ORIGINAL PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A. ATTORNEYS AT LAW

JOAN H. ANDERSON DOUGLAS S. BELL SAMUEL P. BELL, III FREDERICK L. BUSACK KAREN M. CAMECHIS KEVIN X. CROWLEY MARK K. DELEGAL MARC W. DUNBAR PETER M. DUNBAR MARTHA J. EDENFIELD CYNTHIA SIMMONS FLETCHER MARK T. HANEY WILEY HORTON WILLIAM H. HUGHES, III

KORY J. ICKLER" KIMBERLY L. KING STEVEN M. MALONO EDGAR M. MOORE E. MURRAY MOORE, JR. BRIAN A. NEWMAN JOHN C. PELHAM CARL R. PENNINGTON, JR., P.A. GARY A. SHIPMAN SUSAN K. SPURGEON[‡] LESLEI G. STREET MICHAEL J. THOMAST CYNTHIA S. TUNNICLIFF WILLIAM E. WHITNEY BEN H. WILKINSON

CATHI C. WILKINSON JULIUS J. ZSCHAU[‡]

OF COUNSEL ROBERT CINTRON, JR. R. STUART HUFF, P.A. Coral Gables, Florida
CHRISTOPHER W. KANAGA*
(Admitted in Massachusetts & Colorado Only)
CHRISTIAN O'RYAN, P.A.

SPECIAL CONSULTANTS

R.Z. SAFLEY* JAMES E. HARRIS, JR.* MEREDITH W. SNOWDEN*

*not a member of the Florida Bar †† also admitted in Louisiana ‡ also admitted in Illinois † also admitted in Georgia

TALLAHASSEE OFFICE: 215 SOUTH MONROE STREET 2ND FLOOR TALLAHASSEE, FLORIDA 32301 (850) 222-3533 FAX (850) 222-2126

TAMPA OFFICE: 2701 NORTH ROCKY POINT DRIVE SUITE 930 TAMPA, FLORIDA 33607 FAX (813) 639-1488

EMAIL: email@penningtonlawfirm.com

REPLY TO: P.O. BOX 10095 TALLAHASSEE, FL 32302-2095

February 17, 2003

Ms. Blanca Bayo Director of Division of Commission Clerk and Administrative Services **Public Service Commission** 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Docket Nos. 020119 and 020578-TP(Consolidated Tariff Dockets) Re:

Dear Ms. Bayo:

AUS

CAF

CMP COM 5

CTR

ECR GCL OPC

MMS

SEC

It is with regret that Time Warner Telecom of Florida, L.P. ("TWTC"), must request permission to withdraw from Docket Nos. 020119 and 020578-TP(Consolidated Tariff Dockets). The reason we find it necessary to withdraw is the recent Order Granting in Part, and Denying in Part, Bellsouth's Motion to Compel, which compels TWTC to respond to numerous discovery requests for extremely sensitive information or documents that are totally irrelevant to the issues in this docket and would otherwise be unavailable to BellSouth in any other context. In addition, compilation of the requested information would require extensive utilization of resources that we do not believe should be devoted to responding to unnecessary requests for information in no way related to the specific issue before the Commission.

In our recent experience, it appears that BellSouth is employing a strategy of requesting irrelevant information from competitors, and that the only apparent purpose for such requests must be to obtain OTH Locompetitively sensitive information to which it is otherwise not entitled, or to discourage competitors from proceeding with complaints such as the one at issue in this docket. Unfortunately, this strategy appears to be quite effective

RECEIVED & FILED

L.VD.

DOCUMENT NUMBER-DATE

01600 FEB 178

FPSC-COMMISSION CLERK

001359

Blanca Bayo, Director February 17, 2003 Page 2

Thank you for your consideration of this request and for your assistance in this matter. If you have any questions or require additional information, please contact me in Tallahassee at 222-3533.

Respectfully,

Karen Camechis

Counsel to Time Warner Telecom of Florida, L.P.

CERTIFICATE OF SERVICE DOCKET NO. DOCKET 020119 and 020578-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing <u>Time Warner Telecom of Florida</u>, L.P.'s Request to Withdraw has been served by U.S. Mail on this 17th day of February, 2003, to the following parties of record:

Access Integrated Networks, Inc. Mr. Mark A. Ozanick 4885 Riverside Drive, Suite 300 Macon, GA 31210-1148

BellSouth Telecommunications, Inc.
N. White/J.Meza/P.Turner/M.Mays/Lackey
c/o Ms. Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

Florida Cable Telecommunications Assoc., Inc. Michael A. Gross 246 E. 6th Avenue, Suite 100 Tallahassee, FL 32303

Florida Competitive Carriers Assoc. c/o McWhirter Law Firm Joseph McGlothlin/Vicki Kaufman/Perry 117 S. Gadsden St. Tallahassee, FL 32301

Florida Digital Network, Inc. Mr. Matthew Feil 390 North Orange Avenue, Suite 2000 Orlando, FL 32801-1640

ITC^DeltaCom

Ms. Nanette S. Edwards 4092 South Memorial Parkway Huntsville, AL 35802-4343 McWhirter Law Firm Joseph McGlothlin/Vicki Kaufman 117 S. Gadsden St. Tallahassee, FL 32301

Messer Law Firm Floyd Self P.O. Box 1876 Tallahassee, FL 32302-1876

Mpower Communications Corp. Mr. Rick Heatter 175 Sully's Trail, Suite 300 Pittsford, NY 14534-4558

Rutledge Law Firm
Ken Hoffman/Martin McDonnell/M. Rule

P.O. Box 551 Tallahassee, FL 32302-0551

Time Warner Telecom of Florida, L.P. Ms. Carolyn Marek % Time Warner Telecom 233 Bramerton Court Franklin, TN 37069-4002

US LEC of Florida Inc. Mr. Greg Lunsford 6801 Morrison Blvd. Charlotte, NC 282113599 XO Florida, Inc. Ms. Dana Shaffer 105 Molloy Street, Suite 300 Nashville, TN 37201-2315

KAREN M. CAMECHIS, ESQ.

Florida Bar No. 0898104

PENNINGTON, MOORE, WILKINSON,

BELL & DUNBAR, P.A.

Post Office Box 10095 (32302)

215 S. Monroe Street, 2nd Floor

Tallahassee, Florida 32301

(850) 222-3533

(850) 222-2126 (facsimile)