

From: GURDIAN, MANNY (Legal) [mg2708@att.com]
Sent: Friday, October 08, 2010 10:25 AM
To: Filings@psc.state.fl.us
Cc: Adam Teitzman; Larry Harris; [REDACTED] HATCH, TRACY W (Legal); EDENFIELD JR., KIP (Legal); SIRIANNI, MARYROSE (ATTSI); FOLLENSBEE, GREGORY R (ATTSI)
Subject: 100175-TL AT&T Florida's Response in Opposition to Motion to Suspend
Attachments: Document.pdf



Document.pdf
(927 KB)

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- B. In re: Docket No. 100175-TL: Complaint against AT&T d/b/a BellSouth for Alleged violation of various sections of Florida Administrative Code, Florida Statutes, and AT&T Regulations pertaining to billing of charges and Collection of charges, fees, and taxes
- C. BellSouth Telecommunications, Inc. d/b/a AT&T Florida on behalf of Manuel A. Gurdian
- D. 5 pages total (includes letter, pleading and certificate of service)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Response in Opposition to Motion to Suspend

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October 8, 2010

Ms. Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

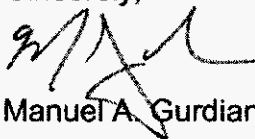
In re: Docket No. 100175-TL: Complaint against AT&T d/b/a BellSouth for Alleged violation of various sections of Florida Administrative Code, Florida Statutes, and AT&T Regulations pertaining to billing of charges and Collection of charges, fees, and taxes

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Response in Opposition to Petitioner's Motion to Suspend, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All parties of record
Jerry Hendrix
Gregory R. Follensbee
E. Earl Edenfield, Jr.

CERTIFICATE OF SERVICE
Docket No. 100175-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U.S. Mail this 8th day of October, 2010 to the following:

Adam Teitzman
General Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us





Mandel A. Gurdian

¹ Commission Legal Staff has requested that AT&T Florida redact the customer's name and contact information.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint against AT&T d/b/a BellSouth for)
Alleged violation of various sections of Florida)
Administrative Code, Florida Statutes, and AT&T)
Regulations pertaining to billing of charges and)
Collection of charges, fees, and taxes)
_____)

100175-TL

Filed: October 8, 2010

AT&T FLORIDA'S RESPONSE IN OPPOSITION TO MOTION TO SUSPEND

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") hereby files, pursuant to Rule 28-106.204, Florida Administrative Code, this Response in Opposition to "Motion to Suspend 10/12/10 Regular Agenda Pending Clarification"¹ ("Motion") filed by [REDACTED] ("Petitioner") in this docket. For the reasons set forth below, the Florida Public Service Commission ("Commission") should deny the requested relief.

1. On October 6, 2010, Petitioner filed her Motion to "suspend October 12, 2010 Florida Public Service Commission (Commission) Regular Agenda pending clarification about status of Docket No. 100312-EI with regard to Florida Power and Light Company (FPL) September 2, 2010 Verified Motion and FPL September 22, 2010 Notice".

2. In her Motion, Petitioner moved "to suspend 10/12/10 Agenda pending resolution of issues addressed in this Motion and clarification via Order about Commission conflict and confusion Memorandum presents."

3. Petitioner also claimed that the "10/12/10 scheduled date of Agenda suggest confusion and seems rushed given no resolution to conflict with regard to Docket No. 100312-EI. Also, Memorandum is factually inaccurate, contradictory in its Staff Analysis and fails to meet Standard of Review".

¹ Commission Legal Staff has requested that AT&T Florida redact the customer's name from the pleading.

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4. As an initial matter, AT&T Florida does not object to a postponement of the consideration by the Commission of the pending Staff Recommendation from the October 12, 2010 Agenda Conference to the October 26, 2010 Agenda Conference. However, AT&T Florida does object to any further postponement beyond October 26, 2010 as Petitioner has not set forth a valid reason for further delay. Moreover, AT&T Florida objects to Petitioner's argument in the Motion as to the merits of the Staff Recommendation as this type of argument is more appropriately made at the Agenda Conference.

5. On September 22, 2010, in Docket No. 100312-EI, Florida Power and Light Company ("FPL") filed a Notice that its September 2, 2010 Verified Motion to Disqualify Commissioner Skop applies to Docket 100312-EI ("Notice"). In its Notice, FPL indicates that it "objects to Commissioner Skop's further participation in this docket" and that Order No. PSC-10-0573-PCO-EI should apply in this docket as well as the dockets specifically enumerated in the Order.

6. While Petitioner's Motion is not entirely clear, it appears that Petitioner is requesting an indefinite postponement of the Commission's consideration of the Staff Recommendation until there is a resolution of the issues raised by FPL's September 2, 2010 Verified Motion and September 22, 2010 Notice.

7. AT&T Florida notes that Docket Nos. 100175-TL and 100312-EI have not been consolidated and, thus, the dockets should be considered separately by the Commission, to the extent, the Commission does not wish to move forward in any dockets involving FPL.

8. Accordingly, AT&T Florida respectfully requests that the Commission move forward and issue a decision on the pending Staff Recommendation in Docket No. 100175-TL, as Petitioner has not set forth valid grounds for continued delay of these proceedings.

WHEREFORE, AT&T Florida, respectfully requests that the Commission enter an Order denying Petitioner's request to postpone the Commission's consideration of the Staff Recommendation beyond the October 26, 2010 Agenda Conference.

Respectfully submitted this 8th day of October, 2010.



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