

Marguerite McLean

100022-TP

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Sent: Wednesday, February 03, 2010 4:24 PM
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Subject: Electronic Filing - Docket No. 100022-TP
Attachments: 20100203171336023.pdf

Attached is an electronic filing for the docket referenced below. If you have any questions, please contact either Matt Feil or Nicki Garcia at the numbers below. Thank you.

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Docket No. and Name: Docket No. 100022-TP - In Re: Complaint of BellSouth Telecommunications, Inc., d/b/a AT&T Florida Against Image Access, Inc. d/b/a New Phone

Filed on behalf of: New Phone

Total Number of Pages: 5

Description of Documents: Unopposed Motion to Set Due Dates

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2/3/2010

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February 3, 2010

VIA ELECTRONIC FILING

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

**Re: Docket 100022-TP – Complaint of BellSouth Telecommunications, Inc., d/b/a AT&T
Florida Against Image Access, Inc. d/b/a New Phone**

Dear Ms. Cole:

Please find attached for filing the Unopposed Motion to Set Due Dates for the above docket on behalf of Image Access, Inc. d/b/a New Phone.

Your assistance in this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Matthew Feil

Attachments

DOCUMENT NUMBER-DATE

00789 FEB-3 09

FPSC-COMMISSION CLERK

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

In Re: Complaint of BellSouth Telecommunications, Inc., d/b/a AT&T Florida)
Against Image Access, Inc. d/b/a New Phone)
_____)

Docket No. 100022-TP

IMAGE ACCESS, INC. d/b/a NEW PHONE'S UNOPPOSED MOTION
TO SET DUE DATE TO FILE RESPONSIVE PLEADINGS TO AT&T
FLORIDA'S COMPLAINT AND PETITION FOR RELIEF

AND TO SET DUE DATE TO RESPOND TO AT&T FLORIDA'S
MOTION TO CONSOLIDATE

Pursuant to Rule 28-106.204, Florida Administrative Code, Image Access, Inc., d/b/a New Phone ("New Phone") hereby moves the Florida Public Service Commission ("Commission") to set a February 22 due date for New Phone to file responsive pleadings to the Complaint and Petition for Relief ("Complaint") filed by BellSouth Telecommunications, Inc., d/b/a AT&T Florida ("AT&T") on January 8 and also set a February 22 due date for New Phone to file a response to AT&T's January 29 Motion to Consolidate. By agreement between the parties, AT&T does not oppose this motion. In support of this motion, New Phone states as follows:

1. On January 8, 2010, AT&T filed its Complaint against New Phone. The Commission Clerk served the Complaint on New Phone by certified mail, return receipt requested, on January 14, 2010.

DOCUMENT NUMBER-DATE

00789 FEB-3 0

FPSC-COMMISSION CLERK

2. On January 29, 2010, AT&T filed a Motion to Consolidate this docket with Docket No. 100021-TP, another complaint case AT&T filed against LifeConnex Telecom, LLC f/k/a Swiftel, LLC.

3. Rule 28-106.203, Florida Administrative Code, provides that respondents may file an answer to a petition, but does not require an answer be filed, nor does it establish a due date for answers. Rule 28-106.204(2), Florida Administrative Code, provides that a motion to dismiss a petition must be filed no later than twenty (20) days after service of the petition. Rule 28-106.204(1), Florida Administrative Code, provides that a party may file a response in opposition to a written motion within seven (7) days of service of a motion.

4. New Phone has proposed, and AT&T has agreed, that New Phone shall file any responsive pleadings to AT&T's claims by February 22, 2010. New Phone desires to file responsive pleadings to AT&T's claims to elucidate and assert its legal rights in this matter. Such pleadings will assist the Commission understand and refine the issues in this proceeding.

5. New Phone has also proposed, and AT&T has agreed, that New Phone shall file any response to the AT&T Motion to Consolidate by February 22, 2010. New Phone desires to file a response to the Motion to Consolidate. The Commission's disposition of that motion will impact New Phone's substantive rights, and New Phone's response will address how the Commission should evaluate its rule's criteria for consolidation.

6. New Phone requires until February 22 to file the referenced responses to allow New Phone adequate time to engage and brief counsel and to facilitate the coordination of the parties' schedules.

7. The undersigned counsel has consulted with AT&T's counsel regarding this motion, and the undersigned represents that AT&T's counsel does not oppose the motion.

WHEREFORE, New Phone respectfully request that this Motion be granted.

Respectfully submitted this 3rd day of February, 2010.



Matthew Feil, Esq.
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106 East College Avenue, Suite 1200
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(850) 425-1614

*Attorneys for Image Access, Inc. d/b/a New
Phone*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 3rd day of February, 2010.

Charles Murphy, Esq. Jamie Morrow, Esq. Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 cmurphy@psc.state.fl.us jmorrow@psc.state.fl.us	E. Earl Edenfield, Jr. Tracy W. Hatch Manuel A. Guardian c/o Gregory R. Follensbee 150 South Monroe Street Suite 400 Tallahassee, FL 32301 mg2708@att.com th9467@att.com
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By: 
Matthew Feil, Esq.