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May 18, 2001

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

**HAND DELIVERY**

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Re: Docket No. 001810-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of TCG South Florida and Teleport Communications Group ("TCG") are the following documents:

1. Original and fifteen copies of the rebuttal testimony of Richard T. Guepe; and
2. TCG's Motion for Continuance. *06297-01*

*06298-01*

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

*Martin P. McDonnell*  
Martin P. McDonnell

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*Man*  
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Enclosures  
cc: All Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of TCG South Florida and )  
Teleport Communications Group for )  
Enforcement of Interconnection Agreement )  
with BellSouth Telecommunications, Inc. )

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Docket No. 001810-TP

Filed: May 18, 2001

**TCG SOUTH FLORIDA AND TELEPORT  
COMMUNICATIONS GROUP'S MOTION FOR CONTINUANCE  
AND RESCHEDULING OF CONTROLLING DATES FOR  
PREHEARING STATEMENTS, PREHEARING CONFERENCE  
AND FINAL HEARING**

TCG South Florida and Teleport Communications Group ("TCG"), by and through undersigned counsel, and pursuant to Rule 28-106.210, Florida Administrative Code, respectfully moves for a continuance and rescheduling of: (1) the controlling date for the filing of Prehearing Statements; (2) the prehearing conference; and (3) the final hearing. In support of this Motion, TCG states as follows:

1. Pursuant to Orders PSC-01-0833-PCO-TP, issued March 30, 2001, and PSC-01-1002-PCO-TP, issued April 23, 2001: (a) prehearing statements are due May 23, 2001; (b) the prehearing conference is scheduled for May 30, 2001; and (c) the final hearing is scheduled for June 22, 2001.

2. TCG is in the process of preparing a Motion for Partial Summary Final Order. TCG anticipates filing its Motion for Partial Summary Final Order by May 25, 2001.<sup>1</sup> Pursuant to this Motion, TCG will allege that there are no disputed issues of material fact and, that as a matter of law,

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<sup>1</sup>In an abundance of caution, TCG has awaited the filing of all testimony in this docket, including prefiled rebuttal testimony, to confirm that there are no disputed issues of material fact which preclude granting TCG's anticipated Motion for Partial Summary Final Order.

DOCUMENT NUMBER-DATE

06297 MAY 18 2001

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BellSouth is required to pay TCG reciprocal compensation for ISP-bound traffic under the Second BellSouth/TCG Agreement approved by the Commission.<sup>2</sup>

3. Under the current schedule, it is not likely that a Commission vote on TCG's Motion for Partial Summary Final Order would take place prior to the currently scheduled June 22 final hearing. It is well established that the primary purpose of a motion for summary judgment or motion for summary final order is to avoid the unnecessary expenditure of the time and resources of the parties and tribunal if there are no disputed issues of material fact and the case can be decided as a matter of law. TCG (and, presumably BellSouth) does not wish to burden the Commission with a full day hearing if a majority of the relevant issues in the instant docket can be resolved by summary final order.

4. TCG further does not wish to burden Commission Staff with unreasonable time constraints which would preclude Staff from making an informed recommendation to the Commission regarding the disposition of the Motion for Partial Summary Final Order.

5. The undersigned counsel has contacted counsel for BellSouth who advised the undersigned that BellSouth does not agree to a continuance in the above cause. BellSouth's counsel provided no reason or justification for BellSouth's opposition to this Motion.

6. This motion is made in good faith and not for the purpose of delay.

7. To achieve the efficiencies described above while at the same time avoiding excessive delay in the event TCG's Motion for Partial Summary Final Order is not granted, TCG requests the Prehearing Officer to:

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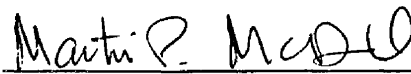
<sup>2</sup>See Issue 3 in List of Issues attached as Appendix A to Order No. PSC-01-0833-PCO-TP.

- a. Grant a continuance of the final hearing scheduled for June 22, 2001 and reschedule the final hearing on or before August 31, 2001;
- b. Reschedule the prehearing conference for a new date consistent with the new date for the final hearing; and
- c. Reschedule the controlling date for the filing of Prehearing Statements for a date after the date of the Agenda Conference on which TCG's Motion for Partial Summary Final Order will be heard, assuming the May 25, 2001 filing date outlined above.

WHEREFORE, based upon the foregoing, TCG respectfully requests that the Prehearing Officer grant this Motion and grant the specific relief outlined in paragraph 7 above.

Respectfully submitted this 18th day of May, 2001.

Respectfully submitted,



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Co-counsel for TCG South Florida

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail this 18th day of May, 2001 to the following:

Nancy B. White, Esq.  
James Meza, III, Esq.  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 N. Monroe Street, Suite 400  
Tallahassee, FL 32301

Patricia Christensen, Esq.  
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By: Martin P. McDonnell  
MARTIN P. MCDONNELL, ESQ.