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May 16, 2000

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 990750-TP (ITC^DeltaCom Complaint)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to ITC^DeltaCom's Motion to Strike, 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,
Michael P. Goggin
Michael P. Goggin

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

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**CERTIFICATE OF SERVICE
Docket No. 990750-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 16th day of May, 2000 to the following:

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Michael P. Goggin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:) Docket No. 990750-TP
)
Petition for Arbitration of ITC^DeltaCom)
Communications, Inc. with BellSouth)
Telecommunications, Inc. pursuant to the)
Telecommunications Act of 1996.)
_____) Filed: May 16, 2000

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**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE TO
ITC^DELTACOM'S MOTION TO STRIKE**

BellSouth Telecommunications, Inc. ("BellSouth") hereby responds to ITC^DeltaCom's ("DeltaCom's") Motion to Strike BellSouth's Motion for Leave to File Reply Memorandum.

1. In its Motion to Strike, filed May 5, 2000, DeltaCom argues that BellSouth should not be permitted to move the Commission to permit the filing and consideration of a reply brief regarding BellSouth's motion to reconsider the Order No. PSC-00-0537-FOF-TP, issued in this docket on March 15, 2000. DeltaCom's main assertion is that BellSouth, by filing a motion with the Commission, has "abused" the Commission's rules. DeltaCom provides no citation to authority indicating that a party is barred from filing motions with the Commission. This is because, as DeltaCom is no doubt aware, there *is* nothing improper about filing a motion with the Commission seeking leave to make a filing. In fact, this is what the rules instruct parties to do. See, Rule 28-106.204, Florida Administrative Code.

2. Attached to DeltaCom's Motion to Strike was a brief in which DeltaCom responds to the reply memorandum BellSouth seeks leave to file. In

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view of DeltaCom's lengthy response to BellSouth's proposed reply, DeltaCom clearly would not be prejudiced in any way if the Commission were to grant BellSouth's request for leave to file its reply brief.

3. Moreover, the issues raised in BellSouth's Motion for Reconsideration are central to the Commission's responsibilities under the Telecommunications Act. Among these are the mandates in §252(b)(4) that arbitration proceedings be limited to the issues set forth in the petition and response, and the requirement in §252(c)(2) that rates established through arbitration must be cost-based. Given the critical importance of the issues to be determined, the Commission will benefit from having a more complete record to consider. Accordingly, BellSouth requests that its motion for leave to file its reply brief be granted, that DeltaCom's motion to strike be denied, and that DeltaCom's request that the Commission consider its responsive briefing be granted.

For the reasons stated above, BellSouth requests that DeltaCom's Motion to Strike be denied.

Respectfully submitted this 16th day of May, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

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