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Via Hand Delivery

November 2, 2000

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

Re: Docket No. 000828-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint are the original and five (5) copies of Sprint's Motion to File Testimony One Day Out of Time.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Sincerely,

Charles J. Rehwinkel

CJR/th

Enclosure

- APP \_\_\_\_\_
- CAE \_\_\_\_\_
- CMP 5
- COM 5
- CTR \_\_\_\_\_
- ECR 1
- LEG 2
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC 1
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

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DOCUMENT NUMBER-DATE

14179 NOV-28

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

DOCKET NO. 000828-TP

I hereby certify that U.S. Mail or hand-delivery served a true and correct copy of the foregoing this 2nd day of November, 2000 to the following:

Nancy B. White  
C/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 S. Monroe Street, Suite 4000  
Tallahassee, Florida 32301-1556

Tim Vaccaro  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850



Charles J. Rehwinkel

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: PETITION OF SPRINT COMMUNICATIONS COMPANY  
L.P. FOR ARBITRATION WITH BELL SOUTH  
TELECOMMUNICATIONS, INC. PURSUANT TO SECTION  
252(B) OF THE TELECOMMUNICATIONS ACT OF 1996

**DOCKET NO. 000828-TP**

**Filed: November 2, 2000**

**MOTION TO ACCEPT TESTIMONY ONE DAY OUT OF TIME**

COMES NOW, Sprint and files this Motion requesting that the Commission accept the Testimonies of Michael Hunsucker, Melissa Cloz, David Rearden, Mark Felton, Angela Oliver and James Lenihan which has been filed one day out of time. In support, Sprint states as follows:

1. Sprint requests that the Commission accept the testimony of Michael Hunsucker, Melissa Cloz, David Rearden, Mark Felton, Angela Oliver and James Lenihan to be filed one day out of time. The Order on Prehearing Procedure required that Direct Testimony be filed with the Commission by Wednesday November 1, 2000.

2. Sprint prepared testimony of these six witnesses and took the original and fifteen copies of each to the Division of Records and Reporting (clerk's office) for filing. Although the filing was attempted admittedly close to the 5:00 deadline, the Sprint employee believed that she had arrived approximately one or two minutes before 5:00 P.M. Unfortunately, the clerk's office had closed just as the filing was attempted. Sprint

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understands that the clock in the clerk's office controls and the deadline must be rigidly enforced.

3. Coincidentally staff counsel had the identical timing problem and was unable to file testimony that staff proposes to submit in this Docket. Neither Sprint's nor staff's testimony was accepted and will be filed today.

4. Sprint served its testimony on BellSouth via electronic mail on November 1 at approximately 5:40 and also via Federal Express overnight delivery service. Consequently the other party to the arbitration is not harmed, and in fact will be likely advantaged by the earlier delivery of testimony than the permissible U.S. Mail method of service. Sprint understands from discussion with staff counsel that BellSouth does not object to the filing of the testimony in the clerk's office one day late.

5. Sprint submits that no party will be materially harmed by the delay in filing since service has been effectuated now as quickly, if not more so, than if done on November 1<sup>st</sup>. Furthermore, the interests of justice will be served if Sprint's testimony is considered in this docket.

6. To the extent staff requires that the same relief be granted, Sprint urges that the Commission grant such relief in the filing of staff testimony one day out of time.

WHEREFORE, for the above reasons, Sprint request that the Commission accept for filing one day out of time the direct testimony of Michael Hunsucker, Melissa Cloz, David Rearden, Mark Felton, Angela Oliver and James Lenihan).

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RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of November 2000.



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ATTORNEYS FOR SPRINT