

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of Show Cause Proceedings against Broward Business Service, Inc. d/b/a Festival Telephone Services, Inc. and d/b/a Communication Service Centers for apparent violation of Section 364.183(1), FS, Access to Company Records

DOCKET NO.: 010129-TX
ORDER NO.: PSC-01-0655-SC-TX
ISSUED: March 16, 2001

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Conditional Motion to File Response Outside of Time

Broward Business Services, Inc. (BBS) moves to respond to the order to show cause outside of time and in support of the motion alleges:

1. The order to show cause was issued March 16, 2001 with a response due in 21 days from the issuance of the order.
2. The response would have been due on Saturday April 7, 2001, assuming the PSC was open for business on that date.
3. It is believed that because the due date falls on a weekend, the response would have been due today, April 9, 2001.
4. Undersigned counsel misconstrued the time the response was due, and so in an effort to provide a timely response has been unable to ascertain whether the BBS is entitled to additional time for mailing or whether filing is effective upon mailing. Therefore, in an abundance of caution, counsel is faxing the motion today, April 9, 2001 and sending the hard copy by overnight mail.
5. If BBS is late in responding it is due to excusable neglect, and thus BBS would respectfully request an opportunity to file this motion outside of time.
6. Counsel for BBS has discussed this request with, Lee Fordham, counsel for PSC, who has no objection to the motion.

Certificate of Service

I hereby certify that a copy of this response was sent by fax on April 9, 2001 to the Public Service Commission at 850-413-7118 with a hard copy to follow by overnight delivery on April 10, 2001.

By  Frank M. Shooster, General counsel
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