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November 20, 2001

Mrs. Blanca S. Bayó
Director, Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 990649A-TP (UNE Docket)

Dear Mrs. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion to Allow Surrebuttal Testimony, 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,

Andrew D. Shore
Andrew D. Shore (KA)

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

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**CERTIFICATE OF SERVICE
Docket No. 990649A-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
FedEx. Mail this 20th day of November, 2001 to the following:

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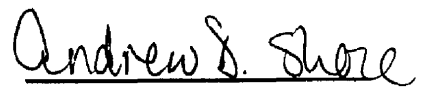
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(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into pricing of unbundled
network element

) Docket No.: 990649A-TP
)
) Filed: November 20, 2001

**BELLSOUTH'S MOTION TO ALLOW
SURREBUTTAL TESTIMONY**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 28-106.204 of the Florida Administrative Code, respectfully requests that the Commission enter an Order allowing BellSouth to file surrebuttal testimony on or before December 21, 2001. In support of this motion, BellSouth shows the Commission that:

1. The Commission's Final Order on Rates for Unbundled Network Elements provided by BellSouth issued May 25, 2001, Order No. PSC-01-1181-FOF-TP, required BellSouth to refile within 120 days of the issuance of that Order certain revisions to its cost study (BellSouth's 120-Day Filing). BellSouth refiled its cost study in accordance with the Order on September 24, 2001.
2. On October 24, 2001, the Commission conducted a conference for the purpose of identifying the issues to be addressed by the parties and decided by the Commission in the 120-Day Filing phase of this docket. After discussion by all interested parties, the parties and Commission staff agreed to a list of seven issues, some of which included sub-issues.
3. In its Order Establishing Procedure for this phase of the case, Order No. PSC-01-1904-PCO-TP ("Procedural Order"), the Commission directed that direct

testimony of all parties would be due on November 8, 2001, and that rebuttal testimony would be due on December 7, 2001.

4. BellSouth filed its direct testimony on November 8, 2001.

5. No ALEC filed direct testimony on November 8, 2001. BellSouth is informed that certain ALECs plan to file rebuttal testimony on December 7, 2001.

6. BellSouth should be afforded the opportunity to file surrebuttal testimony. The Commission's Procedural Order contemplated that both BellSouth and the ALECs would have the opportunity to file rebuttal testimony. Because the ALECs chose not to file any testimony on November 8, 2001, BellSouth will not, however, have the opportunity under the current schedule to file any testimony rebutting the ALECs' testimony. It would be unfair to deprive BellSouth of the opportunity to rebut the ALECs' testimony, especially since the ALECs will continue to argue that BellSouth has the burden to prove that its UNE rates are reasonable. Indeed, MCI/WorldCom and AT&T recognized that BellSouth should have the opportunity to file testimony rebutting the ALECs' testimony. The schedule they proposed provided that BellSouth would file direct testimony, the ALECs would file rebuttal, and then BellSouth would file rebuttal to the ALECs' testimony. See Procedural Order, at 3.

7. Allowing BellSouth the opportunity to file surrebuttal testimony will not delay the hearing or prejudice any party. BellSouth proposes that the deadline for it to file surrebuttal testimony be December 21, 2001, only two weeks after the ALECs file their testimony, and more than one month before the hearing in this matter. To the contrary, it would be unfair for the ALECs' strategic decision not to file any direct testimony, notwithstanding the fact that they had BellSouth's cost studies for six weeks

before the direct testimony filing deadline as well as a list of the issues to be addressed, to effectively deprive BellSouth of the opportunity to file testimony rebutting the ALECs' testimony. The final procedural schedule, as well as the schedule proposed by MCI and AT&T, contemplated giving BellSouth the chance to file rebuttal testimony. BellSouth's motion to allow it to file surrebuttal testimony is consistent with that approach.

8. Pursuant to Rule 28-106.204(3) of the Florida Administrative Code, counsel for BellSouth conferred with counsel for the other parties in this docket with respect to this motion. No other party had indicated that it objects to this motion.

Respectfully submitted this 20th day of November, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

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