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Ms. Blanca Bayó, Director  
Division of the Commission Clerk  
& Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 0201252-TP Petition for Expedited Review and Cancellation or Suspension of BellSouth Telecommunications, Inc.'s Key Customer Tariff filed 12/16/02, by Florida Digital Network, Inc.

Re: Docket No. 020119-TP Petition of Florida Digital Network Inc., for Expedited Review and Cancellation of BellSouth's Telecommunications, Inc.'s Key Customer Promotional Tariffs and For an Investigation of BellSouth Telecommunications, Inc.'s Promotional Pricing and Marketing Practices.

Re: Docket No. 020578-TP Petition of the Florida Competitive Carriers Association for Expedited Review and Cancellation of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs.

Dear Ms. Bayó,

Please find enclosed for filing in the above dockets an original and seven (7) copies of Florida Digital Network, Inc.'s Motion for Leave to Take Telephonic Deposition and Notice of Telephonic Deposition.

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,

Matthew Feil  
Florida Digital Network  
General Counsel

Notice  
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Motion for leave

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Prehearing Order provided that if the parties had not reached a settlement by January 28, 2003, all discovery was to be completed by February 5, 2003.

2. The parties worked diligently in their efforts to settle the case, even after the January 28 deadline. Unfortunately, no settlement was reached by the January 28 deadline or in the days since.

3. After the settlement efforts failed, counsel for FDN asked counsel for BellSouth if BellSouth rebuttal witness Pitofsky would be available for deposition on or before the February 5 discovery due date. Unfortunately, witness Pitofsky was not available on or before February 5, but counsel for BellSouth agreed to make witness Pitofsky available for deposition by phone on February 12, at 2:00 p.m.

4. Barring unforeseen circumstances, FDN does not intend to request the deposition of any other BellSouth witnesses in this case.

5. FDN has on even date herewith filed with the Commission a Notice of Telephonic Deposition for Prof. Pitofsky for the time and date counsel for BellSouth agreed. Neither staff nor any other parties expressed objection to the proposed February 12, 2003, deposition date.

6. To avoid undue inconvenience to and burden on the witness and to the parties, FDN requests the Prehearing Officer to permit FDN to take the deposition of BellSouth witness Pitofsky after February 5, 2003.

WHEREFORE and in consideration of the above, Florida Digital Network, Inc. respectfully requests the Commission to permit the telephonic deposition of BellSouth witness Pitofsky after February 5, 2003, discovery cut-off.

Respectfully submitted, this 3 day of Feb, 2003.

A handwritten signature in black ink, appearing to read "Matthew Feil". The signature is fluid and cursive, with a large loop at the end.

Matthew Feil  
Florida Digital Network, Inc  
390 North Orange Ave.  
Suite 2000  
Orlando, FL 32801  
407-835-0460  
[mfeil@floridadigital.net](mailto:mfeil@floridadigital.net)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (\*) who have been sent a copy via overnight mail, this 3<sup>rd</sup> day of February, 2002.

BellSouth Telecommunications, Inc.\*  
Nancy White/Meredith Mays  
C/O Ms. Nancy H. Sims  
150 S. Monroe Street  
Suite 400  
Tallahassee, FL 32301-1556  
[nancy.sims@bellsouth.com](mailto:nancy.sims@bellsouth.com)

Ms. Felicia Banks  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[fbanks@psc.state.fl.us](mailto:fbanks@psc.state.fl.us)

ACCESS Integrated Networks, Inc.  
Mr. Rodney Page  
Riverside Corporate Center  
4885 Riverside Drive, Suite 101  
Macon, GA 31210-1164  
[rodney.page@accesscomm.com](mailto:rodney.page@accesscomm.com)

Time Warner Telecom of Florida LP  
C/O Carolyn Marek  
233 Bramerton Court  
Franklin, TN 37069-4002  
[carolyn.marek@twtelecom.com](mailto:carolyn.marek@twtelecom.com)

ITC/DeltaCom  
Nanette S. Edwards/Leigh Ann Wooten  
4092 S Memorial Parkway  
Huntsville, AL 35802-4343  
[nedwards@itcdeltacom.com](mailto:nedwards@itcdeltacom.com)

McWhirter Law Firm  
Joseph McGlothlin  
117 S Gadsden Street  
Tallahassee, FL 32301  
[jmcglothlin@mac-law.com](mailto:jmcglothlin@mac-law.com)

Rutledge Law Firm  
Ken Hoffman/MartinMcDonnell/M.Rule  
PO Box 551  
Tallahassee, FL 32302-0551  
[ken@reuphlaw.com](mailto:ken@reuphlaw.com)

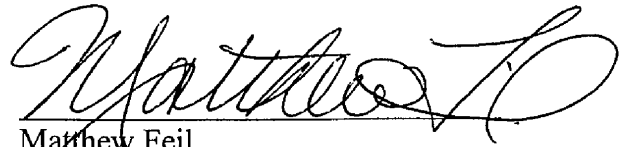
Pennington Law Firm  
Karen M. Camechis  
PO Box 10095  
Tallahassee, FL 32302-2095  
[karen@penningtonlawfirm.com](mailto:karen@penningtonlawfirm.com)

Florida Competitive Carriers Assoc.  
C/O McWhirter Law Firm  
Joseph McGlothlin/Vicki Kaufman/Perry  
117 S. Gadsden Street  
Tallahassee, FL 32301  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)

US LEC of Florida, Inc.  
Mr. Greg Lunsford  
6801 Morrison Blvd  
Charlotte, NC 28211-3599  
[glunsford@uslec.com](mailto:glunsford@uslec.com)

XO Florida, Inc.  
Ms. Dana Shaffer  
105 Molloy Street, Suite 300  
Nashville, TN 37201-2315  
[dshaffer@xo.com](mailto:dshaffer@xo.com)

M Power Communications Corp  
Mr. Rick Heatter  
175 Sully's Trail, Suite 300  
Pittsford, NY 14534-4558  
[rheatter@mpowercom.com](mailto:rheatter@mpowercom.com)

A handwritten signature in black ink, appearing to read "Matthew Feil". The signature is fluid and cursive, with a large initial "M" and "F".

Matthew Feil  
Florida Digital Network  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
(407) 835-0460  
[mfeil@floridadigital.net](mailto:mfeil@floridadigital.net)