

ORIGINAL



Kimberly Caswell  
Counsel

**GTE SERVICE CORPORATION**  
One Tampa City Center  
201 North Franklin Street (33602)  
Post Office Box 110, FLTC0007  
Tampa, Florida 33601-0110  
813-483-2606  
813-204-8870 (Facsimile)

May 8, 2000


Ms. Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket Nos. 000500-TP and 000501-TP

Dear Ms. Bayo:

Please find enclosed for filing in the above matters an original and 15 copies of GTE Florida Incorporated's Response to Rhythms Links Inc.'s Motion to Consolidate. Also enclosed are an original and 15 copies of GTE Florida Incorporated's Response to Rhythms Links Inc.'s Motion to Bifurcate and Expedite Proceedings. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this matter, please contact me at 813-483-2617.

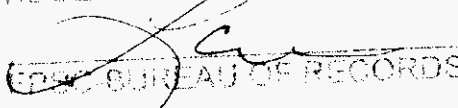
Sincerely,

  
Kimberly Caswell

KC:tas  
Enclosures

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
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DOCUMENT NUMBER-DATE  
**05727 MAY-88**  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Rhythms Links Inc. )  
for an Expedited Arbitration Award )  
Implementing Line Sharing With )  
BellSouth Telecommunications, Inc. )  
Pursuant to the Telecommunications )  
Act of 1996 )

Docket No. 000501-TP  
Filed: May 8, 2000

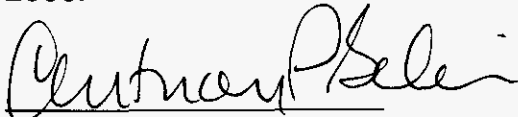

In re: Petition of Rhythms Links Inc. )  
for an Expedited Arbitration Award )  
Implementing Line Sharing With )  
GTE Florida Incorporated Pursuant to )  
the Telecommunications Act of 1996 )

Docket No. 000500-TP

**GTE FLORIDA INCORPORATED'S RESPONSE TO RHYTHMS LINKS INC.'S MOTION TO CONSOLIDATE**

GTE Florida Incorporated (GTE) responds to Rhythms Links Inc.'s (Rhythms) May 1, 2000, Motion to Consolidate the two above-captioned dockets. Both dockets involve line sharing issues. GTE agrees with Rhythms that the proceedings in these dockets will involve common questions of law, fact, and policy, and that consolidation would thus advance the objectives of efficiency and expedition. GTE does not oppose the procedural guidelines Rhythms proposes; these guidelines should accommodate litigation of any issues that are unique to either GTE or BellSouth Telecommunications, Inc.

Respectfully submitted on May 8, 2000.

By:   
 Kimberly Caswell  
P. O. Box 110, FLTC0007  
Tampa, FL 33601  
Telephone: 813/483-2617

Attorney for GTE Florida Incorporated

DOCUMENT NUMBER-DATE

05727 MAY-88

FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Rhythms Links Inc.	)	Docket No. 000501-TP
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Implementing Line Sharing With	)	
GTE Florida Incorporated Pursuant to	)	
the Telecommunications Act of 1996	)	

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**GTE FLORIDA INCORPORATED'S RESPONSE TO RHYTHMS LINKS INC.'S  
MOTION TO BIFURCATE AND EXPEDITE PROCEEDINGS**

Pursuant to Commission Rule 28-106.204(1), GTE Florida Incorporated (GTE) responds to Rhythms Links Inc.'s (Rhythms) Motion to Bifurcate and Expedite Proceedings (Motion), filed on May 1, 2000. In that Motion, Rhythms asks the Commission to address the "core issues for implementing line sharing" in a first phase. These issues would include network architecture, rates, and provisioning intervals. A second phase to be conducted later would address primarily operations support systems interfaces and provision of line sharing over fiber-fed digital loop carrier. In addition, Rhythms proposes a procedural schedule for each phase.

GTE does not oppose bifurcation of the proceeding in the manner Rhythms suggests. However, the procedural schedule Rhythms has proposed is unreasonable. Under that schedule, GTE and Rhythms would submit all pre-filed testimony and other evidence in the first phase, including cost studies, by May 5, 2000. Hearings would be held at the end of this week, on May 11 and 12, 2000, and the Commission would issue

a final decision by the end of this month. The parties' direct testimony in phase II would be filed the week of May 22, 2000, with hearings in mid- or late-June, and a Commission decision by August 2000.

Like Rhythms, GTE believes this proceeding should be conducted in the most efficient manner, avoiding unnecessary delays. To this end, GTE has agreed to both bifurcation and consolidation of this case with Rhythms' arbitration with BellSouth. But GTE cannot support a timetable that is inconsistent with the Telecommunications Act of 1996, this Commission's procedures, and the parties' due process rights.

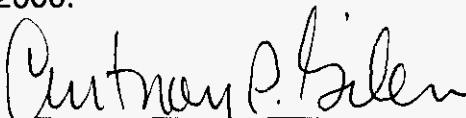
Under the Act, the non-petitioning party to a negotiation has 25 days in which to respond to an arbitration petition. (Act section 252(b)(3).) GTE's response to Rhythms' petition is thus due on May 22, 2000. Against this statutory time period, Rhythms would have had GTE and BellSouth submit cost studies and testimony already, just over a week after the Petition was filed. Indeed, Rhythms' proposed timetable would have required GTE and BellSouth to file their responses to the arbitration petition even before their responses to the motion for expedited treatment were due. In addition, Rhythms' proposed schedule allows little or no time for discovery, rebuttal testimony or mandatory Commission procedures, such as prehearing and issues identification conferences. Given the Commission's crowded calendar, it is also highly unlikely that the Commission could schedule hearings on the dates Rhythms suggests.

Indeed, it seems Rhythms itself would have difficulty meeting the ambitious schedule it contemplates for this proceeding. Rhythms did not file its direct testimony with its Petition, as is customary (if not mandatory) in arbitrations under the Act. Thus, GTE will be unable to file rebuttal testimony with its response on May 22, 2000 (as it

otherwise would have), but will instead do so in accordance with the procedural schedule to be issued by this Commission.

GTE believes the parties and Commission Staff can work together to develop a procedural schedule that gives due regard to Rhythms' stated need for expedition, but without violating the procedural mandates established in the Act and the Commission's Rules.

Respectfully submitted on May 8, 2000.

By:   
Kimberly Caswell  
P. O. Box 110, FLTC0007  
Tampa, FL 33601  
Telephone: 813/483-2617

Attorney for GTE Florida Incorporated

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Responses to Rhythms Links Inc.'s Motion to Consolidate and Motion to Bifurcate and Expedite Proceedings in Docket Nos. 000500-TP and 000501-TP were sent via U. S. mail on May 8, 2000 to the parties on the attached list.

  
\_\_\_\_\_  
for Kimberly Caswell

Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Richard D. Melson  
Hopping Law Firm  
123 S. Calhoun Street  
Tallahassee, FL 32314

Jeremy D. Marcus  
Elizabeth Braman  
Blumenfeld & Cohen  
Technology Law Group  
1625 Massachusetts Ave NW  
Suite 300  
Washington, DC 20036

BellSouth Telecommunications  
Nancy B. White  
c/o Nancy H. Sims  
150 South Monroe St., Suite 400  
Tallahassee, FL 32301-1556

Kimberley Scardino  
Rhythms Links Inc.  
c/o Blumenfeld & Cohen  
1625 Massachusetts Ave NW  
Suite 300  
Washington, DC 20036