

JAMES MEZA III
Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

May 25, 2001

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

Re: Docket No. 001810-TP (TCG/Teleport Arbitration)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Opposition to TCG's Motion for a Continuance, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,


James Meza III (KA)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

06615 MAY 25 01

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 001810-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

(*) Facsimile and U. S. Mail this 25th day of May, 2001 to the following:

Patricia Christensen
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Virginia Tate, Esq.
AT&T Communications of the Southern
States, Inc.
1200 Peachtree Street, N.W.
Suite 8100
Atlanta, Georgia 30309

Kenneth Hoffman (*)
Martin P. McDonnell (*)
Rutledge Law Firm
P.O. Box 551
Tallahassee, FL 32302
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515
Represents TCG



James Meza III (LA)

Teleport Communications Group Inc.
Michael McRae, Esq.
2 Lafayette Centre
1133 Twenty-First Street, N.W.
#400
Washington, D.C. 20036
Tel. No. (202) 739-0030
Fax. No. (202) 739-0044
Represented by Rutledge Firm

Marsha Rule, Esq.
AT&T Communications of the Southern
States, Inc.
101 North Monroe Street
Suite 700
Tallahassee, FL 32301

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of TCG South Florida and) Docket No. 001810-TP
Teleport Communications Group for)
Enforcement of Interconnection Agreement)
With BellSouth Telecommunications, Inc.) Filed: May 25, 2001

BELLSOUTH'S OPPOSITION TO TCG'S MOTION FOR A CONTINUANCE

BellSouth Telecommunications, Inc. ("BellSouth") files this opposition to TCG South Florida and Teleport Communications Group's ("TCG") Motion for Continuance and Rescheduling of Controlling Dates for Prehearing Statements, Prehearing Conference and Final Hearing. The Florida Public Service Commission ("Commission) should deny TCG's motion for the following reasons:

1. On May 18, 2001, TCG filed a motion seeking a continuance of (1) the date for filing the Prehearing Statements, which was, May 23, 2001; (2) the prehearing conference, which is scheduled for May 30, 2001; and (3) the final hearing, which is scheduled for June 22, 2001. Suprisingly, TCG seeks to continue two events that are scheduled to take place on or before BellSouth's opposition to the instant motion is due. (BellSouth's opposition is due on May 30, 2001 because TCG served BellSouth on May 18, 2001 via U.S. Mail).

2. Under Rule 28-106.210, Florida Administrative Code, the prehearing officer can grant the continuance of a hearing for good cause shown. TCG's purported reason for the continuance is that it plans to file a Motion for Partial Summary Judgment on May 25, 2001 and that "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." Motion at ¶ 3. TCG claims that it does not want to burden the

Commission with a full day of hearing if some issues in the docket can be resolved by summary judgment.

3. In addition to being rather presumptuous, TCG has not presented good cause for such a continuance. While BellSouth agrees with the concept of judicial economy, TCG is not entitled to a continuance because it has waited too long to file a summary judgment motion. Indeed, at the Issue Identification Conference held on March 23, 2001, TCG indicated to Staff and BellSouth that it would be filing such a motion. However, TCG claims to be filing the motion on May 25, 2001, over two months later. TCG should have filed its Motion for Partial Summary Judgment in sufficient time to allow the Commission to vote on it prior to the hearing.

4. TCG claims that it waited until all testimony was filed before filing the Motion for Partial Summary Judgment; however, this was not necessary. TCG could have presented its motion and its belief that there are no disputed questions of fact through affidavits. It does not need the prefiled testimony to present its motion. Further, TCG's reason for the delay is curious because it issued discovery to BellSouth on May 10, 2001. Consequently, under the procedural order in this docket, BellSouth's responses are due on May 30, 2001, which is five days after TCG plans to file its Motion for Partial Summary Judgment. If TCG intended to file a summary judgment after all the testimony was filed on May 18, 2001 to confirm that there were "no disputed issues of material fact," why did it issue discovery at all, especially when it knew the discovery would not be due until five days after it intended to file its motion for summary judgment?

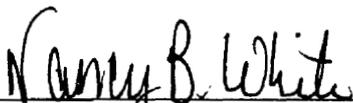
5. Finally, this proceeding is scheduled for a one day hearing. TCG's Motion for Partial Summary Judgment is for only part of its claims against BellSouth.

Thus, even if the Commission granted the Motion, some type of hearing would have to take place to resolve the remaining issues.

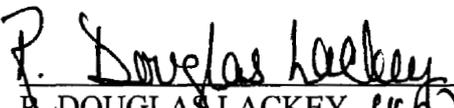
6. BellSouth stands ready to present its case at the June 22, 2001 hearing. TCG should not be granted a continuance for the sole reason of allowing TCG's anticipated Motion for Partial Summary Judgment to be decided by the Commission prior to the hearing.

Respectfully submitted this 25th day of May, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (04)
JAMES MEZA III
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558



R. DOUGLAS LACKEY (04)
E. EARL EDENFIELD
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0747

346004