

Dorothy Menasco

From: WOODS, VICKIE (Legal) [vf1979@att.com]
Sent: Wednesday, December 14, 2011 4:27 PM
To: Filings@psc.state.fl.us
Subject: 110306-TP AT&T Florida's Response in Opposition to FLATEL's Request for Extension

Importance: High

Attachments: Document.pdf



Document.pdf
(1 MB)

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B. Docket No.: 110306-TP: Request for emergency relief and Complaint of FLATEL, Inc. against BellSouth Telecommunications, LLC d/b/a AT&T Florida to resolve interconnection agreement dispute

C. BellSouth Telecommunications, LLC d/b/a AT&T Florida on behalf of Manuel A. Gurdian

D. 5 pages total (includes letter, certificate of service and pleading)

E. BellSouth Telecommunications, LLC d/b/a AT&T Florida's Response in Opposition to FLATEL's Request for Extension

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December 14, 2011

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

**Re: Docket No.: 110306-TP: Request for emergency relief and
Complaint of FLATEL, Inc. against BellSouth
Telecommunications, Inc. d/b/a AT&T Florida to resolve
interconnection agreement dispute**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, LLC d/b/a AT&T Florida's Response in Opposition to FLATEL's Request for Extension, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All Parties of Record
Jerry D. Hendrix
Gregory R. Follensbee
Suzanne L. Montgomery

975818

CERTIFICATE OF SERVICE
Docket No. 110306-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 14th day of December, 2011 to the
following:

Pauline Robinson
Staff Counsel
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FLATEL, Inc.
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AMatari@Flatel.net



Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Emergency Relief) Docket No. 110306-TP
and Complaint of FLATEL, Inc.)
Against BellSouth Telecommunications,)
Inc. d/b/a AT&T Florida to Resolve)
Interconnection Agreement Dispute) Filed: December 14, 2011

**AT&T FLORIDA'S RESPONSE IN OPPOSITION TO
FLATEL'S REQUEST FOR EXTENSION**

BellSouth Telecommunications, LLC¹ d/b/a AT&T Florida ("AT&T Florida") respectfully submits its Response in Opposition to FLATEL, Inc.'s ("FLATEL") "request for 30 day extension to address the Commission on the latest AT&T response relating to the above referenced Docket" ("Request").² As will be explained herein, the Florida Public Service Commission ("Commission") should deny, pursuant to Rule 28-106.204, FLATEL's Request, in that it is untimely and does not provide "good cause" for the granting of same.

1. On November 28, 2011, AT&T Florida filed its Motion to Dismiss and Response to FLATEL's complaint.

2. Rule 28-106.204(1), Florida Administrative Code (F.A.C.), provides that a party "may, within 7 days of service of a written motion, file a response in opposition."

3. Thus, pursuant to Rule 28-106.204(1), F.A.C., FLATEL's response to AT&T Florida's Motion to Dismiss was due on or before December 5, 2011.

¹ Effective July 1, 2011, BellSouth Telecommunications, Inc. was converted to BellSouth Telecommunications, LLC by operation of Georgia law.

² Upon information and belief, AT&T Florida does not believe that the request was properly filed by Abby Matari, FLATEL's CEO, as Mr. Matari is not a Florida Bar licensed attorney nor has he been designated a qualified representative by this Commission. See *In re: Applications for Qualified Representative Status*, Docket No. 110008-TP and www.flabar.org.

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4. Moreover, Rule 28-106.204(6), F.A.C., provides that “[m]otions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.” (emphasis added)

5. Thus, to the extent FLATEL required additional time to respond AT&T Florida’s Motion to Dismiss, its motion for extension of time was due on or before December 5, 2011.

6. On December 12, 2011, a week after its response was originally due to the Motion to Dismiss, FLATEL filed its 30-day request for an extension to respond.

7. Pursuant to Rule 28-106.204, FLATEL’s request is untimely and should be denied on that basis alone.

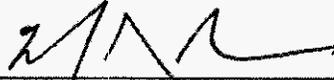
8. In addition, in its Request, FLATEL fails to provide “good cause” as to why an extension of time should be granted as required by the express provisions of Rule 28-106.204(6).

9. Accordingly, based upon the foregoing, AT&T Florida respectfully requests that the Commission deny FLATEL’s request for an extension.

WHEREFORE, for the reasons set forth above, AT&T Florida respectfully requests that the Commission enter an Order denying FLATEL’s untimely request for an extension.

Respectfully submitted this 14th day of December, 2011.

AT&T FLORIDA



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