

ORIGINAL

Legal Department

J. PHILLIP CARVER
General Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0710

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RECORDS AND
REPORTING

January 31, 2000

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 991220-TP

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of the Parties' Joint Motion to Modify Schedule, which we ask that you file in the above-referenced matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

J Phillip Carver
(30)

J. Phillip Carver

AFA	_____	cc: All Parties of Record
APP	_____	
CAF	_____	Marshall M. Criser III
CMU	<u>Hum</u>	R. Douglas Lackey
CTR	_____	Nancy B. White
EAG	_____	
LEG	<u>1</u>	
MAS	<u>3</u>	
OPC	_____	
RRR	_____	
SEC	<u>1</u>	
WAW	_____	
OTH	_____	

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[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:)	
Petition of GLOBAL NAPs SOUTH, INC.,)	
for Arbitration of Interconnection Rates,)	Docket No. 991220-TP
Terms, and Conditions and Related Relief)	
of Proposed Agreement with BellSouth under)	
the Telecommunications Act of 1996)	

JOINT MOTION TO MODIFY SCHEDULE

BellSouth Telecommunications, Inc. (“BellSouth”) and Global NAPs South, Inc. (“Global NAPs”) hereby jointly file this Motion to request that the Schedule in this proceeding be modified as described below and state the following:

1. The parties have agreed that the following issue should be arbitrated in this proceeding:

1. Is the Interconnection Agreement between DeltaCom, Inc. and BellSouth Telecommunications, Inc., which was adopted by Global NAPs (GNAPs) on January 18, 1999, valid and binding on GNAPs and BellSouth until January 2001, or did it expire on July 1, 1999?

The parties further agree that this issue should be resolved as a matter of law, that is, without the submission of evidence by the parties. For this reason, the parties hereby jointly propose that they each submit briefs on the issue (as described more fully below) and that the Commission rule based upon these briefs.

2. The parties also agree that this case can be conducted more efficiently by resolving the above identified issue before determining how best to proceed with the remainder of the case. Therefore, the parties jointly propose the following:

1. Each party shall file a Brief setting forth its respective legal position on the above described issue by February 2, 2000.


2. Each party shall be allowed to file a Reply Brief no later than February 9, 2000.
3. Given the abbreviated nature of this briefing schedule, the Parties shall serve Briefs upon one another by hand-delivery, facsimile or express mail.

The parties jointly request that this matter be resolved by the Commission at the first available Agenda Conference after the conclusion of briefing. The parties reserve the right to request oral argument.


WHEREFORE, BellSouth and Global NAPs jointly request the entry of an Order adopting the modifications to the schedule in this matter described above.

Respectfully submitted this 31st day of January, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE
c/o Nancy Sims
150 South Monroe Street, #400
Tallahassee, Florida 32301
(305) 347-5558



R. DOUGLAS LACKEY
J. PHILLIP CARVER
675 West Peachtree Street, #4300
Atlanta, Georgia 30375
(404) 335-0710

CLORANAP: SOUTH, INC.

A handwritten signature in black ink, appearing to read 'Chris Savage', written over a horizontal line.

CHRISTOPHER W. SAVAGE, ESQ.

**Colc, Reywid & Braverman
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D. C. 20006
(202) 828-9811**

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**CERTIFICATE OF SERVICE
Docket No. 991220-TP**

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


U.S. Mail this 31st day of January, 2000 to the following:

Beth Keating
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6199

Christopher W. Savage, Esq.
Cole, Raywid & Braverman
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D. C. 20006
Tel. No. (202) 828-9811
Fax. No. (202) 452-0067

William J. Rooney, Jr., Esq.
General Counsel
Global NAPs South, Inc.
Ten Merrymount Road
Quincy, MA 02169
Tel. No. (617) 507-5111
Fax. No. (617) 507-5211

Steven Klimacek
BellSouth Telecommunications, Inc.
675 West Peachtree Street
Suite 4300, Southern Bell Center
Atlanta, GA 30375
Tel. No. (404) 335-0780
Fax. No. (404) 614-4054



J. Phillip Carver 