

ORIGINAL

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FEB 20 AM 9:46  
COMMISSION  
CLERK

February 19, 2004

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

**Re:** Docket No. 030851-TP

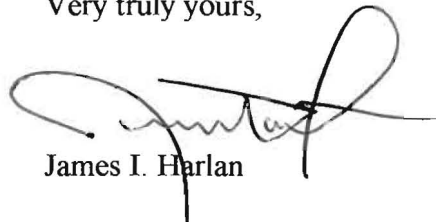
Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Allegiance Telecom of Florida, Inc.'s Motion for Leave to be Absent from Hearing.

Also enclosed is an extra copy of this letter. Please acknowledge receipt of this transmittal by date-stamping the extra copy and returning it to the undersigned in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,



James I. Harlan

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CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM 5 \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
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SEC 1 \_\_\_\_\_  
OTH \_\_\_\_\_

CVG/s  
Enclosures  
cc: Parties of Record (VIA e-mail)

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FPSC-BUREAU OF RECORDS

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**ORIGINAL**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

<p>In re:</p> <p>IMPLEMENTATION OF REQUIREMENTS ARISING FROM FEDERAL COMMUNICATIONS COMMISSION TRIENNIAL UNE REVIEW: LOCAL CIRCUIT SWITCHING FOR MASS MARKET CUSTOMERS</p>	<p>Docket No. 030851-TP</p> <p>Filed: February 20, 2004</p>
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**MOTION FOR LEAVE  
TO BE ABSENT FROM HEARING**

ALLEGIANCE TELECOM OF FLORIDA, INC. ("Allegiance"), through its undersigned attorneys, hereby moves for leave to be absent from the hearing in the above-captioned docket to be held on February 23 through 27, 2004, without prejudice to its right to submit a post-hearing brief or to attend and participate in the hearing should such participation appear necessary in order to protect Allegiance's interest. In support of its Motion, Allegiance shows as follows:

1. Allegiance filed its Petition to Intervene in this docket on October 2, 2003. The Commission granted Allegiance's Petition for Intervention on October 22, 2003, in Order No. PSC-03-1190-PCO-TP.
2. Allegiance has participated in discovery as a party in this docket, responding to discovery requests propounded by the Commission Staff, BellSouth Telecommunications, Inc. ("BellSouth") and Sprint Florida, Inc./Sprint Communications, L.P.
3. Based upon the discovery responses and prefiled testimony filed by other parties, Allegiance determined that it was unnecessary to sponsor testimony in support of its position and accordingly, has not sponsored a witness in this docket.
4. Allegiance believes that its interest is not precisely aligned with that of any other party in this docket. Allegiance also believes, however, that there is sufficient overlap between its position and the positions of various other parties that it is likely that counsel for other parties will pursue most, if

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not all, of the cross-examination deemed appropriate by Allegiance's counsel. This is particularly true in light of the procedures agreed upon at the Prehearing Conference held on February 9, 2004, concerning the conduct of the hearing, the presentation of direct testimony and the cross-examination of witnesses. Allegiance also intends to coordinate with counsel for the "Impairment," "Non-Impairment" and non-aligned parties in an effort to insure that the cross-examination deemed appropriate by Allegiance occurs.

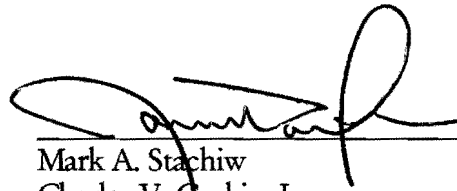
5. Allegiance's attorneys in this matter are based in Dallas, Texas, and Allegiance would prefer to avoid the expense of sending counsel to a hearing where Allegiance's position may be adequately represented by other parties.

6. Allegiance respectfully requests that it be granted leave to be absent from the hearing in this docket without forfeiting its right to file a post-hearing brief. Allegiance also requests that it be permitted nonetheless to appear and participate fully in the hearing, including brief cross-examination of witnesses, should Allegiance be unable to reach agreement with counsel for other parties concerning cross-examination that Allegiance believes appropriate, or should Allegiance otherwise conclude that its participation in the hearing is necessary in order to protect Allegiance's interest.

7. Counsel for Allegiance has circulated a draft of this Motion among counsel for all parties and represents that no party objected to the relief requested herein.

WHEREFORE, for the foregoing reasons, Allegiance Telecom of Florida, Inc. respectfully requests leave to be absent from the hearing in this matter without prejudice to its right to submit a post-hearing brief and without prejudice to its right to appear and participate in the hearing should it determine that doing so is necessary in order to protect its interest.

Respectfully submitted,



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