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090501-TP

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Sent: Tuesday, August 03, 2010 12:21 PM
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Cc: de.oroark@verizon.com; David Christian; Kevin Bloom; Charles Murphy; ChrisSavage@dwt.com; DanielleFrappier@dwt.com; Beth Salak
Subject: Docket NO. 090501-TP
Attachments: 20100803115557737.pdf; 20100803121249137.pdf; Amended Brief (TL252511).DOC

Attached for electronic filing in the referenced docket, please find Bright House Networks Information Services (Florida), LLC's Amended Reply Brief, and the related Motion for Leave to File Amended Reply Brief. A copy of the Amended Brief in Word format is also included. Please don't hesitate to let me know if you have any questions.

Sincerely,
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B. Docket No. 090501-TP: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida, LLC by Bright House Networks Information Services (Florida), LLC.

C. On behalf of Bright House Networks Information Services (Florida), LLC

D. Number of Pages: Word file (Amended Brief): 20 pages
 PDF file (Amended Brief/file 9137): 22 pages (includes certificate and cover letter)
 PDF file (Motion for Leave/file 7737): 4 pages

E: Document 1: Motion for Leave to File Amended Reply Brief
 Document 2: Amended Post Hearing Reply Brief

DOCUMENT NUMBER DATE

16372 AUG-03 09

FPSC-COMMISSION CLERK

8/3/2010



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8/3/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida LLC by Bright House Networks Information Services (Florida), LLC

Docket No. 090501-TP
Filed: August 3, 2010

**MOTION FOR LEAVE TO FILE AMENDED
POST-HEARING REPLY BRIEF**

Pursuant to Rule 28-106.204, Florida Administrative Code, Bright House Networks Information Services (Florida) LLC (Bright House), respectfully moves for leave to file its Amended Reply Brief, which is being filed contemporaneously with this Motion, and in support of this request hereby states as follows:

1. On Friday, July 30, 2010, Bright House filed its Reply Brief in this proceeding in accordance with the time frame set forth by the Prehearing Officer in Order No. PSC-10-0322-PHO-TP, issued May 19, 2010, in this proceeding. However, due to a scrivener's error, Bright House erroneously understood that the Reply Brief was limited to 30 pages, rather than 20 pages. Its Reply Brief thus strayed from the requirements of the Prehearing Order in that it exceeded the page limitation set forth therein by 10 pages.

2. The error was not intentional and was due to counsel's inadvertent reliance upon earlier notes regarding discussions about the filing of Initial and Reply Briefs that reflected, incorrectly, that the Prehearing Officer had granted leave to the parties to submit Reply Briefs with a 30-page limitation.

3. Counsel's unfortunate, but good-faith, reliance up these notes is evidenced by Bright House's Reply Brief, which in fact, was 30 pages in length.

4. On Monday, August 2, 2010, the error regarding the page limitation was brought to Bright House's attention by Verizon.

5. Discussions between the parties regarding a means to correct the error were had, but in light of the scheduling time line and limitations established for this case, as well as Bright House's sincere desire not to impair Commission Staff's ability to prepare its recommendation for the Commission's consideration, Bright House now files this request for leave to file its amended, shortened Reply Brief, along with the corrected Brief itself.

6. Bright House notes that with the prompt filing of our Amended Reply Brief (with only one business day intervening between the initial filing and this corrected filing), neither Verizon nor the Commission Staff will experience any prejudice as a result of this situation. No further briefing is called for in this case, so Verizon will not be prejudiced in any way. Moreover, our Amended Reply Brief does not modify our arguments on any issue. To the contrary, it was prepared by making a concerted effort to: (a) minimize or eliminate instances in which we restated points made in our mistaken 30-page filing; (b) state the same arguments made in that filing using more concise language and shorter citation forms (*e.g.*, eliminating certain quotes from cited cases while retaining the same citations); and (c) delete footnote discussion of certain minor points. As a result, our Amended Reply Brief will not affect any analysis Commission Staff may have undertaken during the one-day period between the filing of our mistaken 30-page brief and our Amended Reply Brief.

7. Bright House apologizes for any inconvenience caused by this error and respectfully asks that the Prehearing Officer consider this request and accept the amended Reply Brief.

8. Bright House has consulted with counsel for Verizon regarding this request. Counsel for Verizon has indicated that it opposes this request.

WHEREFORE, Bright House respectfully asks that the Prehearing Officer accept the Amended Reply Brief, which is being filed contemporaneously with this Motion, for consideration in this proceeding.

Respectfully submitted this 3rd day of August, 2010.

By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via Electronic Mail on
August 3, 2010 to:

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