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September 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
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COMMISSION
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Re: Docket No. 990874-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of US LEC of Florida, Inc. ("US LEC") are the original and fifteen copies of US LEC's Motion for Leave to File Supplemental Direct and Rebuttal Testimony.

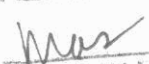
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Thank you for your assistance with this filing.

Sincerely,


Kenneth A. Hoffman

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11645 SEP 18 01

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Request for arbitration concerning complaint)
of US LEC of Florida, Inc. against BellSouth)
Telecommunications, Inc. regarding breach of)
terms of interconnection agreement and request)
for relief.)
_____)

Docket No. 990874-TP

Filed: September 18, 2001

**US LEC OF FLORIDA INC.'S MOTION FOR LEAVE
TO FILE SUPPLEMENTAL DIRECT AND REBUTTAL TESTIMONY**

US LEC of Florida Inc. ("US LEC"), by and through its undersigned counsel, and pursuant to Rule 28-106.204(1), Florida Administrative Code, hereby moves for leave to file supplemental direct testimony and, if necessary, supplemental rebuttal testimony, to address the issues raised in US LEC's Second Amended Complaint in light of the time that has passed since testimony was first filed in this case. In support of this Motion, US LEC states as follows:

1. On July 2, 1999, US LEC filed its initial Complaint in this docket. The Complaint alleged that BellSouth Telecommunications, Inc. ("BellSouth") breached the terms of two Commission-approved interconnection agreements between US LEC and BellSouth due to BellSouth's failure to pay reciprocal compensation to US LEC for the transport and termination of local traffic, including Internet Service Provider ("ISP") -bound traffic. The First Agreement was executed by US LEC of North Carolina L.L.C.¹ and BellSouth on November 1, 1996, and approved by the Commission by Order No. PSC-97-0702-FOF-TP issued June 12, 1997. The First Agreement terminated on October 31, 1998. Prior to the termination of the First Agreement, on June 26, 1998, US LEC of North Carolina L.L.C. adopted ALEC, Inc.'s existing interconnection

¹US LEC of North Carolina L.L.C. was the predecessor in interest to US LEC of Florida, Inc.

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agreement with BellSouth (the "Second Agreement"). The Second Agreement was approved by the Commission pursuant to Order No. PSC-98-1331-FOF-TP issued October 12, 1998, and terminated on June 15, 1999.²

2. On November 12, 1999, US LEC filed a Motion for Leave to File a Second Amended Complaint. The Second Amended Complaint alleged that on July 8, 1999, US LEC and BellSouth filed a Notice of Adoption of an existing interconnection agreement between Intermedia Communications, Inc. and BellSouth effective June 30, 1999 (the "Third Agreement"); that the Commission had approved the adoption in Order No. PSC-99-1538-TP issued August 4, 1999; and, that BellSouth had breached the Third Agreement by failing to pay US LEC reciprocal compensation for the transport and termination of local traffic. By Order No. PSC-99-2511-PCO-TP issued December 22, 1999, the Prehearing Officer granted US LEC's Motion for Leave to File the Second Amended Complaint.

3. Subsequently, final hearings in this cause were continued³ and this case has been scheduled for final hearing on March 6-7, 2002.

4. US LEC requests leave to file supplemental direct testimony and, if necessary, supplemental rebuttal testimony, to support US LEC's entitlement to compensation at the tandem interconnection rate reflected in the First and Second Agreements and, further, to support US LEC's

²On July 30, 1999, US LEC filed a Motion for Leave to File an Amended Complaint for the purpose of filing a revised Exhibit D to the original Complaint. Pursuant to Order No. PSC-99-1781-PCO-TP issued September 22, 1999, the Prehearing Officer granted US LEC's Motion for Leave to File the Amended Complaint.

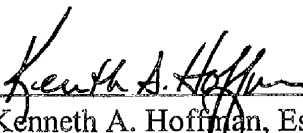
³See Order Nos. PSC-00-0952-PCO-TP issued May 15, 2000 and PSC-01-0145-PCO-TP issued January 18, 2001.

entitlement to compensation at the composite tandem switching rate under the Third Agreement instead of the rate applicable to Multiple Tandem Access (“MTA”) arrangements under an amendment to the Third Agreement. US LEC recognizes that BellSouth would similarly be permitted to file supplemental direct testimony and, if necessary, supplemental rebuttal testimony, to address these issues if US LEC’s Motion is granted.

5. The final hearing in this case is set to take place in approximately six months. As such, there is ample time to submit prefiled testimony to address these issues and to conduct any additional discovery that might be necessary. Clearly, BellSouth will not be prejudiced by the granting of this Motion. To the contrary, judicial economy will be achieved by allowing all pending claims of US LEC as set forth in the Second Amended Complaint to proceed forward in the instant docket rather than having them fragmented into separate complaints and dockets.

WHEREFORE, for the foregoing reasons, US LEC respectfully requests that the Prehearing Officer grant this Motion for Leave to File Supplemental Prefiled Testimony.

Respectfully submitted,



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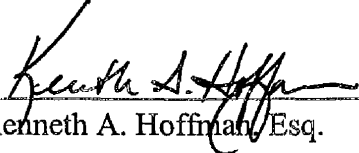
Attorneys for US LEC of Florida Inc.

CERTIFICATE OF SERVICE

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

E. Earl Edenfield, Jr., Esq.
BellSouth Telecommunications, Inc.
675 West Peachtree Street
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Atlanta, GA 30375

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Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850



Kenneth A. Hoffman, Esq.

USLEC/2motion