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January 26, 2005 – *VIA ELECTRONIC MAIL*

Ms. 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. 041170-TP
Complaint Against Verizon Florida Inc. and Request for Declaratory Ruling
By Bright House Networks Information Services, LLC (Florida)

Dear Ms. Bayó:

Enclosed is a Joint Motion to Establish Briefing Schedule on Issues Numbers One and Two for filing in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

/s Richard A. Chapkis

Richard A. Chapkis

RAC:tas
Enclosures

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the Joint Motion to Establish Briefing Schedule on Issues Numbers One and Two in Docket No. 041170-TP were sent via U.S. mail on January 26, 2005 to the parties on the attached list.

/s Richard A. Chapkis

Richard A. Chapkis

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Bright House Networks Information Services,
LLC (Florida),

Complainant,

v.

Verizon Florida, Inc.,

Defendant.

Docket No. 041170-TP

**JOINT MOTION TO ESTABLISH BRIEFING SCHEDULE
ON ISSUES NUMBERS ONE AND TWO**

1. Bright House Networks Information Services, LLC ("BHN") and Verizon Florida Inc. ("Verizon") jointly request that the Commission establish a briefing schedule to address the threshold issue of whether this case should be held in abeyance pending the resolution of other proceedings before the FCC and the federal courts.

2. At the parties' Issue Identification meeting held at the Commission on December 1, 2004, the parties agreed on the language of four issues presented by BHN's complaint in this docket. The first two issues are as follows:

Issue 1: To the extent there are like issues, should the Commission delay a decision in this docket until the FCC resolves the BellSouth request for a Declaratory Ruling regarding Internet access?¹

Issue 2: To the extent there are like issues, should the Commission delay a decision in this case in light of the appeal processes *In Re: Petition by Florida Digital Network, Inc. for Arbitration of Certain Terms and Conditions of Proposed Interconnection and Resale Agreement with BellSouth Telecommunications, Inc.* and/or *In Re: Petition by BellSouth Telecommunications, Inc. for Arbitration of Certain Issues*

¹ This first issue refers to *In Re BellSouth Telecommunications, Inc. Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Services by Requesting BellSouth to Provide Wholesale or Retail Broadband Services to CLEC UNE Voice Customers*, Emergency Request for Declaratory Ruling, WC Docket No. 03-251 (filed Dec. 9, 2003).

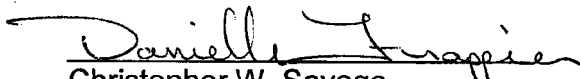
*in Interconnection Agreement with Supra Telecommunications and Information Systems, Inc.?*²

Both parties agree that it is appropriate to brief the first two issues so that the Commission can decide these threshold questions before proceeding further with this case.³

3. Accordingly, the parties jointly propose that the Commission adopt a briefing schedule for the parties to address the two issues discussed above. They also propose that they be given 21 days after issuance of the briefing schedule to file opening briefs, and 14 days from the filing of opening briefs for replies.

Respectfully submitted,

Respectfully submitted,



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January 26, 2005

² This second issue refers to *BellSouth Telecommunications, Inc. v. Florida Digital Network, Inc.*, Case No. 4:03cv212-RH (N.D. Florida); *BellSouth Telecommunications, Inc. v. Supra Telecommunications and Information Systems, Inc.*, Case No. 4:02cv325-SPM (N.D. Fla.).

³ The other two issues agreed upon by the parties were:

- Is the Commission authorized under state or federal law to resolve this complaint? and
- Do Verizon's practices regarding the porting of local telephone numbers of DSL customers who choose another local voice provider violate state law? If so, what are the appropriate remedies?