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BellSouth Telecommunications, Inc.  
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COMMISSION  
CLERK

March 25, 2002

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. 020119-TP**  
**Petition of Florida Digital Network, Inc. for Expedited Review and**  
**Cancellation of BellSouth Telecommunications, Inc.'s Key Customer**  
**Promotional Tariffs and For an Investigation of BellSouth**  
**Telecommunications, Inc.'s Promotional Pricing and Marketing Practices**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion for Reconsideration of Order Initiating Expedited Discovery Procedure, which we ask that you file in the caption docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return a copy to me. Copies have been served to the parties shown on the attached certificate of service.

Sincerely,

*James Meza III*  
James Meza III (KA)

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM 5
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC 1
- OTH \_\_\_\_\_

Enclosures

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

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*[Signature]*  
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**CERTIFICATE OF SERVICE  
DOCKET NO. 020119-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Hand Delivery(\*), Electronic Mail and Federal Express this 25th day of March, 2002 to the following:

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James Meza III (KA)

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for expedited review and ) Docket No. 020119-TP  
Cancellation of BellSouth Telecommunications,) )  
Inc.'s Key Customer promotional tariffs and for ) )  
Investigation of BellSouth's promotional pricing ) )  
and marketing practices, by Florida Digital ) )  
Network, Inc. ) )  
\_\_\_\_\_ ) )  
 ) )

**MOTION FOR RECONSIDERATION OF ORDER  
INITIATING EXPEDITED DISCOVERY PROCEDURE**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully requests that the Prehearing Officer reconsider and modify Order No. PSC-2-0331-PCO-TP ("Order") for the following reasons.

1. On February 14, 2002, Florida Digital Network, Inc. ("FDN") filed a Petition for Expedited Review and Cancellation of BellSouth's Key Customer Promotional Tariffs and for an Investigation of BellSouth's Promotional Pricing and Marketing Practices ("Petition"). On March 4, 2002, US LEC of Florida, Inc., XO Florida, Inc., and Time Warner Telecom of Florida, LP ("Intervenors") filed a Petition to Intervene in this proceeding, which was granted on March 21, 2002. BellSouth filed its Response and Answer to the Petition on March 5, 2002.

2. On February 13, 2002, the Prehearing Officer, sua sponte, issued the Order, requiring that objections or clarifications to discovery requests be made within five business days of service of the request and that discovery responses be provided 10 calendar days after service of the request. The Prehearing Officer found that, because customers may avail themselves of the tariff in question and that the tariff is set to expire on June 25, 2002, it was appropriate to

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establish an expedited discovery process in this unique circumstance. Order at 1.

3. BellSouth requests that the Prehearing Officer reconsider this Order only to the extent necessary to extend the time period in which parties have to object and respond to discovery.

4. A motion for reconsideration is appropriate if the Commission either overlooked or failed to consider certain evidence. See Diamond Cab Co. of Miami v. King, 146 So.2d 889 (Fla. 1962). Reconsideration is proper in the instant matter because the Prehearing Officer, upon information and belief, did not take into consideration the burden imposed upon BellSouth in responding to voluminous discovery requests issued by multiple parties in only 10 calendar days.

5. For example, as of today, BellSouth could find itself in the unique position of responding to discovery issued by at least five parties – Staff, FDN, US LEC, Time Warner, and XO – in ten calendar days.<sup>1</sup> This number will only increase if more ALECs intervene.

6. In addition, because of the nature of the complaint and the fact that it is not limited to just BellSouth's Key Customer Promotion but to BellSouth's marketing practices in general, it is highly likely, if not probable, that the information requested by the parties will be voluminous and time consuming in compiling and obtaining. In fact, in responding to requests for production issued by Staff, BellSouth intends to produce, subject to objection, over several

thousand pages of documents. Obtaining this information in only 10 days was extremely time-consuming and burdensome. This burden is further compounded by the fact that, under the Order, each party can file up to 150 interrogatories and 75 requests for production, including subparts. Accordingly, based on the current number of parties in this proceeding, BellSouth could find itself responding to a total of 750 interrogatories and 375 requests for production in a very short time period. Such an obligation is burdensome and extremely taxing on BellSouth's resources.

7. Further, the Prehearing Officer should consider the fact that FDN did not raise an objection to the Key Customer promotion until 13 days after it became effective, 29 days after BellSouth filed the tariff, and 64 days after BellSouth notified ALECs of its intent to file the tariff. The fact that FDN waited over two and one-half months to raise an objection, makes its claim for an expedited hearing suspect. Clearly, if FDN and the Intervenors were truly concerned about the Key Customer tariff, they could have raised said objections prior to the tariff's effective date.

8. BellSouth understands the Prehearing Officer's rationale for an expedited discovery process, and does not object to it. However, BellSouth requests that the Prehearing Officer extend the time to object to discovery to ten calendar days and the time to respond to discovery to 20 calendar days. Such a time period is in line with previous expedited discovery orders issued in other dockets.

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<sup>1</sup> Unlike the other parties, BellSouth is likely the only party that would be required to respond to multiple sets of discovery issued by different parties because the Intervenors and FDN will

9. Neither FDN nor the Intervenors would be prejudiced by extending the period to object and respond to discovery because no party, other than Staff, has issued discovery. Further, because a hearing date has yet to be set, no party can argue that modifying the expediting hearing process would jeopardize the hearing date.

**WHEREFORE**, BellSouth respectfully requests that the Prehearing Officer reconsider and modify Order No. PSC-02-0331-PCO-TP and extend the time period to object to discovery requests to 10 calendar days and the time period to provide responses to discovery requests to 20 calendar days.

Respectfully submitted this 25nd day of March, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Nancy B. White*

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NANCY B. WHITE (LA)  
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*R. Douglas Lackey*

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probably not issue discovery to each other due to their mutuality of interest.