

## Ruth Nettles

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**From:** Lynette Tenace [ltenace@kagmlaw.com]  
**Sent:** Thursday, April 02, 2009 1:06 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Charles Murphy; ke2722@att.com; Tracy Hatch; mg2708@att.com; gene.watkins@cbeyond.net  
**Subject:** Docket No. 090142-TP  
**Attachments:** Joint Motion for Extension of Time 04.02.09.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and email for the person responsible for the filing is:

Vicki Gordon Kaufman  
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b. This filing is made in Docket No.090142-TP, In re Complaint of Cbeyond Communications, LLC Against AT&T Florida for failure to pay intrastate access charges pursuant to Cbeyond's Price List and for violation of Section 364.16(3)(a), Florida Statutes.

c. The document is filed on behalf of Cbeyond Communications, LLC, AT&T Communications of the Southern States, LLC, and BellSouth Telecommunications, Inc.

- d. The total pages in the document is 4 pages.

e. The attached document is Joint Motion for Extension of Time to Respond to Amended Complaint and for any Required Responsive Pleading.

Lynette Tenace

**NOTE: New E-Mail Address**

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DOCUMENT NUMBER-DATE

02919 APR-28

FPSC-COMMISSION CLERK

4/2/2009

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Complaint of Cbeyond Communications,  
LLC against AT&T Communications  
of the Southern States, LLC, d/b/a  
AT&T and AT&T Florida for failure  
to pay intrastate access charges pursuant  
to Cbeyond's Price List and interconnection  
Agreement and for violation of Section  
364.16(3)(a), Florida Statutes.

Docket No. 090142-TP

Filed: April 2, 2009

**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND  
TO AMENDED COMPLAINT  
AND FOR ANY REQUIRED RESPONSIVE PLEADING**

Cbeyond Communications, LLC (Cbeyond), AT&T Communications of the Southern States, LLC (AT&T Communications) and BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast (AT&T Florida) (collectively, AT&T), pursuant to Rule 28-106.204, Florida Administrative Code, file this Joint Motion for Extension of Time to Respond to Amended Complaint and Extension of Time to respond to any required responsive pleading.

As grounds therefor, the Parties state:

1. On March 19, 2009, Cbeyond filed a Complaint in this case.
2. The CASR calls for AT&T Florida's response to the Complaint to be filed on April 8, 2009.
3. On April 1, 2009, Cbeyond filed an Amended Complaint in which it added AT&T Communications as a Respondent in this proceeding.
4. AT&T has agreed to accept service of the Amended Complaint via its counsel.

5. Counsel for the Parties have a number of commitments over the next few weeks and request additional time to file their clients' respective pleadings. In addition, counsel for Cbeyond will be out of the country from April 19-April 26.

6. The Parties have conferred and request that the Prehearing Officer require AT&T to respond to the Amended Complaint on May 1<sup>st</sup> and that Cbeyond's responsive pleading, if any is required, be due May 8<sup>th</sup>.

**WHEREFORE**, for the foregoing reasons, Cbeyond and AT&T request that the Prehearing Officer grant this motion and authorize the schedule described herein.

s/ Vicki Gordon Kaufman

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Attorneys for AT&T Florida and AT&T  
Communications of the Southern States,  
LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Motion was served via Electronic Mail and U.S. Mail this 2<sup>nd</sup> day of April, 2009 to the following:

Charles Murphy  
Staff Counsel  
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s/ Vicki Gordon Kaufman  
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