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October 6, 2000

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RECORDS AND REPORTING

VIA FEDERAL EXPRESS

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

Re: Motion of Broadslate Networks, Cleartel Communications and Florida Digital Network ("The Coalition") in Docket No. 990649-TP Hearings

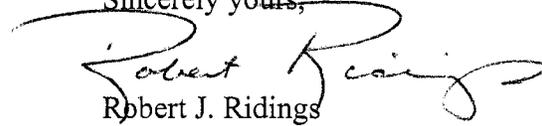
Dear Ms. Bayo:

Enclosed please find one original and forty (40) copies of The Coalition's Motion to the Commission. The Coalition requests the Commission to instruct BellSouth to take depositions of Coalition witnesses McPeak and Stacy telephonically. Additionally, The Coalition moves for permission to have its counsel participate in the October 20, 2000 hearing via telephone.

The Coalition respectfully requests the Commission to conduct a telephonic hearing beginning Tuesday October 10, 2000 in order to address the issues in this Motion. Please date stamp and return the extra copy to us in the enclosed self addressed, postage paid envelope.

Please feel free to contact me if you have any questions or require further information.

Sincerely yours,



Robert J. Ridings
(Not Admitted to Practice in the
District of Columbia)

Enclosures

- APP _____
- CAF _____
- CME 5
- COM _____
- CTR _____
- ECR _____
- LEG 2
- OPC _____ 351994.1
- PAI _____
- RGO _____
- SEC 1
- SER _____
- OTH _____

All Parties of Record
John Spilman
Hope G. Colantonio
Mike Gallagher

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11/11/00
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DOCUMENT NUMBER-DATE

12829 OCT-98

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into)
Pricing of Unbundled Network) Docket No. 990649
Elements)
_____) Filed: October 6, 2000

**EMERGENCY MOTION BY BROADSLATE NETWORKS, CLEARTEL
COMMUNICATIONS AND FLORIDA DIGITAL NETWORK FOR
RULINGS RELATED TO THE CONTINUATION OF THE HEARING**

Broadslate Networks, Inc., Cleartel Communications, Inc., and Florida Digital Network, Inc. (collectively "the Coalition") respectively moves the Commission to instruct BellSouth to take the depositions of Coalition witnesses Eric McPeak and Mark Stacy telephonically, and/or via videotape. The Coalition parties also move for permission to have its counsel participate in the October 20, 2000 hearing via telephone. The Coalition parties request these accommodations in order to defray the enormous costs associated with their continued participation in this proceeding. Finally, the Coalition parties move the Commission to conduct a telephonic hearing the week beginning Tuesday October 10, 2000 in order to address the issues raised in this Motion.

Discussion

As the Commission no doubt recalls, after three full days of cross-examination, the hearing in this proceeding was suspended on the morning of September 22, 2000, when inclement weather swept through the Tallahassee region. All state offices were closed that morning, and no arrangements were made to continue the hearing. At the point when the hearings were suspended, BellSouth was near the end of cross-examining Covad/Rhythms/BlueStar witness Joseph Riollo. Only the cross-

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examinations of Coalition witnesses Eric McPeak and Mark Stacy remain to be conducted.

The following week, the undersigned spoke with Commission staff and BellSouth's counsel about plans to conclude the hearing. BellSouth was asked to consider taking the depositions of Messrs. McPeak and Riollo telephonically and Commission staff stated that they were not opposed to such an approach.

On Monday October 2, 2000, BellSouth counsel sent an e-mail to the service list announcing that it was willing to stipulate the depositions of the remaining witnesses into the record so long as those depositions were conducted in Tallahassee. Subsequently, both undersigned and Rhythms' counsel e-mailed the service list stating their desire to have depositions held off-site or telephonically. Commission staff announced that it did not oppose off-site telephonic depositions.

The Coalition parties move the Commission to authorize the telephonic or video depositions of Messrs. McPeak and Stacy. If necessary and possible, the Coalition parties will attempt to arrange for a live video feed of the deposition be made available to the Commission and its staff. This approach provides the most cost-efficient means of assuring that the Commission receives the valuable testimony of the Coalition's witness.

As the date for the recommencement of the hearing approaches, the Coalition parties move the Commission to clarify whether it will be required to produce witnesses Stacy and McPeak in Tallahassee on October 20, 2000.

The Coalition parties further move for an expedited ruling on this request.

Respectfully submitted this 6th day of October, 2000.

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

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via first class mail on the following parties on this 6th day of October, 2000.

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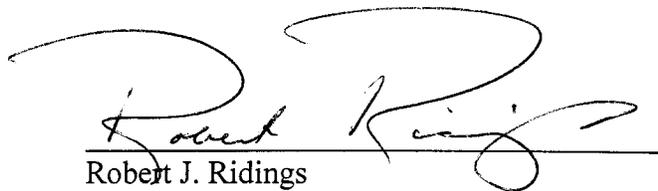
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