

8. A Scheduling Order is attached hereto for the convenience of the Court.

Respectfully submitted this 12th day of November 1999.



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Counsel for GTE Florida Incorporated



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Counsel for Intermedia
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Martha Carter Brown (Fl. Bar No. 261866)
David E. Smith (Fl. Bar No. 309011)
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

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FLORIDA PUBLIC SERVICE COMM.
DIVISION OF APPEALS

GTE Florida Incorporated,

Plaintiff

v.

Intermedia Communications Inc., the Florida
Public Service Commission, Joe A. Garcia, in his
official capacity as Chairman of the Florida Public
Service Commission; J. Terry Deason, in his
official capacity as Commissioner of the Florida
Public Service Commission; Susan F. Clark, in her
official capacity as Commissioner of the Florida
Public Service Commission; Julia L. Johnson,
Public Service Commission; E. Leon Jacobs, in his
official capacity as Commissioner of the Florida
Public Service Commission,

Defendants

Civil Action No. 4:99-CV-337-RH

Judge Robert C. Hinkle

SCHEDULING ORDER

The parties' joint scheduling report is APPROVED and shall govern further proceedings in this matter. By separate notice, the clerk shall schedule oral argument for the first available date after the filing of Plaintiff's reply brief.

SO ORDERED this _____ day of _____.

By:

Robert C. Hinkle
United States District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the parties' Joint Report has been served by
U.S. Mail, first class, postage prepaid, to the following this 12th day of November, 1999.

Martha Carter Brown
David Smith
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Tallahassee, FL 32399-0850

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