

**Marguerite McLean**

100022-TP

**From:** nicki.garcia@akerman.com  
**Sent:** Thursday, April 15, 2010 2:00 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** Electronic Filing - Docket No. 100022-TP  
**Attachments:** 20100415134905692.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.

**Person Responsible for Filing:**

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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 NewPhone

**Filed on behalf of:** NewPhone

**Total Number of Pages:** 5

**Description of Documents:** Unopposed Motion for Extension of Time

**Nicki Garcia**

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April 15, 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 NewPhone**

Dear Ms. Cole:

Attached for filing in the referenced Docket, please find Image Access, Inc. d/b/a NewPhone's Unopposed Motion for Extension of Time to Respond to AT&T's Motion to Dismiss or Sever Certain Counterclaims.

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

Sincerely,

**Beth Keating**  
**AKERMAN SENTERFITT**  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32302-1877  
Phone: (850) 224-9634  
Fax: (850) 222-0103

Attachments

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint and petition for relief against Image Access, Inc. d/b/a New Phone by BellSouth Telecommunications, Inc. d/b/a AT&T Florida. DOCKET NO. 100022-TP

**IMAGE ACCESS, INC. D/B/A NEWPHONE'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO AT&T'S MOTION TO DISMISS OR SEVER CERTAIN COUNTERCLAIMS**

Pursuant to Rule 28-106.204, Florida Administrative Code, Image Access, Inc. d/b/a NewPhone ("NewPhone") hereby moves the Florida Public Service Commission ("Commission") for an extension of time for NewPhone to file responsive pleadings to the Motion to Dismiss or Sever Certain Counterclaims ("Motion to Dismiss or Sever") filed by BellSouth Telecommunications, Inc., d/b/a AT&T Florida ("AT&T") on April 9. By agreement between the parties, AT&T does not oppose this motion. In support of this motion, NewPhone states as follows:

1. On January 8, 2010, AT&T filed its Complaint against NewPhone. The Commission Clerk served the Complaint on NewPhone by certified mail, return receipt requested, on January 19, 2010. On January 29, 2010, AT&T filed a Motion to Consolidate this docket with Docket No. 100021-TP. By agreement of the parties, as approved by order of the prehearing officer, NewPhone filed its responsive pleadings to the AT&T's Complaint and Motion to Consolidate on February 25, 2010. NewPhone's responsive pleading contained counterclaims.
2. AT&T's Motion to Dismiss or Sever addresses NewPhone's counterclaims.

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3. 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. Due to the extra time required for coordination of similar matters pending in other states, and a previously scheduled absence of local counsel for NewPhone, NewPhone now seeks, and AT&T has agreed not to oppose, an extension of time for NewPhone to file its response to the Motion to Dismiss or Sever on April 30, 2010.

5. NewPhone desires to file a response in opposition to AT&T's Motion to Dismiss or Sever to elucidate and assert its legal rights in this matter, and believes such pleading will assist in the Commission's consideration of this matter.

6. AT&T has agreed not to oppose (and should not be prejudiced by) this 14 day extension, nor will the extension interfere with the Commission's efficient administration of the case.


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

Unopposed Motion to Extend Due Date  
April 15, 2010

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WHEREFORE, NewPhone respectfully requests that this Motion be granted.

Respectfully submitted this 15th day of April, 2010.

  
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Matthew Feil, Esq.  
Akerman Senterfitt  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32301  
(850) 425-1614

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

Unopposed Motion to Extend Due Date  
April 15, 2010

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**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 15<sup>th</sup> day of April, 2010.

Charles Murphy, Esq. Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 cmurphy@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:   
Beth Keating, Esq.