

ORIGINAL

**Matilda Sanders**

**From:** Griffin, Kecia (CAO) [KGRIFFIN@miamidade.gov]  
**Sent:** Wednesday, July 19, 2006 3:18 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Motion to Strike Second Supplement  
**Attachments:** Second Supplement 2.pdf

Please file with the clerks office. Thanks

**From:** Hope, David (CAO)  
**Sent:** Wednesday, July 19, 2006 3:17 PM  
**To:** 'Adam Teitzman'; Lee, Cynji (Airport); 'Danielle C. Burt'; Hope, David (Airport); 'Dorian S. Denburg'; 'Douglas E. Starcher'; 'E. Earl Edenfield, Jr.'; Griffin, Kecia (Airport); Griffin, Kecia (CAO); 'James Meza'; 'Jean L. Kiddoo'; 'Martin B. Goldberg'; 'Sharon Liebman'  
**Subject:** FW: Motion to Strike Second Supplement

**Adam:**

**Attached please find Miami-Dade County's Motion to Strike BellSouth's Second Supplement to Preliminary Exhibit List.**

**Cordially,**

**David Stephen Hope**  
**Assistant County Attorney**  
**Miami-Dade County**  
**(t) 305-375-4220**  
**(f) 305-375-5611**

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
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OTH   Kump  

**From:** Joseph, Alison V. (CAO)  
**Sent:** Wednesday, July 19, 2006 3:11 PM  
**To:** Griffin, Kecia (CAO)  
**Cc:** Hope, David (CAO)  
**Subject:**

ALISON V. JOSEPH  
Miami-Dade County Attorney's Office  
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DOCUMENT NUMBER-DATE

06356 JUL 19 08

7/19/2006

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth	)
Telecommunications, Inc., Regarding	)
The Operation of a Telecommunications	)
Company by Miami-Dade County in	)
Violation of Florida Statutes and	)
Commission Rules	)

Docket No. 050257

**MIAMI-DADE COUNTY'S MOTION TO STRIKE  
BELLSOUTH TELECOMMUNICATIONS INC.'S  
SECOND SUPPLEMENT TO PRELIMINARY EXHIBIT LIST**

Pursuant to Florida Public Service Commission Order No. PSC-06-0326-PCO-TL (the "Order"), Miami-Dade County (the "County"), by and through undersigned counsel, hereby files this Motion to Strike Second Supplement to Preliminary Exhibit, served by BellSouth Telecommunications, Inc. ("BellSouth") on July 17, 2006, given said Second Supplement to Preliminary Exhibit List (the "Second Supplement") violates the discovery procedures and parameters delineated by the Order. The County incorporates by reference its Motion to Strike Supplement to Preliminary Exhibit List, filed on July 17, 2006, and attached as Exhibit A. In further support of its Motion the County states:

1. On May 22, 2006, BellSouth filed its Preliminary Exhibit List. The parties agreed that the discovery period would commence on June 5, 2006. Pursuant to the Order, "[t]he discovery period shall terminate forty-five (45) days from the date discovery commences." Order ¶ (2)(g). Here, the discovery period terminates on July 20, 2006.
2. Pursuant to the Order, "[g]ood cause shall be required for a party to add exhibit(s) to the

*proposed final exhibit list that were not listed on the preliminary exhibit list except for exhibits identified and produced during discovery.” Order ¶ 4 (emphasis added). The Order does not allow a party to supplement its preliminary exhibit list. See Order passim. The parties specifically agreed that the requisite due diligence would be applied at the front-end, and hence narrow the parameters for change between a party’s preliminary and final exhibit list. The Order only allows a final exhibit list to deviate from its preliminary exhibit list based upon (i) good cause, or (ii) exhibits identified and produced during discovery. Order ¶ 4.*

3. Here, BellSouth has AGAIN violated the Order, by serving a non-allowed Second Supplement fifty-six (56) days after serving its Preliminary Exhibit List, and three(3) days before the termination of the discovery period. No good cause was proffered for the Second Supplement. *See BellSouth Telecommunications, Inc. ’s Second Supplement to Preliminary Exhibit List.* None of the documents were identified and produced during discovery. *Id.* In fact, all of the Second Supplement documents have been in the possession of BellSouth, and predates BellSouth’s submission of its Preliminary Exhibit List (see Ex. No. 194, dated September 13th, 26th, and 28th of 2000). *Id.*

4. Given the Order does not allow for the Second Supplement, BellSouth’s Second Supplement and any other supplements should be stricken. Only those documents produced during discovery should be allowed as part of BellSouth’s Final Exhibit List, pursuant to the Order.

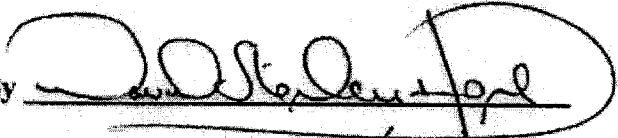
5. This motion is filed in good faith and is not dilatory

WHEREFORE, Miami-Dade County respectfully requests the Florida Public Service Commission enter its Order granting the County's Motion to Strike BellSouth Telecommunications, Inc.'s Second Supplement to Preliminary Exhibit List.

