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ORIGINAL

May 15, 2000

BY HAND DELIVERY THIS DATE

RECEIVED-FPSC
MAY 15 PM 4:06
RECORDS AND REPORTING

Blanca S. Bayo
Director, Division of Records and Recording
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket #991946-TP; Request for Arbitration by ITC^DeltaCom Communications, Inc. Against BellSouth Telecommunications, Inc. for Breach of Interconnection Terms

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 Continue Proceedings 06000-00
2. Motion for Summary Final Order 06001-00
3. Notice of Appearance 05999-00

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

Sincerely,

HUEY, GUILDAY & TUCKER, P.A.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS J. Andrew Bertron, Jr.

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JAB/
Enclosures

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DOCUMENT NUMBER-DATE

06000 MAY 15 8

FPSC-RECORDS/REPORTING

BEFORE THE STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

ORIGINAL

Complaint of ITC^DeltaCom Communications, Inc.)
Against BellSouth Telecommunications, Inc., for)
Breach of Interconnection Terms, and Request)
For Immediate Relief)
_____)

Docket No. 991946-TP

MOTION OF ITC^DELTACOM
COMMUNICATIONS, INC. TO CONTINUE PROCEEDINGS

COMES NOW ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom") by its undersigned counsel, and hereby moves to continue or stay the complaint proceedings pending the Commission's ruling on ITC^DeltaCom's Motion for Summary Final Order. In support of the Motion to Continue, ITC^DeltaCom respectfully states as follows:

1. ITC^DeltaCom filed a complaint against BellSouth Telecommunications, Inc., on December 17, 1999. ITC^DeltaCom also filed a motion to consolidate its complaint with that filed by Global Naps, Inc., ("Global Naps") on August 31, 1999, in Docket No. 991267-TP. The Commission denied ITC^DeltaCom's motion to consolidate.

2. On April 24, 2000, the Commission ruled in favor of Global Naps and ordered BellSouth to pay reciprocal compensation for traffic to ISPs. See Order No. PSC-00-0802-FOF-TP. Because Global Naps adopted ITC^DeltaCom's Interconnection Agreement with BellSouth Telecommunications, Inc. ("BST"), pursuant to Section 252 (i) of the Telecommunications Act of 1996,¹ the Commission has effectively ruled on the issue in dispute in this case. ITC^DeltaCom is moving for summary judgment as a matter of law on the grounds that (1) this Commission has already determined as a matter of law that the Interconnection Agreement between BellSouth and

¹ See Complaint of Global Naps, Inc., Against BellSouth Telecommunications, Inc., for Enforcement of Section VI(B) of its Interconnection Agreement with BellSouth Telecommunications, Inc., and Request for Relief filed August 31, 1999, Docket No. 99-1267-TP, page 4, paragraph 10.

DOCUMENT NUMBER-DATE

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ITC^DeltaCom requires reciprocal compensation for traffic to ISPs and (2) in the alternative, collateral estoppel applies and prevents BellSouth from relitigating the same issues decided by the Alabama Public Service Commission. ITC^DeltaCom asserts that there are strong grounds for the Commission to grant summary judgment in favor of ITC^DeltaCom.

3. Thus, ITC^DeltaCom requests that the Commission continue the complaint proceedings pending its determination of the merits of ITC^DeltaCom's Motion for Summary Final Order. There is no need to waste the Commission's or the parties' resources preparing for a hearing that may not take place if summary disposition is granted.

WHEREFORE, in the interest of judicial economy, ITC^DeltaCom respectfully requests that the Commission grant its Motion to Continue or stay the complaint proceedings against BellSouth Telecommunications, Inc., pending the Commission's determination of ITC^DeltaCom's Motion for Summary Final Order.

Respectfully submitted this 15th day of May, 2000

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**Counsel for ITC^DeltaCom Communications,
Inc.**

CERTIFICATE OF SERVICE
DOCKET NO. 991946

I hereby certify that a true and correct copy of the foregoing has been furnished by **Hand-Delivery** this 15th day of May, 2000 to Nancy H. Sims, BellSouth Telecommunications, Inc., 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301-1556.



Attorney