

ORIGINAL

LAW OFFICES  
Messer, Caparello & Self  
A Professional Association

Post Office Box 1876  
Tallahassee, Florida 32302-1876  
Internet: www.lawfla.com

January 23, 2004

RECEIVED - FRS  
JAN 23 PM 4:30  
COMMISSION  
CLERK

**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 030851-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of MCI WorldCom Communications, Inc. and MCImetro Access Transmission Services, LLC are the following documents:

1. An original and fifteen copies of MCI's Motion to Accept Supplemental Rebuttal Testimony and Exhibits of MCI Witness Sherry Lichtenberg; and
2. An original and fifteen copies of public version of the Supplemental Rebuttal Testimony of Sherry Lichtenberg.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Floyd R. Self

FRS/amb  
Enclosures  
cc: Parties of Record

DOCUMENT NUMBER - DA

01076 JAN 23

US  
AF  
MP  
DM  
TR  
DR  
CL  
PC  
MS  
EC  
H

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.**

**DOCKET NO. 030851-TP**

**Served by email: January 22, 2004**

**Filed: January 23, 2004**

**MOTION TO ACCEPT SUPPLEMENTAL REBUTTAL TESTIMONY AND EXHIBITS OF MCI WITNESS SHERRY LICHTENBERG**

MCImetro Access Transmission Services, LLC and MCI WorldCom Communications, Inc. (hereinafter "MCI"), pursuant to Rule 28-106.204, Florida Administrative Code, requests that the Florida Public Service Commission ("FPSC") or the prehearing officer enter an order accepting the submission of supplemental rebuttal testimony of MCI witness Sherry Lichtenberg and her Confidential Exhibits SL-6 and SL-7, and as grounds thereof, MCI states:

1. On January 7, 2004, MCI prefiled its rebuttal testimony of Ms. Sherry Lichtenberg rebutting the prefiled direct testimony of BellSouth witnesses Kenneth L. Ainsworth, Ronald M. Pate, Alfred A. Heartley, and Alphonso J. Varner with respect to Issues 3(a), 5(c), and 6. In addition, Ms. Lichtenberg briefly addressed Issue 4, explaining that MCI does not use its own switches to serve mass markets customers in Florida and that MCI is not, therefore, a trigger company.

2. Subsequent to the filing of Ms. Lichtenberg's rebuttal testimony, discovery has continued in this case. In the course of preparing MCI responses to other parties' discovery or in reviewing the discovery responses of other parties, it has become clear that it would be in the best interests of all parties if Ms. Lichtenberg could clarify her prefiled rebuttal testimony with respect

to Issue 4, and in doing so, provide additional information and exhibits regarding her rebuttal of the prefiled direct testimony of BellSouth witness Pamela Tipton and Verizon witness Orville D. Fulp.

3. MCI believes it is appropriate to provide this information at this time, as soon as it became available to MCI, in order to provide the other parties with the opportunity to review it in advance of the surrebuttal testimony now scheduled for filing on January 28, 2004. By filing at this time, the parties will have the opportunity to respond in their surrebuttal testimony, as appropriate, to this supplemental rebuttal testimony and the corresponding exhibits.

4. On January 21, 2004, undersigned counsel emailed the parties of record in this case in an attempt to provide them with an opportunity to indicate any potential objections to the pre-filing of this supplemental rebuttal testimony. While not every party has responded to this email, those that have responded have indicated either that they have no objection or no position with respect to this filing.

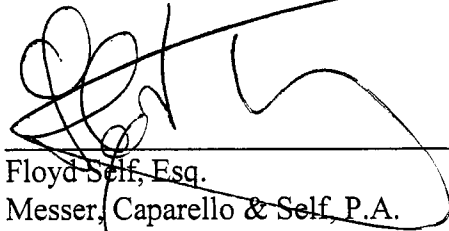
5. It has been clear from the outset of this case that the discovery in this case would be extensive, and it has been. The process of preparing responsive information to questions propounded to MCI and the analysis of discovery responses provided by other parties is necessarily very involved and time consuming. At the second issue identification conference, held on October 23, 2003, the prehearing officer indicated that he would be open to parties supplementing their prefiled testimony when new information was discerned subsequent to such filings. MCI believes that consistent with this directive, it is appropriate to provide this information in order to promote the efficient conduct of this case and to permit a full and fair consideration of all of the relevant information in this matter. MCI believes that no party would

be prejudiced by this filing as the underlying core information has been provided via discovery in this case and the parties still have the opportunity to file surrebuttal testimony next week.

5. A copy of the public version of Ms. Lichtenberg's supplemental rebuttal testimony and exhibits is attached hereto, and the confidential versions of these documents will be provided to BellSouth and Verizon on January 22, 2004.

WHEREFORE, for the reasons set forth herein, MCI requests that the Florida Public Service Commission or the prehearing officer enter an order allowing the submission of the prefiled supplemental rebuttal testimony of Sherry Lichtenberg and her confidential exhibits SL-6 and SL-7.

Respectfully submitted this 22<sup>nd</sup> day of January, 2004.



