

ORIGINAL

**McWHIRTER REEVES**  
ATTORNEYS AT LAW

TAMPA OFFICE:  
400 NORTH TAMPA STREET, SUITE 2450  
TAMPA, FLORIDA 33602  
P. O. BOX 3350 TAMPA, FL 33601-3350  
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:  
  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 FAX

September 24, 2003

**VIA HAND DELIVERY**

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

Re: Docket No.: 030851-TP and 030852-TP

Dear Ms. Bayo:

On behalf of BellSouth Telecommunications, Inc. and the Florida Competitive Carriers Association (FCCA), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Joint Emergency Motion to Amend Procedural Schedule in Docket No. 030851-TP; and
- ▶ Joint Emergency Motion to Amend Procedural Schedule in Docket No. 030852-TP.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

VGK/bae  
Enclosure

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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re:

Implementation of requirements arising from Federal  
Communications Commission triennial UNE Review:  
Local Circuit Switching for Mass Market Customers

)  
)  
) Docket No. 030851-TP  
)  
)  
) Filed: September 24, 2002  
)

**JOINT EMERGENCY MOTION TO AMEND**  
**PROCEDURAL SCHEDULE**

On September 22, 2003, this Commission issued Order No. PSC-03-1054-PCO-TP ("Order") in the above-listed docket, which, in relevant part, included Controlling Dates to govern the key activities in the proceeding (p. 13). BellSouth Telecommunications, Inc. ("BellSouth") and the Florida Competitive Carrier's Association ("FCCA") (collectively "parties") respectfully request that the Commission modify and amend the Order on an expedited basis in order to eliminate the current issues filing date of September 29, 2003 as well as to amend other controlling dates. The following parties have been advised of this motion: Florida Cable Telecommunications, Inc. ("FCTA"), Covad Communications Company ("Covad"), Verizon Florida, Inc. ("Verizon") and Sprint-Florida, Incorporated ("Sprint"). FCTA, Covad, Sprint and Verizon do not object to this motion; however, Verizon will be filing a separate motion.

BellSouth and the FCCA have been engaged in, and continue to discuss mutually agreeable procedures for this docket in a manner that will avoid scheduling conflicts, that will streamline the discovery process, that will allow the parties to conduct joint discovery, that will limit and narrowly define the issues for hearing, and that will allow a coordinated approach through the Southeastern region. For example, the parties are working to establish a region-wide

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discovery process and are also working together on a procedure to obtain discovery from entities that are not parties to this case in order to bring all relevant data into the record. The parties intend to prepare joint discovery to non-parties in the hopes of eliminating protracted discovery disputes. After reviewing discovery responses, the parties will have an opportunity to refine their respective positions in this docket. This process is likely to result in new, different, or changed issues and positions, which issues may or may not need to be included as identified issues. However, the Order envisions establishing issues very soon, which may frustrate, rather than facilitate, the parties' ability to conduct a focused and streamlined proceedings before this Commission. The parties' concerns and requested amendments to the Order are as follows:

1. Issues Identification Conference – October 6, 2003; issues to be filed September 29, 2003.

Parties' Concern and Proposal – *Modify to Procedural Conference on October 6, 2003; eliminate requirement to file issues on September 29, 2003.* Filing issues and conducting an issue identification conference at this early juncture of this proceeding would be neither productive nor useful. Specifically, the parties have not yet begun to identify all the issues raised in the lengthy *Triennial Review Order* ("TRO"). Typically, the parties are required to identify all issues and then prefile testimony that addresses only the identified issues. In order to ensure that neither party forecloses raising a significant issue, the parties simply require additional time to study the TRO. In addition, many of the potential issues are fact intensive and will not be known until *after* discovery has occurred. The parties propose that the Issues Identification conference scheduled for October 6, 2003 be modified so that a procedural conference takes place on that date instead; during the procedural conference the parties can discuss procedural matters including, but not limited to, how the parties anticipate conducting region-wide

discovery, and how service will be accomplished, and what types of confidential agreements/orders will be required. Reaching closure on these procedural issues will help ensure the smooth handling of this complex proceeding and will be more productive than debating the merits of issues that the parties may not have formalized a policy or position on.

2. Direct Testimony – November 24, 2003

Parties' Concern and Proposal – *Modify to December 19, 2003.* The parties request that the schedule be modified so that direct testimony and exhibits are filed on December 19, 2003, which will allow sufficient time to obtain discovery responses and focus testimony with the benefit of discovery responses. Requiring direct testimony to be filed at an earlier time will result in premature testimony that would otherwise likely require amendments, which could result in more, rather than less, pleadings filed with the Commission.

