

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-FPSC
00 FEB 18 AM 8:38

RECORDS AND REPORTING

In re: Complaint of US LEC of Florida Inc. against BellSouth Telecommunications, Inc., for Breach of Terms of Florida Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996, and Request for Relief

DOCKET NO. 990874-TP

ORIGINAL

FILED: February 18, 2000

US LEC OF FLORIDA, INC.'S MOTION TO MODIFY PROCEDURAL SCHEDULE

COMES NOW US LEC of Florida Inc. ("US LEC"), through its undersigned counsel, and files its Motion to Modify Procedural Schedule pursuant to Rule 26-106.204, Florida Administrative Code, stating as grounds the following:

1. Order No. PSC-99-2144-PCO-TP, Order Establishing Procedure, requires the parties to object to or ask for clarification of discovery requests within 10 days of service of the discovery request.

2. Both US LEC and BellSouth Telecommunications, Inc. ("BellSouth") served discovery requests on the other on February 11, 2000. Accordingly, objections to or requests for clarification of discovery requests must be filed by February 21, 2000.

3. Finding it a hardship to file objections to or requests for clarification of discovery requests by the time required, on February 17, 2000, US LEC sought and obtained

AFA
APP
CAF
SMU
CTR
EAG
LEG
MAS
OPC
RRR
SEC
WAW
OTH

RECEIVED & FILED
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
02228 FEB 18 00
FPSC-RECORDS/REPORTING

BellSouth's consent to extend the required time for this purpose for both parties to and including February 25, 2000.

4. Order No. PSC-99-2144-PCO-TP, moreover, requires the parties to complete discovery by March 13, 2000, which was the seventh day before the hearing, then scheduled for March 20, 2000. Order No. PSC-99-2511-PCO-TP, which was issued later on December 22, 1999, granting US LEC's motion for leave to file an amended complaint, extending time for filing testimony and revising controlling dates, including the hearing date to April 17, 2000, did not establish a new date for the completion of discovery. By inference, however, US LEC understands that currently discovery must be completed by April 10, 2000.

5. On that understanding, should the parties wish to pursue a second round of discovery the statutory response period of 30 days, which may be shortened, will not be available.

6. Therefore, on February 14, 2000, US LEC sought and obtained, on February 17, 2000, BellSouth's consent to a shortened response period of 20 days for either party should the other pursue a second round of discovery.

WHEREFORE, US LEC, having obtained the consent of BellSouth, requests that the Commission grant its Motion to Modify Procedural Schedule as stated herein.

Respectfully submitted this 18th day of February 2000.

Aaron D. Cowell, Jr.
General Counsel
US LEC CORP.
401 N. Tryon Street
Suite 1000
Charlotte, N.C. 28202
Tel: (704) 319-1117



Charles J. Pellegrini
WIGGINS & VILLACORTA, P.A.
2145 Delta Boulevard
Suite 200
Tallahassee, Florida 32303
Tel: (850) 385-6007
Fax: (850) 385-6008

Richard M. Rindler
Michael L. Shor
SWIDLER BERLIN SHEREFF FRIEDMAN, LP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Tel: (202) 424-7771
Fax: (202) 424-7645

Counsel for US LEC of Florida Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by

U.S. Mail this 18th day of February, 2000, to the following:

Donna Clemmons
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Mary Rose Siriani
Michael Goggin
BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301


CHARLES J. PELLEGRINI