

JAMES MEZA III  
Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

February 1, 2002

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

RECEIVED FPSC  
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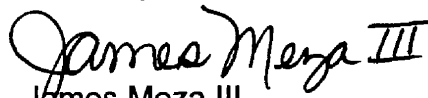
**Re: Docket No. 000028-TL (Anthony Parks Matter)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to Second Motion To Continue, 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,

  
James Meza III  
(28)

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

DOCUMENT NUMBER - DATE

01287 FEB -4 02

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**Docket No. 000028-TL**

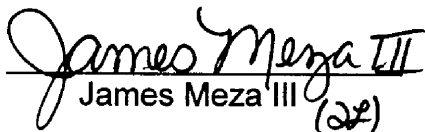
I HEREBY CERTIFY that a true and correct copy of the foregoing was served by (\*) Facsimile, (\*\*) Electronic Mail and U.S. Mail this 1st day of February, 2002 to the following:

Patricia Christensen (\*)  
Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6181  
Fax. No. (850) 413-6182

Administrative Procedures Committee  
Room 120 Holland Building  
Tallahassee, FL 32399-1300

Florida Cable Telecommunications Assoc.  
Michael A. Gross  
246 E. 6th Avenue  
Tallahassee, FL 32303  
Tel. No. (850) 681-1990  
Fax. No. (850) 681-9676  
mgross@fcta.com

Anthony Parks (\*\*)  
4750 South Ocean Blvd.  
Suite 210  
Highland Beach, FL 33487  
Boca Raton, FL 33481  
Tel. No. (561) 338-5937  
AstonD@Prodigy.Net

  
James Meza III (22)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by BellSouth )  
Telecommunications, Inc., for Waiver ) Docket No. 000028-TL  
of Rules 25-4.107, 25-4.108, and )  
25-4.113, Florida Administrative Code )  
\_\_\_\_\_) Filed: February 1, 2002

**RESPONSE TO SECOND MOTION TO CONTINUE**

1. On Friday, February 1, 2002, at 3:00 p.m. Mr. Parks filed a Motion to Continue the hearing, which is scheduled for February 4, 2002, on the premise that proceeding with the hearing would be in violation of a Bankruptcy Courts' stay.

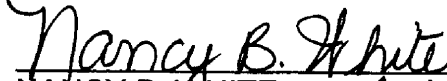
2. Because of the late nature of Mr. Parks' second Motion for Continuance in as many days and the complex nature of Bankruptcy law, BellSouth Telecommunications, Inc. ("BellSouth") does not have a position at this time as to whether the stay effects the upcoming hearing. However, in the event the stay would effect this proceeding, BellSouth wants to make it clear that with this response, it is not recommending that either the Commission or the parties violate the stay, assuming one exists.

3. Notwithstanding the merits of Mr. Parks' argument or lack thereof, it appears that (1) Mr. Parks filed a voluntary Motion to Dismiss the Petition on January 25, 2002; and (2) the Court dismissed the case with prejudice for failure to pay filing fees on January 29, 2002. BellSouth has not had sufficient time to obtain these documents from the Bankruptcy Clerk of Court and thus is attaching as an exhibit the docket report issued by the Bankruptcy Court.

4. Therefore, based on the docket report, it appears that Mr. Parks no longer has a pending bankruptcy action and thus no corresponding bankruptcy stay. BellSouth intends to appear at the hearing as scheduled.

Respectfully submitted this 1<sup>st</sup> day of February, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (22)


JAMES MEZA III

c/o Nancy H. Sims

150 So. Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5558



R. DOUGLAS LACKEY (22)

Suite 4300

675 W. Peachtree St., NE

Atlanta, GA 30375

(404) 335-0747

432117

# U.S. Bankruptcy Court

Southern District of Florida (Dade)

- *Bankruptcy Petition #:* 01-43145 *Date filed:* 12/14/01
- *Assigned to:* Judge Robert A. Mark
- Chapter 13, voluntary, individual, asset

* Parties *	* Attorneys *
<b>ANTHONY PARK</b> 13205 Dixie Hwy #1275 Coral Gables, FL 33146 SSN: 127-46-3594 * Debtor *	<b>Anthony Park</b> PRO SE
<b>NANCY N HERKERT, Trustee</b> POB 5725 Hialeah, FL 33014 * Trustee *	

