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## **MCWHIRTER REEVES** ATTORNEYS AT LAW

TAMPA OFFICE: 400 NORTH TAMPA STREET, SUITE 2450 TAMPA, FLORIDA 33602 P. O. BOX 3350 TAMPA, FL 33601-3350 (813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

Tallahassee Office: 117 South Gadsden Tallahassee, Florida 32301 (850) 222-2525 (850) 222-5606 FAX

January 24, 2002

# VIA HAND DELIVERY

Blanca S. Bayo, Director **Division of Records and Reporting Betty Easley Conference Center** 4075 Esplanade Way Tallahassee, Florida 32399-0870

Docket No.: 011119-TP Re:

Dear Ms. Bayo:

On behalf of XO Florida, Inc (XO), enclosed for filing and distribution are the original and 15 copies of the following:

> XO Florida, Inc.'s Motion for Extension of Time to File Testimony. ►

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

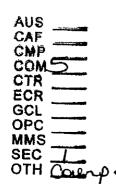
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### **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by XO Florida, Inc. for arbitration of Unresolved issues with BellSouth Telecommunications, Inc.

Docket No.: 011119-TP Filed: January 25, 2002

### XO Florida, Inc.'s Motion for Extension of Time to File Testimony

XO Florida, Inc. (XO), pursuant to rule 28-106.204, Florida Administrative Code, files this motion for a two-week extension of time for the filing of direct and rebuttal testimony in this matter as set forth below. As grounds therefor, XO states:

1. The current schedule in this matter calls for direct testimony (all) to be filed on February 5, 2002 and rebuttal testimony (all) to be filed on March 12, 2002. XO requests that each of those two dates be extended two weeks so that direct testimony is due on February 19, 2002 and rebuttal testimony is due on March 26, 2002.

2. The requested two-week extension will be helpful as the parties continue to attempt to settle outstanding issues in this arbitration. The parties have been actively involved in negotiations as to the outstanding issues in this case. Thus far the parties have successfully settled eight open issues. Discussions are on going and the parties are hopeful that additional issues can be settled, thus obviating the need for the filing of testimony as to certain issues and narrowing the issues which will be the subject of this proceeding. A two-week extension for testimony will promote a more efficient and expeditious proceeding.

3. XO does not suggest any change in any of the other dates, including the date for the prehearing conference and hearing.

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4. XO has consulted with counsel for BellSouth Telecommunications, Inc. (BellSouth) and is authorized to represent that BellSouth has no objection to the extension requested herein.

WHEREFORE, XO requests that the due date for rebuttal testimony be extended to February 19, 2002 and that the due date for rebuttal testimony be extended to March 26, 2002.

Clillin Hordon Laufman

XO Communications, Inc. 105 Molloy Street, Suite 300 Nashville, Tennessee 37201-2315 (615) 777-7700 (telephone) (615) 345-1564 (fax) dana.shaffer@xo.com

John Doyle Parker, Poe, Adams & Bernstein Post Office Box 389 1400 First Union Capital Center Raleigh NC 27602-0389 (919) 890-4173 (telephone) (919) 835-4541 (fax) johndoyle@parkerpoe.com

Vicki Gordon Kaufman McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A. 117 South Gadsden Street Tallahassee, Florida 32301 (850) 222-2525 (telephone) (850) 222-5606 (fax) vkaufman@mac-law.com

Attorneys for XO Florida, Inc.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing XO Florida, Inc.'s Motion for Extension of Time to File Testimony has been furnished by (\*) hand delivery or by U. S. Mail on this 24th day of January, 2002, to the following:

(\*) Jason Fudge Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399

James Meza BellSouth Telecommunications, Inc. 150 West Flager Street Suite 1910 Miami, Florida 33130

Patrick Turner BellSouth Telecommunications, Inc. 675 West Peachtree Street, Suite 430 Atlanta, Georgia 30375

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