

Lisa S. Foshee  
General Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 3350754

October 9, 2001

Mrs. Blanca S. Bayó  
Director, Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

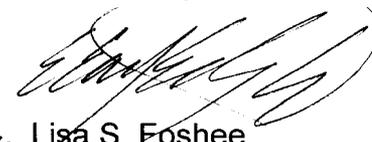
Re: **960786-A-TL (Section 271)**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Motion To Strike And Response To Mpower Communications, Corp.'s Notice of Withdrawal of the Pre-Filed Testimony of Scott A. Sarem, 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 of record as shown on the certificate of service.

Sincerely,-----,

  
for: Lisa S. Foshee

Enclosures

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

**CERTIFICATE OF SERVICE  
DOCKET NO. 960786-A-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sewed by Electronic Mail (#) and Federal Express this 9th day of October, 2001 to the following:

Mr. Brian Sulmonetti (+)  
LDDS **WorldCom** Communications  
Suite 3200  
6 Concourse Parkway  
Atlanta, GA 30328  
Tel. No. (770) 2845493  
Fax. No. (770) 284-5488  
[brian.sulmonetti@wcom.com](mailto:brian.sulmonetti@wcom.com)

Floyd R. Self, Esq. (+)  
Messer Law Firm  
215 South Monroe Street  
Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-I 876  
Tel. No. (850) 222-0720  
Fax. No. (850) **224-4359**  
Represents **LDDS/ACSI**  
[fself@lawfla.com](mailto:fself@lawfla.com)

**Vicki** Gordon Kaufman (+)  
Joseph A. **McGlothlin** (+)  
**McWhirter**, Reeves, **McGlothlin**,  
Davidson, Rief & Bakas, P.A.  
117 South **Gadsden** Street  
Tallahassee, Florida 32301  
Tel. No. (850) 222-2525  
Fax. No. (850) 222-5606  
Represents FCCA  
Represents **NewSouth**  
Represents KMC  
Represents **NuVox** Comm.  
Represents ACCESS  
Represents **XO**  
Represents Z-Tel  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)  
[jmclclothlin@mac-law.com](mailto:jmclclothlin@mac-law.com)

Charles J. Beck  
**Office** of Public Counsel  
111 W. Madison Street  
Suite 812  
Tallahassee, FL 32399-1400  
Tel. No. (850) 488-9330  
Fax No. (850) **488-4992**  
[Beck.Charles@leg.state.fl.us](mailto:Beck.Charles@leg.state.fl.us)

Richard D. **Melson** (+)  
Hopping Green Sams & Smith  
123 South Calhoun Street  
P.O. Box 6526  
Tallahassee, FL 32314  
Tel. No. (850) 222-7500  
Fax. No. (850) 224-8551  
Represents MCI, Rhythms  
[RMelson@hgss.com](mailto:RMelson@hgss.com)

Susan S. Masterton (+)  
Sprint Communications Co.  
Post **Office** Box 2214 (zip 32316-2214)  
1313 Blair Stone Road  
Tallahassee, FL 32301  
Tel. (850) **599-1560**  
Fax (850) 878-0777  
[susan.masterton@mail.sprint.com](mailto:susan.masterton@mail.sprint.com)

Beth Keating, Staff Counsel (#)  
**MaryAnne** Helton  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6212  
Fax. No. (850) 413-6250  
[bkeating@psc.state.fl.us](mailto:bkeating@psc.state.fl.us)  
[mhelton@psc.state.fl.us](mailto:mhelton@psc.state.fl.us)

Scott Sapperstein  
Intermedia Comm., Inc.  
One Intermedia Way  
MCFLT-HQ3  
Tampa, Florida 33647-1752  
Tel. No. (813) 8294093  
Fax. No. (813) 8294923  
[Sasapperstein@intermedia.com](mailto:Sasapperstein@intermedia.com)

Rhonda P. Merritt  
AT&T  
101 North Monroe Street  
Suite 700  
Tallahassee, FL 32301  
Tel. No. (850) 425-6342  
Fax. No. (850) **425-6361**  
[rpmerritt@ATT.com](mailto:rpmerritt@ATT.com)

