

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition by Intermedia Communications Inc. for Arbitration with BellSouth Telecommunications, Inc., pursuant to the Telecommunications Act of 1996.

DOCKET NO. 981642-TP

FILED AND REPORTING

In re: Petition by e.spire Communications, Inc. and American Communication Services of Tampa, Inc., American Communications Services of Jacksonville, Inc. for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Telecommunications Act of 1996.

DOCKET NO. 981745-TP

FILED: 1-26-99

MOTION OF INTERMEDIA COMMUNICATIONS, INC. TO EXTEND DISCOVERY LIMITATIONS

COMES NOW Intermedia Communications Inc., ("Intermedia") and requests the Prehearing Officer to extend the discovery limitations as set forth in Order No. PSC-99-0090-PCO-TP, issued January 14, 1999, stating good cause as follows:

(1) Presently, interrogatories are limited to 100, including subparts, and requests for production of documents are limited to 75, including subparts.

(2) Intermedia has raised in its Petition for Arbitration 12 issues in dispute with BellSouth Telecommunications, Inc. ("BellSouth"), which include the availability and pricing of unbundled local loops; the availability and pricing of five other unbundled network elements; availability of unbundled network element combinations; four collocation matters; conversion of Intermedia's embedded base to unbundled network elements; volume

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and term pricing for unbundled local loops, unbundled network elements and resold services; pricing parity; performance measures; non-performance penalties; ISP traffic reciprocal compensation; governing provisions for number portability; and frame relay interconnection matters.

(3) Given the number of issues and their complexity, Intermedia is prepared to propound discovery that exceeds the aforementioned limitations.


(4) Consequently, Intermedia would represent to the Prehearing Officer that appropriate discovery limitations in this proceeding would be 150 interrogatories, including subparts, and 125 requests for production of documents, including subparts.

(5) In Order No. PSC-99-0090-PCO-TP, the Prehearing Officer consolidated Docket No. 961642-TP with Docket No. 981745, the arbitration petition of American Communications Services of Jacksonville, Inc., d/b/a e.spire Communications, Inc., ("e.spire").

(6) On January 15, 1999, e.spire filed a Motion to Exceed Limits on Discovery in Docket No. 981745 based on a rationale similar to the one advanced here.

WHEREFORE Intermedia Communications Inc. respectfully requests that the Prehearing Officer issue an Order amending Order No. PSC-99-0090-PCO-TP and thereby re-establishing discovery limitations in this proceeding in accordance with the limitations herein requested, or, in the alternative, as requested by e.spire in its January 15, 1999, motion.

Dated this 26th day of January, 1999.

  
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Attorneys for Intermedia  
Communications Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand delivery (\*) this 26th day of January, 1999, to the following:

Ms. Nancy White\*  
c/o Ms. Nancy H. Sims  
BellSouth Telecommunications, Inc.  
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