

Florida
Digital
N e t w o r k

September 5, 2001

Ms. Blanca Bayó, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 010098-TP – Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996.

Dear Ms. Bayó,

Please find enclosed for filing in the captioned docket an original and seven (7) copies of Florida Digital Network, Inc.'s Motion for Extension of Time to File Briefs.

If you have any questions regarding this pleading, please call me at 407-835-0460.

Sincerely,



Matthew Feil
Florida Digital Network
General Counsel

Copies by e-mail & U.S. Mail to:

James Meza, III, (BellSouth)
Felicia Banks (FPSC)
Mike Sloan (Swidler)

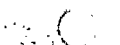
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DOCUMENT NUMBER-DATE

11100 SEP-60
I N T E R N E T

FPSC-COMMISSION CLERK



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Digital Network, } Inc., for Arbitration of Certain Terms and } Conditions of Proposed Interconnection and } Resale Agreement with BellSouth Telecom- } munications, Inc. Under the Telecom- } munications Act of 1996 } _____ }	Docket No. 010098-TP
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MOTION FOR EXTENSION OF TIME TO FILE BRIEFS

Pursuant to Rule 28-106.204, Florida Administrative Code, Florida Digital Network, Inc., (“FDN”) hereby moves the designated prehearing officer of the Florida Public Service Commission (“FPSC”) to issue an order permitting FDN and BellSouth Telecommunications, Inc. (“BellSouth” or “BST”) additional time to file briefs in the captioned docket.

1. According to the current schedule in this proceeding, the parties’ briefs are due to be filed on September 12, the staff recommendation is due October 25, and the Agenda conference is on November 6.

2. During the hearing on August 15, the Commissioners encouraged the parties to engage in additional settlement discussions, and Commissioner Deason (the Prehearing Officer) stated that additional briefing time would be permitted if needed to facilitate those discussions.

3. Because of BellSouth counsel’s scheduled commitments to other regulatory proceedings in Florida and Alabama, additional settlement discussions had not taken place in this case prior to the distribution of transcripts. However, FDN and BellSouth

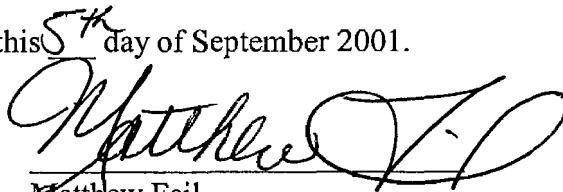
intend to engage in further settlement discussions; and in order to efficiently utilize available resources, FDN and BellSouth desire an additional two weeks (until September 26) to file their briefs in this proceeding.

4. The undersigned contacted counsel for BellSouth and for the FPSC staff regarding this motion. BellSouth agrees with the motion. The FPSC staff agrees an extension is in order if necessary for settlement discussions to take place.

5. If a settlement is not reached, an extended briefing schedule will necessitate an extension of the remainder of the case schedule. FPSC staff counsel has informed the undersigned that the next available Agenda for a decision in this case is November 19. FDN waives its rights respecting the statutory deadline of the 1996 Telecommunications Act in order for the Commission to render a decision consistent with scheduling changes contemplated by this motion.

WHEREFORE, FDN respectfully requests that the designated prehearing officer of the FPSC issue an order permitting FDN and BellSouth until September 26 to file briefs in this proceeding.

RESPECTFULLY SUBMITTED, this 5th day of September 2001.



Matthew Feil
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and

Michael C. Sloan
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(202) 424-7500

Attorneys for Florida Digital Network,
Inc.

Certificate of Service

I hereby certify that a true and complete copy of the foregoing was served on the following by overnight delivery this 5th day of September 2001.

Mr. James Meza, III
C/o Ms. Nancy H. Sims, Dir., Reg. Relations
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

Ms. Felicia Banks
Florida Public Service Comm'n
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