James P. Lamoureux (+)  
Senior Attorney  
AT&T Communications of  
the Southern States, Inc.  
1200 Peachtree Street, **N.E.**  
Atlanta, GA 30309  
Tel. No. (404) 8104196  
Fax No. (404) 877-7648  
[jlamoureux@att.com](mailto:jlamoureux@att.com)

Kenneth A. Hoffman, Esq. (+)  
Rutledge, Ecenia, Underwood,  
Pumell & Hoffman, P.A.  
215 South Monroe Street  
Suite 420  
P.O. Box 551  
Tallahassee, FL 32302  
Tel No. (850) 681-6788  
Fax. No. (850) **681-6515**  
Represents TCG  
Represents US LEC  
[Ken@Reuphlaw.com](mailto:Ken@Reuphlaw.com)

John R. Marks, III  
215 South Monroe Street  
Suite 130  
Tallahassee, FL 32301  
Tel. (850) 222-3768  
Fax. (850) 561-0397  
Represents **BellSouth**  
[JohnM@KMRLaw.com](mailto:JohnM@KMRLaw.com)

Kenneth S. Ruth  
Florida Director CWA  
2180 West State Road 434  
Longwood, FL 32779  
Tel. (407) 772-0266  
Fax. (407) 772-2516  
[Kruth@cwa-union.org](mailto:Kruth@cwa-union.org)

Marilyn **H.** Ash  
MGC Communications, Inc.  
3301 **N.** Buffalo Drive  
Las Vegas, NV 89129  
Tel. No. (702) 3108461  
Fax. No. (702) 310-5689

Rodney L. Joyce  
Shook, Hardy & Bacon, L.L.P.  
600 14th Street, N.W.  
Suite 800  
Washington, D.C. 20005-2004  
Tel. No. (202) 639-5602  
Fax. No. (202) 7834211  
[rjoyce@shb.com](mailto:rjoyce@shb.com)  
Represents Network Access Solutions

Michael Gross/Charles Dudley (+)  
FCTA, Inc.  
246 E. 6th Avenue  
Suite 100  
Tallahassee, FL 32303  
Tel. No. (850) 681-1990  
Fax. No. (850) 681-9676  
[mgross@fcta.com](mailto:mgross@fcta.com)

Nanette Edwards  
**ITC^DeltaCom**  
4092 South Memorial Parkway  
Huntsville, AL 35802  
Tel. No. (256) 382-3856  
Fax. No. (256) 382-3969  
[nedwards@itcdeltacom.com](mailto:nedwards@itcdeltacom.com)  
Represented by Hopping Law Firm

Donna **McNulty**  
MCI **WorldCom**  
325 John Knox Road  
Suite 105  
Tallahassee, FL 323034131  
Tel. No. (850) 422-1254  
Fax. No. (850) 422-2586  
[donna.mcnulty@wcom.com](mailto:donna.mcnulty@wcom.com)

Network Access Solutions Corp.  
100 Carpenter Drive  
Suite 206  
Sterling, VA 20164  
Tel. No. (703) 742-7700  
Fax. No. (703) 742-7706  
Represented by Shook, Hardy & Bacon

Karen Camechis (+)  
Pennington Law Firm  
215 South Monroe Street  
2<sup>nd</sup> Floor  
Tallahassee, FL 32301  
Tel. No. (850) 222-3533  
Fax. No. (850) 222-2126  
Represents Time Warner  
[karen@penningtonlawfirm.com](mailto:karen@penningtonlawfirm.com)

Rhythms Links, Inc.  
6933 South Revere Parkway  
Suite 100  
Englewood, CO 80112  
Tel. No. (303) 4764200  
Represented by Hopping Law Firm

Benjamin **Fincher**  
Sprint/Sprint-Metro  
3100 Cumberland Circle  
**#802**  
Atlanta, GA 30339  
Tel. No. (404) **649-5144**  
Fax. No. (404) 649-5174  
Represented by **Ervin** Law Firm

