

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BellSouth
Telecommunications, Inc. Against
IDS Telcom LLC to Enforce
Interconnection Agreement Deposit
Requirements

Docket No. 040488-TP
Filed: October 5, 2004

JOINT MOTION TO HOLD DOCKET IN ABEYANCE

IDS Telcom, LLC (IDS) and BellSouth Telecommunications, Inc. (BellSouth) (collectively, the Parties), move for the entry of an order holding this docket, and all activities in this docket, in abeyance so that the Parties may continue to engage in discussion following mediation in an effort to resolve the dispute at issue in this docket as well as other pending disputes between the Parties. As grounds therefore, the Parties state:

1. On May 21, 2004, BellSouth filed a Complaint against IDS regarding its demand for a deposit. IDS filed an Answer, Affirmative Defenses and Counterclaim on June 21, 2004.
2. Due to the expedited nature of the proceeding, the Parties agreed to file informational legal briefs with the Commission.
3. A Staff recommendation was filed on July 8, 2004 and considered at the August 4, 2004 Agenda Conference.
4. On August 23, 2004, the Commission issued Order No. PSC-04-0824-PAA-TP (PAA Order) in which it required IDS to comply with certain deposit conditions set out in the PAA Order.
5. On September 13, 2004, IDS protested the PAA Order.

6. On October 4, 2004, BellSouth filed a Response to IDS' Protest and a Motion to Dismiss. In the ordinary course, IDS' Response to BellSouth's Motion to Dismiss would be due on October 11, 2004.

7. The Commission encourages the mediation and amicable resolution of disputes. Therefore, on September 29-30, 2004, mediation was conducted between the Parties. The mediation encompassed not only the deposit issue raised in this docket, but also billing disputes between the Parties raised in Docket No. 031125-TP as well as other issues. Though additional work remains to be done, the Parties are optimistic that they can work together to resolve the deposit matter at issue in this docket and the other pending matters.

8. Thus, the Parties request that this docket be held in abeyance until November 12, 2004 and that IDS' time to respond to BellSouth's Motion to Dismiss be tolled until the entry of a Procedural Order, if necessary, so that the Parties may continue to work diligently toward amicable resolution of all disputes.

WHEREFORE, the Parties request that the Commission hold this docket in abeyance until November 12, 2004 and toll IDS' time to respond to BellSouth's Motion to Dismiss until Entry of a Procedural Order, if necessary.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Motion to Hold Docket in Abeyance has been served upon the following parties by (*) electronic mail and U.S. mail this 5th day of October 2004.

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