## Docket Proceedings

Date	Doc. No.	Docket Entry
12/14/01	1	Voluntary Petition Filed Under Chapter 13. Complete Schedules Filed? No. (Receipt #185941 Amount: \$30.00) (mre) [EOD 12/18/01]
12/14/01	2	Application By Debtor Anthony Park To Pay Filing Fee In Installments (mre) [EOD 12/18/01]
12/14/01	3	Order (12/14/01) Granting [2-1] Application To Pay Filing Fee In Installments by Anthony Park: Amount Paid: \$30.00, 2nd Payment: \$60.00, 3rd Payment: \$60.00, 4th Payment: \$35.00. Second Installment Due On 2/14/02; Third Installment Due on 3/11/02; Fourth Installment Payment due on 3/14/02 (mre) [EOD 12/18/01]
12/14/01	4	Notice of Ch. 13 Case and Filing Requirements for Debtor(s) and Certificate of Mailing. Missing documents: All Schedules and Statements Due: 12/31/01 Chapter 13 Plan Due: 12/31/01 (mre) [EOD 12/18/01]
12/21/01	5	Emergency Motion by Debtor Anthony Park to void Foreclosure Judgment after Chapter 13 Petition was filed and violation of automatic stay (mre) [EOD 12/26/01]

12/26/01	6	Order (12/26/01) To Show Cause Re: [5-1] Motion to void Foreclosure Judgment after Chapter 13 Petition was filed and violation of automatic stay by Anthony Park. Show Cause Hearing Set For 11:00 1/10/02 AT Room 1406, Miami. (mre) [EOD 12/27/01]
12/26/01	7	Motion By Debtor Anthony Park To Continue Hearing On: ([5-1] Motion to void Foreclosure Judgment after Chapter 13 Petition was filed and violation of automatic stay by Anthony Park ) (mre) [EOD 12/28/01]
12/28/01	--	Endorsed Order (12/28/01) Granting In Part [7-1] Motion To Continue Hearing On: ([5-1] Motion to void Foreclosure Judgment after Chapter 13 Petition was filed and violation of automatic stay by Anthony Park ) by Anthony Park. Debtor still must Appear in Court on 1/10/02 @ 11:00a.m. in Response to this court's Order to Show Cause (mre) [EOD 12/28/01]
12/31/01	8	Motion by Debtor Anthony Park To Extend Time To File Schedules (mre) [EOD 01/03/02]
12/31/01	9	Motion By Creditor EMC Mortgage Corporation For Relief From Stay. (Receipt #87519 Amount: \$75.00) (mre) [EOD 01/04/02]
1/9/02	10	Certificate Of Service By Wendy DePaul for Creditor EMC Mortgage Corporation Of Notice Of Hearing Re: [9-1] Motion For Relief From Stay by EMC Mortgage Corporation. Hearing schd for 1/10/02 @ 11:00a.m. in Miami (mre) [EOD 01/10/02]
1/10/02	11	Affidavit by Interested Party Christopher James In Support of: Filling out form (mre) [EOD 01/11/02]
1/14/02	12	Order (1/11/02) Discharging [6-1] Show Cause Order (mre) [EOD 01/14/02]
1/14/02	12	Order (1/11/02) Granting [5-1] Motion to void Foreclosure Judgment after Chapter 13 Petition was filed and violation of automatic stay by Anthony Park Granting in Part, Denying in Part [9-1] Motion For Relief From Stay by EMC Mortgage Corporation Granting [8-1] Motion To Extend Time To File Schedules by Anthony Park ;Missing Documents due: 1/31/02 Chapter 13 Plan due on 1/31/02 (mre) [EOD 01/14/02]
1/17/02	13	Order (1/16/02) Setting Deadline 1/28/02 for Debtor to pay balance of Filing Fees in full to Avoid Dismissal of Case (mre) [EOD 01/17/02]
1/25/02	14	Notice of Filing Notice of Intent to Dismiss Chapter 13 Petition by Debtor Anthony Park (mre) [EOD 01/28/02]

1/28/02	16	Notice of Appearance And Request For Service Of Notice By Dennis J LeVine for Creditor Chase Manhattan Automotive Finance Corp. (mre) [EOD 01/30/02]
1/29/02	15	Order (Jan. 29, 2002), With Certificate of Mailing, Dismissing Case With Prejudice (180 days) for Failure To Pay Filing Fee in Full for this case and \$ 140.00 owed in Case No. 99-25317-BKC-PGH. Total Fees Due \$ 295.00. (dr) [EOD 01/29/02]

**Report Criteria**

Case Num:	01-43145
Filed between:	01/01/31 and 02/01/02

**End of Report**

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