Carolyn Marek  
Time Warner  
Regulatory Affairs, SE Region  
233 **Bramerton** Court  
Franklin, TN 37069  
Tel. No. (615) 3766404  
Fax. No. (615) 3766405  
[carolyn.marek@twtelecom.com](mailto:carolyn.marek@twtelecom.com)  
Represented by Pennington Law Firm  
Represented by Parker Poe Adams

James Falvey  
**ACSI**  
131 National Business Parkway  
Annapolis Junction, MD 20701  
Represented by Messer Law Firm

Matthew Feil (+)  
Florida Digital Network, Inc.  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
Tel. No. (407) 835-0460  
[mfeil@floridadigital.net](mailto:mfeil@floridadigital.net)

Michael Sloan (+)  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W.  
Suite 300  
Washington, D.C. 20007-5116  
Tel. No. (202) 295-8458  
Fax No. (202) 424-7645  
Represents FDN  
[mcsloan@swidlaw.com](mailto:mcsloan@swidlaw.com)

Katz, Kutter Law Firm (+)  
Charles J. **Pellegrini/Patrick** Wiggins  
106 E. College Avenue  
Tallahassee, FL 32301  
Tel. No. 850-224-9634  
Fax. No. 850-224-9634  
[pkwiggins@katzlaw.com](mailto:pkwiggins@katzlaw.com)

Lori Reese  
Vice President of Governmental Affairs  
**NewSouth** Communications  
Two Main Street  
Greenville, South Carolina 29609  
Tel. No. (864) 6725177  
Fax. No. (864) 6725040  
[lreese@newsouth.com](mailto:lreese@newsouth.com)

Genevieve Morelli  
Andrew M. Klein  
Kelley Drye & Warren LLP  
1200 19th Street, NW  
Suite 500  
Washington, DC 20036  
Represents KMC  
[aklein@kelleydrye.com](mailto:aklein@kelleydrye.com)

John D. McLaughlin, Jr.  
KMC Telecom  
1755 North Brown Road  
Lawrenceville, Georgia 30043  
[jmclau@kmctelecom.com](mailto:jmclau@kmctelecom.com)

Suzanne F. Summerlin, Esq.  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, Florida 32301  
Tel. No. (850) 656-2288  
Fax. No. (850) 656-5589  
Represents IDS Telecom  
[summerlin@nettally.com](mailto:summerlin@nettally.com)

Henry C. **Campen**, Jr. (+)  
Parker, Poe, Adams & Bernstein, LLP  
P.O. Box 389  
First Union Capital Center  
150 Fayetteville Street Mall  
Suite 1400  
Raleigh, NC 27602-0389  
Tel. No. (919) **890-4145**  
Fax. No. (919) 8344564  
Represents US LEC of Florida  
Represents **NuVox** Comm.  
Represents **XO**  
Represents Time Warner  
[henrycampen@parkerpoe.com](mailto:henrycampen@parkerpoe.com)

Catherine F. Boone  
Covad Communications Company  
10 **Glenlake** Parkway, Suite 650  
Atlanta, Georgia 303283495  
Tel. No. (678) 222-3466  
Fax. No. (678) 320-0004  
[cboone@covad.com](mailto:cboone@covad.com)

Bruce Culpepper, Esq.  
Akerman, Senterfitt & Eidson  
301 South Bronough Street  
Suite 200  
Post Office Box 10555  
Tallahassee, FL 32302-2555  
Attys. for AT&T  
Tel. No. (850) 222-3471  
Fax. No. (850) 222-8628

Mark D. Baxter  
Stone & Baxter, LLP  
**557** Mulberry Street  
Suite 1111  
Macon, Georgia 31201-8256  
Represents ACCESS  
[mbaxter@stoneandbaxter.com](mailto:mbaxter@stoneandbaxter.com)

