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> > June 25, 2010

**R. DAVID PRESCOTT** HAROLD F. X. PURNELL MARSHA E BUILE GARY R. RUTLEDGE MAGGIE M. SCHULTZ

HAND DELIVERY

GOVERNMENTAL CONSULTANTS JONATHAN M. COSTELLO MARGARET A. MENDUNI

IN 25 PH 3:

# Ms. Ann Cole, Director Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Betty Easley Conference Center Room 110 Tallahassee, FL 32399-0850

Docket No. 100275-TP Re:

Dear Ms. Cole:

Enclosed for filing on behalf of Grande Communications Networks, LLC ("Grande") are the following documents:

1. Original and four copies of Grande's Unopposed Motion to Revise Schedule; and

05280-10

Original and four copies of Grande's Answer and Affirmative Defenses. 2.

05283-10 Please acknowledge receipt of these documents by stamping the extra copy of this letter COM "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

& F. Rule

Marsha E. Rule

MER/rl Enclosures F:\USERS\ROXANNE\Cole.june 25 10.wpd

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STEPHEN A. ECENIA **RICHARD M. ELLIS** JOHN M. LOCKWOOD MARTIN P. McDONNELL J. STEPHEN MENTON

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APA

### **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Complaint of BellSouth Telecommunications, Inc. d/b/a AT&T Florida Against Grande Communications Networks LLC, and Grande Communications Networks, Inc.

Docket No. 100275-TP

Filed: June 25, 2010

#### **GRANDE'S UNOPPOSED MOTION TO REVISE SCHEDULE**

Pursuant to Rule 28-106.204, Florida Administrative Code, Grande Communications Networks, LLC, ("Grande"), respectfully requests the Florida Public Service Commission to revise the schedule for filing its Answer in the above-referenced docket or alternatively, to accept Grande's Answer as timely. In support, Grande states:

1. AT&T filed its Complaint against Grande on May 11, 2010. The Complaint was served upon Grande by the Commission Clerk on May 12, 2010, via certified mail, return receipt requested. Rule 28-106.204(2), Florida Administrative Code, permits Grande to move to dismiss AT&T's complaint no later than twenty (20) days after service. Rule 28-106.203, Florida Administrative Code, permits but does not require Grande to respond to AT&T's petition. The rule does not establish a deadline for such response.

2. Grande and AT&T have actively engaged in good faith settlement negotiations and previously agreed upon an initial response date and a revision to that date. *See* Order Nos. PSC-10-0352-PCO-TP and PSC-10-0379-PCO-TP. Thereafter, the parties agreed upon a further extension of time to permit continued settlement negotiations. On June 18, 2010, an unopposed motion to revise the filing date to June 25, 2010, was prepared and served upon the parties. Grande later learned, however, that due to a clerical error the motion was not filed with the Commission and the schedule therefore was not revised as agreed.

DOCUMENT NO. DATE 05280-10 612510 FPSC - COMMISSION CLERK

3. Grande is filing its Answer and Affirmative Defenses on the date agreed upon by the parties. No party will be prejudiced by such filing, and Grande is authorized to represent that AT&T does not oppose this motion.

WHEREFORE, Grande respectfully requests the Commission to revise the schedule in this matter to permit it to file its response on June 25, 2010, or alternatively, to accept its June 25, 2010 filing of its Answer and Affirmative Defenses as timely.

Respectfully submitted this 25<sup>th</sup> day of June, 2010.

Marshe E. Vale

Marsha E. Rule Rutledge, Ecenia & Purnell, P.A. 119 South Monroe Street, Suite 202 Tallahassee, FL 32301 Telephone: 850.681.6788 Facsimile: 850.681.6788 Email: marsha@reuphlaw.com

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by email and United States Mail, this 25<sup>th</sup> day of June, 2010, to the following:

Florida Public Service Commission: Martha Brown, Esq. Pauline Evans, Esq. Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 Email: mbrown@psc.state.fl.us peavans@psc.state.fl.us lking@psc.state.fl.us jgowen@psc.state.fl.us

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AT&T Florida: E. Edenfield/T. Hatch/M. Gurdian c/o Mr. Gregory Follensbee 150 South Monroe Street, Suite 400 Tallahassee, FL 32301-1561 Email: greg.follensbee@att.com

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