

ANDREW D. SHORE  
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0765

September 15, 2004

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

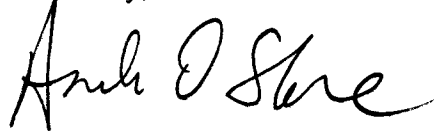
**Re: Docket No. 030137-TP (ITC^DeltaCom)**

Dear Ms. Bayó:

Enclosed is a Joint Motion for Additional Extension of Time on behalf of BellSouth Telecommunications, Inc. and ITC^DeltaCom Communications, Inc., which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Andrew D. Shore

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for arbitration of unresolved issues in )  
Negotiation of interconnection agreement with )  
BellSouth Telecommunications, Inc. by ITC^DeltaCom ) Docket No.: 030137-TP  
Communications, Inc. d/b/a ITC^DeltaCom )  
\_\_\_\_\_ ) Filed: September 15, 2004

**JOINT MOTION OF BELLSOUTH AND ITC  
FOR ADDITIONAL EXTENSION OF TIME FOR SUPPLEMENTAL BRIEFS**

BellSouth Telecommunications, Inc. (“BellSouth”) and ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom (hereinafter “ITC”) (hereinafter, collectively, “Joint Movants”), pursuant to Rule 28-106.204, Fla. Admin. Code, hereby move the Florida Public Service Commission (hereinafter “Commission”) to amend Order No. PSC-04-0884-PCO-TP to permit the parties additional time to address the FCC’s interim UNE rules and ongoing rulemaking in the supplemental briefs now due September 23, 2004, and as grounds therefore, the Joint Movants state:

1. By Order No. PSC-04-0884-PCO-TP, issued September 9, 2004, the Commission extended the date for the parties to submit supplemental briefs to “address the TRO, USTA II, the FCC’s interim UNE rules, and the FCC’s ongoing rulemaking proceeding” to September 23, 2004.

2. Some parties to the FCC’s UNE proceeding have filed petitions with the D.C. Circuit Court of Appeals asking the court to hold that the FCC’s interim UNE rules are unlawful and to issue a writ such that the rules would not be effective. The D.C. Circuit court is considering those requests pursuant to a briefing schedule that should allow for a decision on the petitions by early October 2004.


3. The parties believe that it would be appropriate to delay the filing of supplemental briefs until at least after the D.C. Circuit determines whether to issue the requested writs with regard to the FCC's interim UNE rules. The Commission has held this matter in abeyance since the filing of post hearing briefs in October 2003, and there would be no harm or prejudice in continuing the effective suspension of this matter for an additional short period of time. Filing supplemental briefs would, on the other hand, be unproductive and inefficient if the court grants the requested relief from the interim rules. One purpose of the supplemental briefs is to allow the parties the opportunity to address the FCC's interim UNE rules. The parties, therefore, request that the Commission issue an order requiring supplemental briefs to be filed within 20 days after issuance of an order by the D.C. Circuit Court of Appeals on the writ petitions with regard to the FCC's interim UNE rules currently pending before that court.

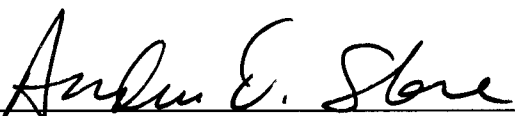
4. Counsel for BellSouth and ITC^DeltaCom have consulted regarding this matter and submit this as a joint request for extension of time to file supplemental briefs.

WHEREFORE, BellSouth Telecommunications, Inc. and ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom respectfully request that the Commission extend the deadline for the submission of supplemental briefs to twenty (20) days after the D.C. Circuit Court of Appeals issues an order ruling on the petitions for writ with regard to the FCC's interim UNE rules currently pending before that court.

Respectfully submitted this 15th day of September, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

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

  
\_\_\_\_\_  
R. DOUGLAS LACKEY  
ANDREW D. SHORE  
Suite 4300  
675 W. Peachtree Street, NE  
Atlanta, GA 30375  
(404) 335-0765

ITC^DELTACOM COMMUNICATIONS, INC.  
d/b/a ITC^DELTACOM

*Floyd R Self (w/permission by ASS)*

Floyd R. Self, Esq.  
MESSER, CAPARELLO & SELF, P. A.  
Post Office Box 1876  
Tallahassee, FL 32302-1876  
(850) 222-0720

Nanette S. Edwards, Esq.  
ITC^DeltaCom Communications, Inc.  
4092 South Memorial Parkway  
Huntsville, AL 35802-4343

David I. Adelman, Esq.  
Charles B. Jones, III, Esq.  
SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street, NE  
Atlanta, GA 30309  
(404) 853-8000

550537

**CERTIFICATE OF SERVICE**  
**Docket No. 030137-TP**

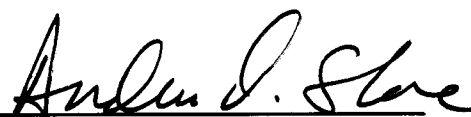
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and First Class U.S. Mail this 15th day of September, 2004 to the following:

Patricia Christensen  
Adam Teitzman  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. 850-413-6248  
Tel. No. 850-413-6175  
[pchriste@psc.state.fl.us](mailto:pchriste@psc.state.fl.us)  
[ateitzma@psc.state.fl.us](mailto:ateitzma@psc.state.fl.us)

Nanette S. Edwards, Esq.  
Regulatory Attorney  
ITC^DeltaCom  
700 Blvd. South, Suite 101  
Huntsville, AL 35802  
Tel. No. (256) 650-3957  
Fax. No. (256) 650-3852  
[nedwards@itcdeltacom.com](mailto:nedwards@itcdeltacom.com)

Floyd R. Self  
Norman H. Horton, Jr.  
Messer, Caparello & Self, P.A.  
P.O. Box 1876  
Tallahassee, FL 32302-1876  
Tel. No. (850) 222-0720  
Fax. No. (850) 224-4359  
Attys. for ITC^DeltaCom  
[fself@lawfla.com](mailto:fself@lawfla.com)

David L. Adelman, Esq.  
Charles B. Jones, III, Esq.  
Sutherland, Asbill & Brennan LLP  
999 Peachtree Street, N.E.  
Atlanta, GA 30309  
Tel. No. (404) 853-8000  
Fax. No. (404) 853-8806  
Attys. for ITC^DeltaCom  
[diadelman@sablaw.com](mailto:diadelman@sablaw.com)  
[cbjones@sablaw.com](mailto:cbjones@sablaw.com)

  
Andrew D. Shore