Dana Shaffer  
**XO** Communications, Inc.  
105 **Molloy** Street, Suite 300  
Nashville, Tennessee 37201-2315  
Tel. (615) 777-7700  
Fax. (615) 345-1564  
[dana.shaffer@xo.com](mailto:dana.shaffer@xo.com)  
Represented by Parker Poe Adams

Peggy Rubino  
Z-Tel Communications, Inc.  
601 South Harbor Island Boulevard  
Suite 220  
Tampa, Florida 33602  
Tel. No. (813) 2334611  
Fax. No. ~~(813) 233-4620~~

  
Lisa S. Foshee  
(+) **Signed Protective Agreement**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Consideration of BellSouth )  
Telecommunications, Inc.'s entry into ) Docket No. 960786-A-TL  
interLATA services pursuant to Section )  
271 of the Federal Telecommunications )  
Act of 1996. )  
\_\_\_\_\_ ) Filed: October 9, 2001

**BELLSOUTH TELECOMMUNICATIONS, INC.'S MOTION TO STRIKE AND  
RESPONSE TO MPOWER COMMUNICATIONS, CORP.'S NOTICE OF  
WITHDRAWAL OF THE PRE-FILED TESTIMONY OF SCOTT A. SAREM**

BellSouth Telecommunications, Inc. ("BellSouth") responds to Mpower Communications, Corp.'s ("Mpower") Notice of Withdrawal of the Pre-Filed Testimony of Scott A. Sarem ("Notice of Withdrawal") and, pursuant to *Fla. R. Civ. P.* 1.140(f), moves to strike portions of the Notice of Withdrawal as being nothing more than an immaterial pre-planned theatrical display.

**DISCUSSION**

On October 4, 2001, Mpower filed a Notice of Withdrawal directed to the Rebuttal Testimony of Scott A. Sarem previously filed on July 20, 2001. While BellSouth has no objection to Mpower withdrawing its testimony from this proceeding, BellSouth does object to the improper and unsupported allegations contained in the Notice of Withdrawal.

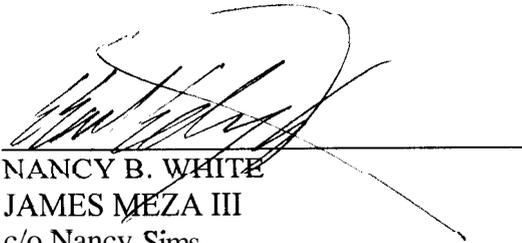
The timing of Mpower's Notice of Withdrawal is suspect given that Mpower made an almost identical filing on the eve of the Georgia Commission's decision in the Georgia 271 docket. In that Georgia docket, Mpower filed Supplemental Comments withdrawing its support of BellSouth's long-distance application based primarily on the same unsupported allegations made in Notice of Withdrawal filed in this proceeding. Of

particular interest is the fact that the Supplemental Comments filed in Georgia are dated September 18, 2001, while the Notice of Withdrawal tiled in this proceeding is dated October 4, 2001.

BellSouth welcomes the opportunity to respond to Mpower's unsupported allegations in a proper forum and will do so if Mpower initiates such a complaint. This proceeding, however, is not the proper forum, especially given that these allegations are equivalent to tiling supplemental testimony one week before a hearing, which would be a direct violation of the testimony schedule set forth in the Commission's Order Establishing Procedure. In essence, this is nothing more than an attempt by Mpower to unfairly prejudice BellSouth's position in this proceeding. Thus, BellSouth respectfully requests that Mpower be allowed to withdraw the testimony of Scott A. Sarem, but that the Commission strike paragraphs 1 through 12 of the Notice of Withdrawal as being improper, spurious and in violation of the Commission's Order Establishing Procedure.

Respectfully submitted this 9<sup>th</sup> day of October 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

*for:*   
NANCY B. WHITE  
JAMES MEZA III  
c/o Nancy Sims  
150 South Monroe Street, Suite 400  
Tallahassee, FL 3230 1  
(305) 347-5561



---

LISA FOSHEE  
FRED MCCALLUM  
E. EARL EDENFIELD JR.,  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 3350754

414889

END OF DOCUMENT