

ORIGINAL

Legal Department

MICHAEL P. GOGGIN
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March 31, 2000

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

RECORDS AND
REPORTING

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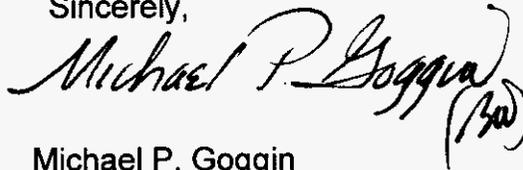
Re: Docket No. 990332-TP (Worldlink)

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion to Dismiss Complaint, which we ask that you file in the above-captioned 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,



Michael P. Goggin

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Enclosures

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- CPC _____
- RPR _____
- SEC _____
- WAW _____
- OTH _____

cc: All parties of record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

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FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04011 MAR 31 8

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CERTIFICATE OF SERVICE
Docket No. 990332-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
U.S. Mail this 31st day of March, 2000 to the following:

Mr. Lee Fordham
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32350-0850

Worldlink Long Distance Corp.
600 Brickell Avenue, Suite 300M
Miami, FL 33131-2539
Tel: 305-373-3373
Fax: 305-373-3370


Michael P. Goggin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Worldlink Long
Distance Corp.

) Docket No. 990332-TP

)

)

)

) Filed: March 31, 2000

ORIGINAL

**MOTION OF BELL SOUTH TELECOMMUNICATIONS, INC.
TO DISMISS COMPLAINT**

BellSouth Telecommunications, Inc., ("BellSouth"), hereby files this Motion to Dismiss Rule 1.140, Florida Rules of Civil Procedure and Rule 28-106.204, Florida Administrative Code, in response to Worldlink Long Distance Corp.'s ("Worldlink's") Complaint. BellSouth respectfully submits that the Complaint is not sufficiently specific to put BellSouth on notice as to the nature of Worldlink's claims. The Complaint includes statements of general dissatisfaction with BellSouth's service, but does not specifically identify any duty owed by BellSouth, under statute, rule or contract, that has been breached. Moreover, the comments in the complaint regarding BellSouth's service are too general to provide adequate notice to BellSouth of any specific allegations to which a response would be required. Thus, the Complaint simply fails to state a claim.

On April 8, 1999, BellSouth filed a Motion for More Definite Statement in this matter. Worldlink did not respond to this motion. On August 5, 1999, the Commission Staff issued a recommendation in favor of granting BellSouth's Motion. A representative of Worldlink appeared at the August 24, 1999 agenda conference at which the Staff's August 5 recommendation was considered and stated that he had filed, that day, a response to BellSouth's Motion. The

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Commission agreed to defer action on the recommendation pending consideration of Worldlink's response. To BellSouth's knowledge, Worldlink has not yet filed or served any direct response to BellSouth's Motion.

While it did not respond to BellSouth's Motion, Worldlink apparently did file some information regarding particular orders that had been submitted to BellSouth. Representatives of BellSouth agreed to meet with Staff and representatives of Worldlink to discuss these specific orders or other issues about which Worldlink might be concerned. BellSouth provided information to Staff and to Worldlink responding to the issues Worldlink raised in these meetings. Since that time, Worldlink has not communicated with counsel for BellSouth regarding those concerns or this Complaint.

To date, despite the passage of more than a year since the filing of its original Complaint, Worldlink still has not responded to the issues raised in *BellSouth's Motion for More Definite Statement*, nor has it requested leave to file an amended complaint to cure the defects in its original Complaint. Under the circumstances, the Commission should dismiss Worldlink's Complaint.

For the reasons stated above, BellSouth respectfully requests that the Commission grant its Motion to Dismiss.

Respectfully submitted this 31st day of March, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



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