

Ruth Nettles

090430-TP

**From:** Woods, Vickie [vf1979@att.com]  
**Sent:** Friday, October 30, 2009 3:25 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** 090430-TP AT&T Florida's Motion to Strike Notice of Filing Video Disc and Introduction filed by STS in Support of its "Emergency Petition for Injunctive Relief"  
**Attachments:** Document.pdf

- A. Vickie Woods  
BellSouth Telecommunications, Inc. d/b/a AT&T Florida  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301  
(305) 347-5560  
vf1979@att.com
- B. Re: Docket No. 090430-TP: Petition for verified emergency injunctive relief and request for stay of AT&T's CLEC OSS-related releases by Saturn Telecommunications Services, Inc.
- C. BellSouth Telecommunications, Inc. d/b/a AT&T Florida  
  
on behalf of E. Earl Edenfield, Jr.
- D. 5 pages total (includes letter, pleading and certificate of service)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Motion to Strike Notice of Filing Video Disc and Introduction  
  
filed by STS in Support of its "Emergency Petition for Injunctive Relief"

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October 30, 2009

Ms. Ann Cole, Commission Clerk  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 090430-TP: Petition for verified emergency injunctive relief and request for stay of AT&T's CLEC OSS-related releases by Saturn Telecommunications Services, Inc.**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Motion to Strike Notice of Filing Video Disc and Introduction Filed by STS in Support of its "Emergency Petition for Injunctive Relief", 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,

Manuel A. Gurdian

cc: All parties of record  
Jerry Hendrix  
Gregory R. Follensbee  
E. Earl Edenfield, Jr.

**CERTIFICATE OF SERVICE**  
**Docket No. 090430-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 30th day of October, 2009 to the following:

Timisha Brooks  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
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STS Telecom  
Mr. Keith Kramer  
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[kkramer@ststelecom.com](mailto:kkramer@ststelecom.com)

  
\_\_\_\_\_  
Manuel A. Gardian

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Petition for verified emergency injunctive relief )  
and request for stay of AT&T's CLEC )  
OSS-related releases by Saturn Telecommunication )  
Services, Inc. )  
\_\_\_\_\_ )

Docket No. 090430-TP

Filed: October 30, 2009

**AT&T FLORIDA'S MOTION TO STRIKE NOTICE OF FILING VIDEO DISC  
AND INTRODUCTION FILED BY STS IN SUPPORT OF ITS "EMERGENCY  
PETITION FOR INJUNCTIVE RELIEF"**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida")  
hereby files its Motion to Strike the Notice of Filing Video Disc and Introduction ("Video  
Disc") filed by Saturn Telecommunications Services, Inc. ("STS") in Support of its  
"Emergency Petition for Injunctive Relief" ("Petition") pending before the Florida Public  
Service Commission. In support thereof, AT&T Florida states the following:

1. The "Video Disc" was filed by STS in support of its Petition and STS  
claims that the "Video Disc" "conclusively demonstrates the inadequacies of the LEX  
OSS and that LEX OSS is not comparable to the LENS OSS." AT&T Florida disputes  
this assertion.

2. The "Video Disc" should be stricken for two reasons: 1) it is an  
unauthorized filing which improperly attempts to bolster STS's case and 2) STS's filing  
was not filed pursuant to any procedural schedule or Commission Rules and thus it is in  
violation of AT&T Florida's due process rights in that the Commission's Rules do not  
allow AT&T Florida to file a response.

3. STS's "Video Disc" is an attempt by STS to amend its Petition without  
filing an amended Petition and provides improper argument regarding AT&T Florida's  
alleged obligations under Federal law and regulations, the Supra Order (PSC-98-101-

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FOF-TP), and Section 271 of the Telecommunications Act of 1996. The "Video Disc" then provides six demonstrations of order submissions using LEX and LENS which, in some cases, does not provide a full and accurate picture of LEX's pre-ordering and ordering capabilities.

4. In this case, at the time of the filing of STS's "Video Disc" (based upon the information contained on the Commission's website), the pre-hearing officer had not yet been assigned and all STS had to do to amend its Petition was to file an amended Petition rather than filing an unauthorized pleading. *See* Rule 28-106.202, Florida Administrative Code. Moreover, even if the pre-hearing officer had been assigned, STS could have easily filed a motion to amend its Petition.

5. By STS going through the process of filing an amended Petition, AT&T Florida would have at least had an opportunity to respond to STS's filing; however, because of its unauthorized filing, STS does not allow AT&T Florida an opportunity to respond.

6. To date, the Commission has not issued a procedural schedule providing for the filing of direct and rebuttal testimony and, at a minimum, if STS intends to submit the "Video Disc" as "evidence" in this matter, a witness should sponsor it and provide testimony regarding its contents.

7. As the filing is not permitted by the Commission's rules and no procedural order has been issued, STS's filing of the "Video Disc" violates AT&T Florida's due process rights in that AT&T Florida does not have an opportunity to respond to STS's "Video Disc" and the self-serving assertions and arguments contained therein.

WHEREFORE, AT&T Florida respectfully requests the entry of an Order striking the Notice of Filing Video Disc and Introduction filed by STS in Support of its "Emergency Petition for Injunctive Relief" for the reasons set forth above.

Respectfully submitted this 30th day of October, 2009.

AT&T FLORIDA



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