

Nancy B. White  
General Counsel - Florida

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5558

March 15, 2004

Mrs. Blanca S. Bayó  
Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No.: 031038-TL  
Petition of BellSouth Telecommunications, Inc. to Revise Customer  
Contact Protocol**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications Inc.'s Motion to Strike Americatel's Reply to BellSouth, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

*Nancy B. White*  
Nancy B. White (RW)

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey

DOCUMENT NUMBER-DATE

03503 MAR 15 3

FPSC-COMMISSION CLERK

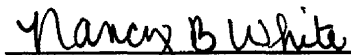
**CERTIFICATE OF SERVICE**  
**Docket No. 031038-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, (\*) Facsimile and First Class U.S. Mail this 15th day of March, 2004 to the following:

Jeremy Susac  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[jsusac@psc.state.fl.us](mailto:jsusac@psc.state.fl.us)

Americatel Corporation  
4045 N.W. 97<sup>th</sup> Avenue  
Miami, Florida 33178-2300  
Tel. No. (305) 717-0200  
Fax. No. (305) 716-8833  
[jasecio@americatel.net](mailto:jasecio@americatel.net)

J. Harris/R. Jackson/J. Schulz (\*)  
Reed Smith LLP  
1301 K Street, N.W.  
Suite 1100 - East Tower  
Washington, D.C. 20005  
Tel. No. (202) 414-9200  
Fax. No. (202) 414-9299

  
\_\_\_\_\_  
Nancy B. White (L#)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of BellSouth ) Docket No.: 031038-TL  
Telecommunications, Inc. to Revise )  
Customer Contact Protocol )  
\_\_\_\_\_ ) Filed: March 15, 2004

**MOTION TO STRIKE AMERICATEL'S REPLY TO BELLSOUTH**

Americatel Corporation ("Americatel") filed a Protest to Order No. PSC-04-0115-PAA-TL. On March 8, 2004, BellSouth Telecommunications, Inc. ("BellSouth") filed its response to this petition. On March 12, 2004, Americatel filed a reply to BellSouth's response. The Florida Public Service Commission ("Commission") should strike Americatel's reply because replies are not expressly authorized under the Uniform Rules of the Administrative Procedure Act and Americatel has not moved the Commission for permission to file a reply.

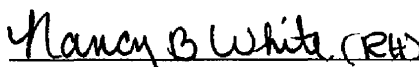
There is no provision within the Florida Administrative Code that allows a reply to be filed to a response to a petition. While there is a rule that, in certain limited circumstances, a reply can be filed to an opposition to a motion, that rule is inapplicable to this situation. The rules provide that once a motion is filed, a party can file an opposition within seven days of service. Rule 28-106.204, Florida Administrative Code. The rule does not expressly authorize reply memorandums. See *In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violations of the Telecommunications Act of 1996*, Order No. PSC-00-1777-PCO-TP, Docket No. 980119-TP (Sept. 28, 2000) at 3 ("neither the Uniform Rules nor [the Commission's] rules contemplate a reply to a response to a Motion."). Because reply memorandums are not expressly authorized, a party must seek leave before filing a reply. However, the Commission generally refuses to allow

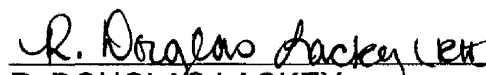
parties to file reply memorandums, even when leave is sought. See *id.*; see also, *In re: ITC—DeltaCom Communications, Inc.*, Order No. PSC-00-2233-FOF-TP, Docket No. 990750-TP, (Nov. 22, 2000) at 2; *In re: Okeechobee Generating Co., L.L.C.*, Order No. PSC-99-2438-PAA-EU, Docket No. 991462-EU; (Dec. 13, 1999) at 4-5.

Because there is no rule expressly allowing for a reply to a petition response, because Americatel has neither sought nor received permission to file a reply in this docket and because Americatel has provided no reasons whatsoever for this Commission to deviate from its general rule that reply memorandums are not permissible, BellSouth respectfully requests that the Commission strike Americatel's reply.

Respectfully submitted this 15<sup>th</sup> day of March, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
\_\_\_\_\_  
NANCY B. WHITE  
JAMES MEZA III  
c/o Nancy H. Sims  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5558

  
\_\_\_\_\_  
R. DOUGLAS LACKEY  
E. Earl Edenfield, Jr.  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0763

531047