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Florida Cable Telecommunications Association

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Steve Wilkerson, President

**VIA HAND DELIVERY**

December 17, 2004

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk  
And Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**RE: Docket No. 040604-TL**

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of the Florida Cable Telecommunications Association's Motion to Accept Prehearing Statement and Rebuttal Testimony One Day Out of Time.

Copies of the Motion have been served on the parties of record electronically and by U.S. Mail. Please acknowledge receipt of filing of the above by stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in processing this filing. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael A. Gross', with a long horizontal flourish extending to the right.

Michael A. Gross  
Vice President, Regulatory Affairs &  
Regulatory Counsel

Enclosure

cc: All Parties of Record

DOCUMENT NUMBER-DATE  
13284 DEC 20 5  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

<b>In re: Adoption of the National School Lunch</b>	)	<b>Docket No. 040604-TL</b>
<b>Program and an income-based criterion at or</b>	)	
<b>below 135% of the Federal Poverty Guidelines</b>	)	<b>Filed: December 20, 2004</b>
<b>as eligibility criteria for the Lifeline and</b>	)	
<b>Link-Up programs.</b>	)	

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**FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION'S**  
**MOTION TO ACCEPT PREHEARING STATEMENT**  
**AND REBUTTAL TESTIMONY ONE DAY OUT OF TIME**

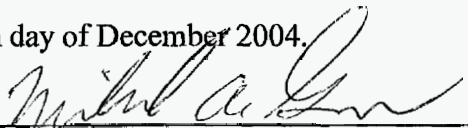
The Florida Cable Telecommunications Association (FCTA) requests that the Commission accept its Prehearing Statement and the Rebuttal Testimony of Don J. Wood that has been deposited in the Commission Clerk's drop box after 5:00 p.m. on December 17, 2004, and thereby these documents will not be officially accepted for filing by the Commission Clerk's Office until Monday, December 20, 2004, one day out of time, and state:

1. The Order Establishing Procedure, Order No. PSC-04-1066-PCO-TL, together with the Order Modifying Procedure, Order No. PSC-04-1096-PCO-TL, required that the Prehearing Statement and the Rebuttal Testimony in this docket be filed on December 17, 2004, by 5:00 p.m.
2. The FCTA attempted in good faith to file its Prehearing Statement and Rebuttal Testimony in a timely fashion on December 17, 2004, by 5:00 p.m.
3. However, an unexpected combination of circumstances prevented the filing by 5:00 p.m., on December 17, 2004:
  - a. The simultaneous convergence of three emergency situations;

- b. A breakdown of a necessary copy machine; and
  - c. A shortage of support staff.
4. Contemporaneously with the late deposit of the aforementioned documents in the Clerk's drop box, the FCTA served all parties both electronically and by U.S. Mail with copies of the Prehearing Statement, Rebuttal Testimony, and the present Motion. Therefore, no party will be prejudiced by the granting of this Motion, as the parties have received service of the Prehearing Statement and Rebuttal Testimony in the same manner as they would have had the FCTA timely filed hard copies of the relevant documents.
5. The FCTA has notified the parties of its intent to deposit this Motion in the Clerk's drop box after 5:00 p.m., December 17, 2004, simultaneously with the deposit of the Prehearing Statement and Rebuttal Testimony.
6. The interests of justice will be better served if the FCTA's Prehearing Statement and Rebuttal Testimony are considered in this docket.

Wherefore, for the reasons stated above, the FCTA respectfully requests this Commission to grant this Motion and accept for filing one day out of time its Prehearing Statement and the Rebuttal Testimony of Don J. Wood.

Respectfully submitted this 17th day of December 2004.

  
Michael A. Gross  
Vice President, Regulatory Affairs  
and Regulatory Counsel  
Florida Cable Telecommunications Association  
246 E. 6<sup>th</sup> Avenue  
Tallahassee, FL 32303  
Tel: 850/681-1990  
Fax: 850/681-9676  
Attorney for FCTA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Cable Telecommunications Association's Motion to Accept Prehearing Statement and Rebuttal Testimony One Day Out of Time in Docket 040604-TL has been served upon the following parties electronically and by U.S. Mail this 24 day of December 2004.

Adam Teitzman  
Staff Counsel  
Division of Legal Service  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399

Port St. Joe, FL 32457-0220  
NEFCOM  
**Ms. Deborah Nobles**  
**TTSC**  
**505 Plaza Circle, Suite 200**  
**Orange Park, FL 32073**

AARP (Twomey)  
c/o Mike B. Twomey  
P. O. Box 5256  
Tallahassee, FL 32314-5256

Office of Public Counsel  
c/o The Florida Legislature  
Harold McLean/Charles J. Beck  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

AARP Department of State Affairs (NC)  
Senior Legislative Representative  
Coralette Hannon, Esq.  
6705 Reedy Creek Road  
Charlotte, NC 28215-6096

Rutledge Law Firm  
Hoffman/McDonnell/Menton/Rule  
P.O. Box 551  
Tallahassee, FL 32302-0551

ALLTEL Communications Services, Inc.  
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Little Rock, AR 72203-2177

Sprint Communications Company Limited  
Partnership  
Charles J. Rehwinkel  
315 Calhoun Street  
Tallahassee, FL 32301

BellSouth Telecommunications, Inc.  
Nancy B. White/R. Douglas Lackey  
c/o Ms. Nancy H. Sims  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301-1556

Sprint-Florida, Incorporated  
Susan Masterton  
P.O. Box 2214  
Tallahassee, FL 32316-2214

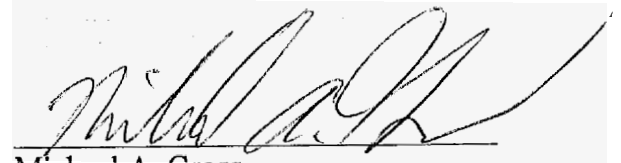
Blooston Law Firm  
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2120 L Street, NW, Suite 300  
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Phone: 202-828-5510  
Fax: 202-828-5568

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GT Com  
Mr. Mark Ellmer  
P. O. Box 220

Verizon Florida Inc.  
Mr. David Christian  
106 East College Avenue  
Tallahassee, FL 32301-7748

Verizon Florida Inc.  
Mr. Richard Chapkis  
P.O. Box 110, FLTC0007  
Tampa, FL 33601

A handwritten signature in black ink, appearing to read "Michael A. Gross", is written over a horizontal line. The signature is fluid and cursive.

Michael A. Gross