3. Rebuttal Testimony – December 29, 2003

Parties' Concern and Proposal – *Modify to January 23, 2004.* The parties request that the schedule require rebuttal testimony and exhibits to be filed on January 23, 2004 for the same reasons that the direct testimony date be changed.

4. Surrebuttal Testimony – January 23, 2004

Parties' Concern and Proposal – *Modify to February 13, 2004.* The parties request that the schedule require surrebuttal testimony and exhibits to be filed on February 13, 2004.

5. Prehearing Conference/Prehearing Order – February 9, 2004/February 13, 2004

Parties' Concern and Proposal – *Schedule Prehearing Conference and Prehearing Order after surrebuttal testimony is filed.* These proposed dates precede or coincide with the

parties' requested dates for filing surrebuttal testimony. The parties request that these events take place after the filing of surrebuttal testimony.

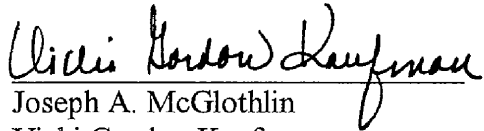
6. Briefs – April 6, 2004

Parties' Concern and Proposal – Conceptually, the parties are in accord with the timing of the briefs; however, the parties respectfully request that the briefing schedule be modified slightly with direct briefs filed on March 30, 2004 and reply briefs filed on April 16, 2004. Due to the complex issues involved, which issues may have significant business impacts on the parties and to ensure that all parties have an opportunity to fully present their arguments, the parties are requesting two rounds of briefs, to be filed simultaneously.

The parties recognize the enormous task facing this Commission and remain committed to develop procedures that alleviate, streamline and focus these proceedings. In order to accomplish this, the parties have been diligently working to mutually agree on as many processes, procedures, and filing dates as possible. While the parties appreciate this Commission's prompt action to establish a framework for this proceeding, the controlling dates ordered in this docket would seriously jeopardize the ongoing work of the parties and would prejudice the parties' ability to present their best cases to this Commission. When considering that the federal government required over six months to issue a written order that is hundreds of pages long, it is only fitting to allow the parties charged with implementing the TRO with the additional time requested in this joint motion.

Respectfully submitted this 24th day of September, 2003.

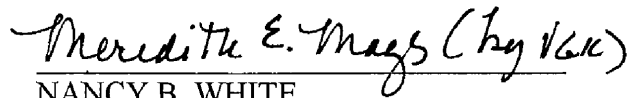
FLORIDA COMPETITIVE CARRIERS  
ASSOCIATION



Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold PA  
117 South Gadsden Street  
Tallahassee, FL 32301  
(850) 222-2525  
(850) 222-5606 (fax)

COUNSEL FOR  
FLORIDA COMPETITIVE CARRIERS  
ASSOCIATION

BELLSOUTH  
TELECOMMUNICATIONS, INC.



NANCY B. WHITE  
General Counsel-Florida  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5558

R. DOUGLAS LACKEY  
MEREDITH E. MAYS  
Suite 4300, BellSouth Center  
675 W. Peachtree Street, N.E.  
Atlanta, GA 30375  
(404) 335-0747  
(404) 335-0750

COUNSEL FOR BELLSOUTH  
TELECOMMUNICATIONS, INC.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Joint Emergency Motion to Amend Procedural Schedule has been provided by (\*) hand delivery or U.S. Mail this 24th day of September 2003, to the following:

(\*) Commissioner Charles M. Davidson  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Tracy Hatch  
AT&T Communications of the  
Southern States, LLC  
101 North Monroe Street  
Suite 700  
Tallahassee, FL 32301

(\*) Beth Keating  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Michael Gross  
Florida Cable Telecommunications  
246 East 6<sup>th</sup> Avenue  
Tallahassee, FL 32302

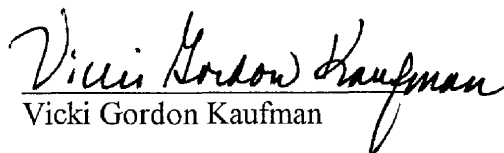
Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301-1556

Charles E. Watkins  
Covad Communications Company  
1230 Peachtree Street, NE  
19<sup>th</sup> Floor  
Atlanta, GA 30309

Richard Chapkis  
Verizon Florida, Inc.  
201 North Franklin Street  
MC: FLTC0717  
Tampa, FL 33602

Matthew Feil  
Florida Digital Network, Inc.  
390 North Orange Avenue  
Suite 200  
Orlando, FL 32801

Susan Masterton  
Sprint Communications Company  
1313 Blairstone Road  
Post Office Box 2214  
MC: FLTLHO0107  
Tallahassee, FL 32301

  
Vicki Gordon Kaufman

Donna Canzano McNulty  
MCI WorldCom  
1203 Governors Square Boulevard  
Suite 201  
Tallahassee, FL 32301