

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Arbitration Concerning Complaint of Intermedia Communications Inc. against BellSouth Telecommunications, Inc. for Breach of Terms of Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996 and Request for Relief

Docket No. 991534-TP

Filed: May 18, 2000

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INTERMEDIA COMMUNICATIONS INC.'S MOTION FOR LEAVE TO FILE SURREBUTTAL TESTIMONY

COMES NOW, Intermedia Communications Inc. ("Intermedia") and files this Motion for Leave to File Surrebuttal Testimony ("Motion"), stating as follows in support thereof.

- 1) On April 20, 2000, BellSouth Telecommunications, Inc., ("BellSouth") filed the rebuttal testimony of W. Keith Milner in this proceeding. Mr. Milner did not produce prefiled direct testimony. At the same time, BellSouth filed the rebuttal testimony of Jerry Hendrix, who earlier, with David P. Scollard, prefiled direct testimony.
- 2) Mr. Milner's rebuttal testimony seeks to refute the prefiled direct testimony of Intermedia witness, Edward L. Thomas, which was filed on March 17, 2000.
- 3) Inasmuch as Mr. Milner did not produce direct testimony, Intermedia respectfully suggests that it would be materially unfair if Mr. Thomas were not granted the opportunity to challenge the allegations in Mr. Milner's rebuttal testimony.

4) Furthermore, Intermedia suggests that Mr. Thomas's prefiled surrebuttal testimony is necessary in this proceeding in order to avoid an incomplete and therefore distorted record before the Commission, because Mr. Milner's rebuttal testimony cannot adequately be addressed through cross examination of Mr. Milner or redirect examination of Mr. Thomas at hearing.

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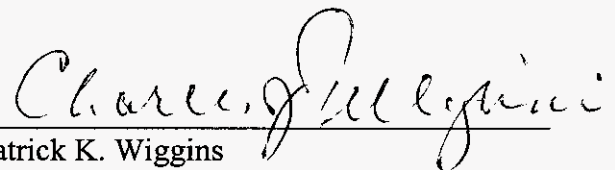
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5) Intermedia is aware that the procedural schedule established in Order No. PSC-00-0193-PCO-TP does not provide for surrebuttal testimony.

6) Accordingly, Intermedia requests that the Commission grant its Motion to prefile the surrebuttal testimony of Mr. Thomas, which testimony is appended to this Motion for the convenience of the Commission and BellSouth.

WHEREFORE Intermedia requests that the Commission grant it Motion for Leave to File Surrebuttal Testimony for the reasons set forth above.

Respectfully submitted this 17<sup>th</sup> day of May 2000.



Patrick K. Wiggins  
Charles J. Pellegrini  
Wiggins & Villacorta, P.A.  
2145 Delta Boulevard  
Suite 200  
Tallahassee, Florida 32303  
Tel. No. (850) 385-6007  
Fax No. (850) 385-6008

Attorneys for Intermedia Communications  
Inc.

**CERTIFICATE OF SERVICE**


**Docket No. 991534-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by hand delivery\* or by Federal Express Overnight Delivery this 18<sup>th</sup> day of May 2000 upon the following:

Marlene Stern\*  
Staff Counsel  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Nancy B. White  
Michael P. Goggin  
c/o Nancy H. Sims\*  
BellSouth Telecommunications, Inc.  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301

R. Douglas Lackey  
E. Earl Edenfield, Jr.  
Bennett L. Ross  
BellSouth Telecommunications, Inc.  
675 Peachtree Street, No. 4300  
Atlanta, GA 30375

  
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Charles J. Pellegrini