

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition by ITC^DeltaCom)	
Communications, Inc. d/b/a)	
ITC^DeltaCom for arbitration of)	DOCKET NO. 990750-TP
certain unresolved issues in)	
interconnection negotiations between)	
ITC^DeltaCom and BellSouth)	
Telecommunications, Inc.)	

**ITC^DELTA COM'S MOTION TO STRIKE
 BELL SOUTH TELECOMMUNICATIONS, INC.'S
 MOTION FOR LEAVE TO FILE REPLY MEMORANDUM**

COMES NOW, ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom"), and hereby moves to strike the *Motion for Leave to File Reply Memorandum*, as well as the attached *Reply Memorandum* itself, of BellSouth Telecommunications, Inc. ("BellSouth") which was filed with this Commission on April 24, 2000.

In an appalling display of gamesmanship, BellSouth seeks to abuse - or at the very least, rewrite - the procedures of this Commission by filing, with no legal support whatsoever, an *additional* brief, once again rearguing certain issues which have already been extensively litigated in this case. The Rules of the Florida Public Service Commission limit the reconsideration process to a Motion for Reconsideration and any Response, and for good reason. Without adherence to these Rules of the Commission, there would be no end to the number of times a party could simply reargue the same issues, at great expense to opposing parties and this Commission.

This Commission issued Order No. PSC-00-0537-FOF-TP on March 15, 2000 in this Docket. Pursuant to the Commission's Rules, BellSouth filed a *Motion for Reconsideration* on March 30, 2000. ITC^DeltaCom chose not to seek reconsideration, but did file - again, pursuant

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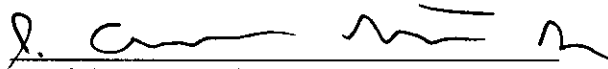
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to the Rules - a *Response* to BellSouth's Motion on April 11, 2000. Without any provision authorizing or allowing it to do so, BellSouth filed the Motion now at issue. This Commission has provided BellSouth with ample opportunities to present its evidence and argument in this case. BellSouth has availed itself of these opportunities, responding to ITC^DeltaCom's Petition for Arbitration, preparing pre-filed testimony for submission to the Commission, participating in three days of hearings, filing post-hearing briefs, and, of course, filing for reconsideration. There is no legal or equitable basis to allow BellSouth to continue to reargue its case before the Commission, nor has any new evidence arisen which would require further filings and arguments by the parties.

ITC^DeltaCom urges this Commission to strike BellSouth's Motion and attached Reply Memorandum as contrary to the Commission's rules. Since BellSouth has chosen to operate beyond established procedure, however, and in order to protect its interests in this case, attached hereto is ITC^DeltaCom's Response to BellSouth's proposed Reply Memorandum. If the Commission denies ITC^DeltaCom's Motion to Strike and considers BellSouth's Reply Memorandum, it should also consider ITC^DeltaCom's attached Response.

Respectfully submitted this 4th day of May, 2000.


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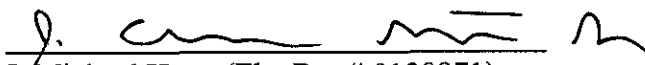
**CERTIFICATE OF SERVICE
DOCKET NO. 990750-TP**

I hereby certify that a true and correct copy of the foregoing has been furnished to the following this 4th day of May, 2000:

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May 4, 2000

BY HAND DELIVERY THIS DATE

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Blanca S. Bayo
Director, Division of Records and Recording
Florida Public Service Commission
2540 Shumard Oak Blvd.
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Re: Docket #990750-TP; *Petition for Arbitration by ITC^DeltaCom Communications*

Dear Ms. Bayo:

On behalf of Petitioner ITC^DeltaCom Communications, Inc., enclosed for filing are originals and 15 copies each of the following pleadings:

1. Motion to Strike BellSouth Telecommunications, Inc.'s Motion for Leave to File Reply Memorandum 05603-00
2. Response to BellSouth Telecommunications, Inc.'s Proposed Reply Memorandum 05604:00

Please file stamp the extra enclosed copies and return them to our runner. Thank you for your assistance.

Sincerely,

HUEY, GUILDAY & TUCKER, P.A.

J. Andrew Bertron, Jr.

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