RESPECTFULLY SUBMITTED,

MURRAY A. GREENBERG  
MIAMI-DADE COUNTY ATTORNEY

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By 

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this *19th* day

of July 2006, to:

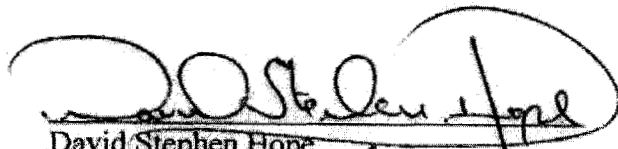
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David Stephen Hope  
Assistant County Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

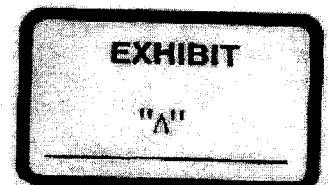
In re: Complaint by BellSouth )  
Telecommunications, Inc., Regarding )  
The Operation of a Telecommunications )  
Company by Miami-Dade County in )  
Violation of Florida Statutes and )  
Commission Rules )

Docket No. 050257

**MIAMI-DADE COUNTY'S MOTION TO STRIKE  
BELLSOUTH TELECOMMUNICATIONS INC.'S  
SUPPLEMENT TO PRELIMINARY EXHIBIT LIST**

Pursuant to Florida Public Service Commission Order No. PSC-06-0326-PCO-TL (the "Order"), Miami-Dade County (the "County"), by and through undersigned counsel, hereby files this Motion to Strike Supplement to Preliminary Exhibit, served by BellSouth Telecommunications, Inc. ("BellSouth") on July 14, 2006, given said Supplement to Preliminary Exhibit List (the "Supplement") violates the discovery procedures and parameters delineated by the Order. In support of its Motion the County states:

1. On May 22, 2006, BellSouth filed its Preliminary Exhibit List. The parties agreed that the discovery period would commence on June 5, 2006. Pursuant to the Order, "[t]he discovery period shall terminate forty-five (45) days from the date discovery commences." Order ¶ (2)(g). Here, the discovery period terminates on July 20, 2006.
2. Pursuant to the Order, "*[g]ood cause shall be required for a party to add exhibit(s) to the proposed final exhibit list that were not listed on the preliminary exhibit list* except for exhibits identified and produced during discovery." Order ¶ 4 (emphasis added). The Order does not allow a



party to supplement its preliminary exhibit list. *See Order passim*. The parties specifically agreed that the requisite due diligence would be applied at the front-end, and hence narrow the parameters for change between a party's preliminary and final exhibit list. The Order only allows a final exhibit list to deviate from its preliminary exhibit list based upon (i) good cause, or (ii) exhibits identified and produced during discovery. *Order* ¶ 4.

3. Here, BellSouth has violated the Order, by serving a non-allowed Supplement fifty-three (53) days after serving its Preliminary Exhibit List, and less than one (1) week before the termination of the discovery period. No good cause was proffered for the Supplement. *See BellSouth Telecommunications, Inc.'s Supplement to Preliminary Exhibit List*. None of the documents were identified and produced during discovery. *Id*. In fact, all of the Supplement documents have been in the possession of BellSouth, and the vast majority of the Supplement predates BellSouth's submission of its Preliminary Exhibit List (see Ex. Nos. 179, 182, 184, 185, 186, 187, 188, 189, 190, 191, 192, and 193). *Id*.

4. Given the Order does not allow for the Supplement, BellSouth's Supplement should be stricken. Only those documents produced during discovery should be allowed as part of BellSouth's Final Exhibit List, pursuant to the Order.

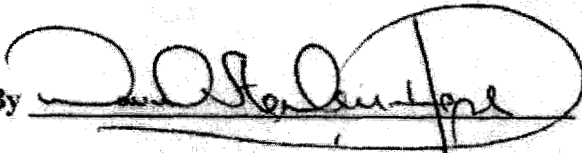
5. This motion is filed in good faith and is not dilatory

**WHEREFORE**, Miami-Dade County respectfully requests the Florida Public Service Commission enter its Order granting the County's Motion to Strike BellSouth Telecommunications, Inc.'s Supplement to Preliminary Exhibit List.

RESPECTFULLY SUBMITTED,

MURRAY A. GREENBERG  
MIAMI-DADE COUNTY ATTORNEY

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of July 2006, to:

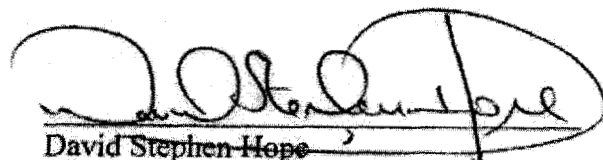
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