

**Ruth Nettles**

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**From:** Smith, Debbie N. [ds3504@att.com]  
**Sent:** Monday, March 17, 2008 11:14 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Carver, J; Gurdian, Manuel; Tracy Hatch; Woods, Vickie; Eller, Perry; Holland, Robyn P; Follensbee, Greg  
**Subject:** Florida Docket No. 050863-TP  
**Importance:** High  
**Attachments:** notice.pdf

- A. Debbie N. Smith  
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[debbie.n.smith@att.com](mailto:debbie.n.smith@att.com)
- B. Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.  
on behalf of J. Phillip Carver
- D. 5 pages total (includes letter, pleading (including Attachment 1) and certificate of service)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Notice of Filing Corrected Page.

<<notice.pdf>>

Debbie N. Smith (sent on behalf of J. Phillip Carver)  
Assistant to J. Phillip Carver & John T. Tyler  
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675 West Peachtree Street, N.E.  
Suite 4300  
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Please note my new email address is [debbie.n.smith@att.com](mailto:debbie.n.smith@att.com)

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DOCUMENT NUMBER-DATE

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3/17/2008

FPSC-COMMISSION CLERK



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March 17, 2008

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth  
Telecommunications, Inc.**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Notice of Filing Corrected Page, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

J. Phillip Carver

cc: All parties of record  
Gregory Follensbee  
E. Earl Edenfield, Jr.  
Lisa S. Foshee

**CERTIFICATE OF SERVICE  
DOCKET NO. 050863-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 17th day of March, 2008 to the following:

Theresa Tan  
Staff Counsel  
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Commission  
Division of Legal Services  
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**(+) Signed Protective Agreement**

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\_\_\_\_\_  
J. Phillip Carver

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: dPi Teleconnect, L.L.C. v.  
BellSouth Telecommunications, Inc.

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Docket No. 050863-TP

Filed: March 17, 2008

**NOTICE OF FILING CORRECTED PAGE**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida"), hereby files its Notice of Filing Corrected Page, and states the following:

1. On March 14, 2008, AT&T Florida filed its Response in Opposition to dPi's Motion for Leave to File Supplemental Testimony and Additional Direct Testimony. The next to the last sentence in paragraph 10 (page 6) of the Response contains a typographical error. Specifically, that sentence read "The most charitable possible interpretation of dPi's behavior is that it used a personal conflict to secure a continuance, then utilized the extra time to file testimony that it clearly would have been allowed to file if the hearing had occurred on March 12, 2008." That sentence should have read "The most charitable possible interpretation of dPi's behavior is that it used a personal conflict to secure a continuance, then utilized the extra time to file testimony that it clearly would *not* have been allowed to file if the hearing had occurred on March 12, 2008." This sentence appears in corrected form on the corrected page 6 of AT&T Florida's Response, attached hereto as Attachment 1. This page should be substituted for the page 6 that was in the Response filed March 14, 2008.

DOCUMENT NUMBER-DATE

01955 MAR 17 8

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Respectfully submitted this 17th day of March, 2008.

AT&T FLORIDA



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behavior is just the latest in a continuous series of improper actions by dPi. To date, dPi has propounded two sets of discovery after the discovery period was over,<sup>3</sup> and has twice filed Replies to AT&T Florida's Responses to dPi's Motions that are not authorized under the Commission's Rules.<sup>4</sup> dPi has filed two Motions for the hearing in this matter to be continued so that it can conduct additional discovery, even though the case has been pending for more than two years.<sup>5</sup> Both Motions were denied.<sup>6</sup> More recently, dPi successfully moved to continue the hearing set for March 12, 2007, based on the claim that it was unaware of the setting, and that its attorney had a personal conflict.<sup>7</sup> This last action by dPi is especially telling.

10. On January 23, 2008, dPi filed a Motion to continue the hearing that was set for March 12, 2008, based principally on a personal conflict of dPi's counsel. Based on dPi's representations as to the reason for its Motion, AT&T Florida did not object. dPi's Motion was granted, and the hearing was moved from March 12, 2008 to its current setting on April 3, 2008. Then, on March 7, 2008, five days before the case was previously set for hearing, dPi filed the two subject sets of testimony, with voluminous exhibits. The most charitable possible interpretation of dPi's behavior is that it used a personal conflict to secure a continuance, then utilized the extra time to file testimony that it clearly would not have been allowed to file if the hearing had occurred on March 12, 2008. Given all of the above, AT&T Florida submits that the

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<sup>3</sup> dPi's Second Set of Requests for Information, dated November 11, 2007; dPi's Third Set of Requests for Information, dated December 27, 2007.

<sup>4</sup> dPi's Reply to AT&T's Response to Motion to Compel, dated September 21, 2007; dPi's Reply to AT&T's Objection to Additional Discovery, dated February 8, 2008.

<sup>5</sup> dPi's Motion for Continuance, dated July 20, 2007; dPi's Motion for Continuance, dated September 26, 2007.

<sup>6</sup> Order Denying Motion for Continuance, Order No. PSC-07-0712-PCO-TP (August 30, 2007); Order Denying Motion for Continuance, Order No. PSC-07-0701-PCO-TP (September 27, 2007).

<sup>7</sup> dPi's Motion to Modify Procedural Schedule/Move Hearing Date, filed January 23, 2008.