Floyd Self, Esq.  
Messer, Caparello & Self, P.A.  
215 S. Monroe Street, Suite 701  
Tallahassee, FL 32302  
(850) 222-0720

De O'Roark, Esq.  
MCI  
6 Concourse Parkway, Suite 3200  
Atlanta, GA 30328

Donna McNulty, Esq.  
MCI  
1203 Governors Square Blvd, Suite 201  
Tallahassee, FL 32301-2960

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Hand Delivery (\*), electronic mail, and/or U. S. Mail this 22<sup>nd</sup> day of January, 2004.

Jeremy Susac, Esq.\*  
Office of General Counsel, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Jason Rojas, Esq.\*  
Office of General Counsel, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Nancy B. White  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

Susan S. Masterton, Esq.  
Sprint-Florida, Incorporated  
Sprint Communications Company Limited  
Partnership  
P.O. Box 2214  
Tallahassee, FL 32316-2214

Richard A. Chapkis, Esq.  
Verizon Florida Inc.  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110

Nanette Edwards  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

Mr. James White  
ALLTEL  
601 Riverside Avenue  
Jacksonville FL 32204-2987

Ms. Laurie A. Maffett  
Frontier Telephone Group  
180 South Clinton Avenue  
Rochester NY 14646-0700

Mr. R. Mark Ellmer  
GT Com  
P. O. Box 220  
Port St. Joe FL 32457-0220

Mr. Robert M. Post, Jr.  
ITS Telecommunications Systems, Inc.  
P. O. Box 277  
Indiantown FL 34956-0277

Ms. Harriet Eudy  
NEFCOM  
11791 110th Street  
Live Oak FL 32060-6703

Ms. Lynn B. Hall  
Smart City Telecom  
P. O. Box 22555  
Lake Buena Vista FL 32830-2555

Michael A. Gross  
Vice President, Regulatory Affairs  
& Regulatory Counsel  
Florida Cable Telecommunications Assoc., Inc.  
246 E. 6<sup>th</sup> Avenue  
Tallahassee, FL 32301

Tracy W. Hatch, Esq.  
AT&T Communications of the Southern States, LLC  
101 N. Monroe Street, Suite 701  
Tallahassee, FL 32301

Lisa Sapper  
AT&T  
1200 Peachtree Street, NE, Suite 8100  
Atlanta, GA 30309

Donna McNulty, Esq.  
WorldCom  
1203 Governors Square Blvd, Suite 201  
Tallahassee, FL 32301-2960

De O'Roark, Esq.  
MCI WorldCom Communications, Inc.  
6 Concourse Parkway, Suite 600  
Atlanta, GA 30328

Vicki Kaufman, Esq.  
Joe McGlothlin, Esq.  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 S. Gadsden Street  
Tallahassee, FL 32301

Marva Brown Johnson, Esq.  
KMC Telecom III, LLC  
1755 North Brown Road  
Lawrenceville, GA 30034-8119.

Charles V. Gerkin, Jr.  
Regulatory Counsel  
Allegiance Telecom, Inc.  
9201 North Central Expressway  
Dallas, TX 75231

Terry Larkin  
Allegiance Telecom, Inc.  
Regional Vice President  
700 East Butterfield Road  
Lombard, IL 60148

James C. Falvey, Esq.  
Senior Vice president, Regulatory Affairs  
Xspedius Communications, LLC  
7125 Columbia Gateway Drive, Suite 200  
Columbia, MD 21046

Norman H. Horton, Jr.  
Messer, Capareello & Self, P.A.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

Mr. Jake E. Jennings  
NewSouth Communications Corp.  
Two N. Main Center  
Greenville, SC 29601

Jon C. Moyle, Jr., Esq.  
Moyle, Flanigan, Katz, Raymond & Sheehan, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301

Charles E. Watkins  
Covad Communications Company  
1230 Peachtree Street, NE, 19<sup>th</sup> Floor  
Atlanta, GA 30309

Rand Currier  
Granite Telecommunications, LLC  
234 Copeland Street  
Quincy, MA 02169

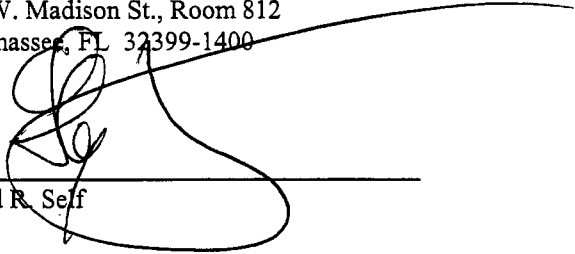
Andrew O. Isar  
Miller Isar, Inc.  
7901 Skansie Avenue, Suite 240  
Gig Harbor, WA 98335

Jorge Cruz-Bustillo, Esq.  
Supra Telecommunications and  
Information Systems, Inc.  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33133

Mr. Jonathan Audu  
Supra Telecommunications and  
Information Systems, Inc.  
1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301

Thomas M. Koutsky  
Vice president, Law and Public Policy  
Z-Tel Communications, Inc.  
1200 19<sup>th</sup> Street, N.W., Suite 500  
Washington, DC 20036

Charles Beck  
Office of the Public Counsel  
111 W. Madison St., Room 812  
Tallahassee, FL 32399-1400



---

Floyd R. Self