

MICHAEL P. GOGGIN
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REPORTING

November 29, 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. 990108-TP (Access One)

Dear Ms. Bayó:

Enclosed please find an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion to Dismiss Complaint, which we ask that you file in the above-referenced matter.

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

(22)

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

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**CERTIFICATE OF SERVICE
Docket No. 990108-TP**

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

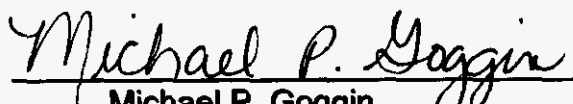
U. S. Mail this 29th day of November, 2000 to the following:

Lee Fordham
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Access One Communications
3427 N. W. 55th Street
Ft. Lauderdale, FL 33309-6308
Tel. (954) 714-0000
Fax. (954) 739-2476

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Tel. No. (305) 789-9376
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Attys. for Access One



Michael P. Goggin
(22)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

Access One Communications, Inc.,)	Docket No. 990108-TP
)	
Complainant,)	
)	
vs.)	
)	
BellSouth Telecommunications, Inc.,)	
)	
Respondent.)	
<hr/>		Filed: November 29, 2000

**MOTION OF BELLSOUTH TELECOMMUNICATIONS, INC.
TO DISMISS COMPLAINT**

BellSouth Telecommunications, Inc., ("BellSouth"), hereby files this Motion to Dismiss Access One Communications, Inc.'s ("Access One's") Complaint pursuant to Rule 1.42(e), Florida Rules of Civil Procedure and Rule 28-106.204, Florida Administrative Code. In support of its Motion, BellSouth states as follows.

1. On January 27, 1999, Access One filed its Complaint in this matter. The parties filed testimony and took discovery. A hearing was scheduled for August 11, 1999. In the months leading up to the hearing, the parties had been engaged in discussions designed to resolve their differences. In order to allow such discussions to proceed, the parties jointly filed, on August 11, 1999, a motion for a continuance, which was granted on August 12, 1999.
2. Following order of continuance, the parties continued to discuss ways to resolve their differences. Such discussions ended in late 1999,

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however, and Access One has not pursued any such discussions since that time. The hearing in this matter is currently scheduled for January 31, 2001.

3. In view of the passage of more than a year since any activity has occurred in this docket, BellSouth believes that the Complaint should be dismissed and the docket closed.


For the reasons stated above, BellSouth respectfully requests that the Commission grant its Motion to Dismiss.

Respectfully submitted this 29th day of November, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



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