

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of AT&T Communications)
of the Southern States, LLC; MCI WorldCom)
Communications, Inc. and MCIMetro Access)
Transmission Services, LLC; and Access)
Integrated Networks, Inc. against BellSouth)
Telecommunications, Inc. and Request for)
Expedited Relief)
_____)

Docket No. 020507-TL

Filed: July 10, 2003

MOTION IN LIMINE

AT&T Communications of the Southern States, LLC (AT&T), MCI WorldCom Communications, Inc. and MCIMetro Access Transmission Services, LLC (MCI), ACCESS Integrated Networks, Inc. (AIN), and ITC^DeltaCom Communications, Inc. (ITC^DeltaCom) (CLEC Parties) hereby move the Commission to enter an order precluding BellSouth from referring in its opening statement or witness summaries to matters related to the provision of FastAccess service to end-users who are served by CLECs via UNE loops (UNE-L). In support of this motion, the CLEC parties state:

1. The CLEC Parties have today filed their Notice of Partial Dismissal of the portion of the complaint which sought relief from BellSouth’s practice of refusing to provide FastAccess service to end-users served by CLECs via UNE-L.

2. The partial dismissal was taken to narrow the issues in dispute and to simplify the upcoming hearing. The partial dismissal will allow the parties to focus only issues related to the provision of FastAccess service to end-users served by CLECs via the UNE platform (UNE-P).

3. In light of this partial dismissal, testimony and discussion related to the provision of FastAccess service to end-users who are served via UNE-L is no longer relevant to any of the issues to be resolved by the Commission in this docket. BellSouth should therefore be precluded

from referring in its opening statement or witness summaries to matters relating to the provision of FastAccess to end-users who are served by CLECs via UNE-L.

4. Unless this irrelevant material is excluded from the hearing, the goal of narrowing the issues and thereby simplifying the presentation at hearing will be compromised.

WHEREFORE, the CLEC Parties move the Commission to enter an order precluding BellSouth from referring in its opening statement or witness summaries to matters related to the provision of FastAccess service to end-users who are served by CLECs via UNE loops (UNE-L).

RESPECTFULLY SUBMITTED this 10th day of July, 2003.

Vicki Gordon Kaufman / ROR

Virginia Tate
AT&T Communications of the Southern
States, LLC
Law and Government Affairs
1200 Peachtree Street, NE, Suite 8100
Atlanta, Georgia 30309
(404) 810-4922 Telephone
(404) 810-5901 Telefax

Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman & Arnold, PA
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525 Telephone
(850) 222-5606 Telefax

Attorneys for the AT&T Communications
of the Southern States, LLC

Floyd Self / ROR

Nanette Edwards
ITC DeltaCom
4092 South Memorial Parkway
Huntsville, Alabama 35802
(256) 382-3856 Telephone
(256) 382-3936 Telefax

Floyd Self
Messer, Caparello & Self
Post Office Drawer 1876
215 South Monroe Street
Suite 701
Tallahassee, Florida 32302
(850) 222-0720 Telephone
(850) 224-4359 Telefax

Attorneys for ITC^Deltacom
Communications, Inc.

Richard D. Melson

Donna Canzano McNulty
MCI WorldCom
1203 Governors Square Boulevard
Suite 201
Tallahassee, Florida 32301
(850) 219-1008 Telephone
(850) 219-1018 Telefax

Richard D. Melson
Hopping, Green, Sams & Smith, P.A.
Post Office Box 6526
123 South Calhoun Street
Tallahassee, Florida 32314
(850) 425-2313 Telephone
(850) 224-8551 Telefax

Dulaney O'Roark, III
MCI WorldCom
6 Concourse Parkway
Suite 600
Atlanta, Georgia 30328
(770) 284-5498 Telephone
(770) 284-5488 Telefax

Attorneys for MCI WorldCom Communications,
Inc. and MCIMetro Access Transmission
Services, LLC

Joseph A. McGlothlin / ROR

Joseph A. McGlothlin
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman & Arnold, PA
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525 Telephone
(850) 222-5606 Telefax

Attorney for the ACCESS Integrated
Networks, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by E-mail and U.S. Mail

on the following this 10th day of July, 2003:

Patricia Christensen
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
pchriste@psc.state.fl.us

AT&T Communications
of the Southern States, LLC
Virginia Tate
1200 Peachtree Street, N.E., Ste. 8100
Atlanta, GA 30309-3579
virginia.tate@att.com

Nancy B. White
James Meza III
BellSouth Telecommunications, Inc.
c/o Nancy H. Sims
150 South Monroe Street
Suite 400
Tallahassee, FL 32301
nancy.white@bellsouth.com
james.meza@bellsouth.com
nancy.sims@bellsouth.com

R. Douglas Lackey
Meredith E. Mays
BellSouth Telecommunications, Inc.
Suite 4300, BellSouth Center
675 West Peachtree Street, N.E.
Atlanta, GA 30375
douglas.lackey@bellsouth.com
meredith.mays@bellsouth.com


Dulaney L. O'Roark III
WorldCom, Inc.
Six Concourse Parkway, Suite 3200
Atlanta, GA 30328
de.oroark@mci.com

Donna C. McNulty
WorldCom, Inc.
1203 Governors Square Blvd., Suite 201
Tallahassee, FL 32301
donna.mcnulty@mci.com

McWhirter Law Firm
Vicki Kaufman
Joseph A. McGlothlin
117 S. Gadsden St.
Tallahassee, FL 32301
vkaufman@mac-law.com
jmglothlin@mac-law-com

ITC^DeltaCom
Ms. Nanette Edwards
4092 S. Memorial Parkway
Huntsville, AL 35802-4343
nedwards@itcdeltacom.com

Messer Law Firm
Floyd R. Self
P.O. Box 1876
Tallahassee, FL 32302-1876
fself@lawfl.com



Attorney