

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of IDS Long Distance, Inc.  
n/k/a IDS Telcom, L.L.C., Against  
BellSouth Telecommunications, Inc., and  
Request for Emergency Relief.

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DOCKET NO. 010740-TP

FILED: SEPTEMBER 18, 2001

**MOTION TO ALLOW CUSTOMERS TO  
TESTIFY VIA TELEPHONE**

Pursuant to Rule 28-106.211, Florida Administrative Code, IDS Telcom, LLC ("IDS"), by and through undersigned counsel, hereby files this Motion to allow IDS to present the testimony of customers via telephone in the hearing scheduled in the above-referenced matter for September 21, 2001, and October 1, 2001, and as grounds therefor, states as follows:

1. On May 11, 2001, IDS filed a four count Complaint against BellSouth Telecommunications, Inc. ("BellSouth"). To address the issues raised in IDS's Complaint, the Commission ordered a two-day hearing to be held on September 21, 2001, and October 1, 2001.

2. In anticipation of this hearing, six witnesses have pre-filed testimony on behalf of IDS. Attached to the pre-filed testimony of IDS witness Angel Leiro, were the affidavits of several customers addressing the anticompetitive practices alleged in IDS's complaint.

3. Many of these customers are located throughout the State, thereby making it exceedingly difficult and costly for all to attend the scheduled hearings in this cause.

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4. Further complicating this already difficult situation, the travel problems and delays that have resulted from the terrorist attacks in New York and Washington, D.C., make it extremely difficult to obtain the presence of these customers at the hearing.

5. In this regard, Rule 28-106.211 of the Florida Administrative Code provides that the Commission may "issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy and inexpensive determination of all aspects of the case . . ." (Emphasis supplied).

6. Accordingly, to ensure that all of the Commission is presented with all the information necessary to render an informed and complete decision, IDS respectfully requests that the Commission allow these customers to testify via telephone.

7. IDS does not propose that any customers testify at the hearing other than those customers whose testimony already is attached as affidavits to IDS's pre-filed testimony in this matter. Also, if the requested relief is granted, IDS will notify BellSouth and the Commission of which witnesses are available to testify, in advance of the hearing. Further, given the various locations of these customers, IDS respectfully requests that the Commission set a time certain to take the aforementioned testimony to ensure that the Commission is able to hear all of the testimony necessary for a complete and just determination of this cause.

8. Any customers testifying by telephone will comply fully with the requirements of Rule 28-106.214(b) of the Florida Administrative Code, which contemplates witness appearance by telephone.

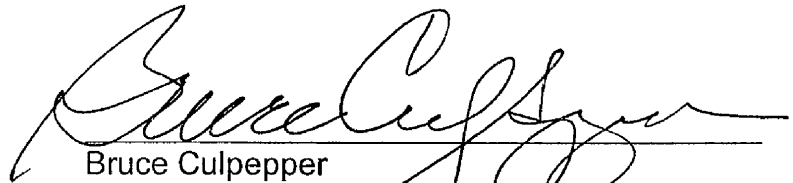
9. Allowing the customers to testify via telephone would do nothing but promote the "just, speedy and inexpensive determination of all aspects of the case."

10. Moreover, there is no resulting prejudice to BellSouth. BellSouth is aware of the identity of all these customers, thus alleviating any concerns BellSouth or this Commission may have regarding "surprise" witnesses appearing at the hearing. Also, on information and belief, BellSouth has already interviewed all of the aforementioned customers.

11. Pursuant to Rule 28-106.204(3), Florida Administrative Code, IDS's counsel has conferred with BellSouth's counsel regarding this motion. BellSouth's counsel stated that BellSouth objects to this motion.

WHEREFORE, IDS respectfully requests that the Commission enter an order allowing IDS customers to testify via telephone.

Respectfully submitted this 18<sup>th</sup> day of September, 2001,



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CERTIFICATE OF SERVICE

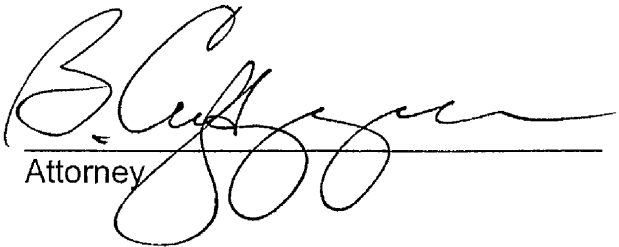
I hereby certify that a true and correct copy of the foregoing document was served by facsimile/hand delivery\* this 18<sup>th</sup> day of September, 2001 to the following:

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