

ORIGINAL

Timolyn Henry

From: Slaughter, Brenda [Brenda.Slaughter@BELLSOUTH.COM]
Sent: Wednesday, September 15, 2004 4:10 PM
To: Filings@psc.state.fl.us
Cc: Shore, Andrew; Fatool, Vicki; Holland, Robyn P; Nancy Sims; Bixler, Micheale; Linda Hobbs; Peters, Evelyn
Subject: Docket 030137-TP
Importance: High

A. Brenda Slaughter
 Legal Secretary for Andrew D. Shore
 BellSouth Telecommunications, Inc.
 c/o Nancy Sims
 150 South Monroe, Rm. 400
 Tallahassee, FL 32301-1558
 (404) 335-0714
brenda.slaughter@bellsouth.com

B. Docket No. 030137-TP: Petition for arbitration of unresolved issues in Negotiation of Interconnection Agreement with BellSouth Telecommunications, Inc. by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom

C. BellSouth Telecommunications, Inc.
 on behalf of Andrew D. Shore

D. 6 pages total

E. Joint Motion for Additional Extension of Time on behalf of BellSouth Telecommunications, Inc. and ITC^DeltaCom

Brenda Slaughter (sent on behalf of Andrew D. Shore)
 BellSouth Telecommunications, Inc.
 Suite 4300 - Legal Department
 675 W. Peachtree Street
 Atlanta, GA 30375-0001
 Phone: (404) 335-0714

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<<030137-TP Joint Motion for Extension.pdf>>

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10021 SEP 15 04

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Legal Department

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

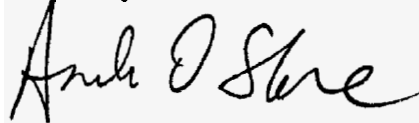
Re: **Docket No. 030137-TP (ITC^DeltaCom)**

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

DOCUMENT NUMBER-DATE.

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FPSC-COMMISSION CLERK

ORIGINAL

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 BELL SOUTH 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.

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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.

NBW (by ADS)

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

Andrew D. Shore

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

**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
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

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

Andrew D. Shore

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
cbjones@sablaw.com