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SC PUBLIC SERVICE COMMISSION

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NOS. 2003-326-C AND 2003-327-C

IN RE:

Docket No. 2003-326-C -- Analysis of Continued Availability of Unbundled Local Switching for Mass Market Customers Pursuant to the Federal Communications Commission's Triennial Review Order	)
and	)
Docket No. 2003-327-C -- Continued Availability of Unbundled High Capacity Loops at Certain Locations and Unbundled High Capacity Transport on Certain Routes Pursuant to the Federal Communications Commission's Triennial Review Order	)

SCTC AND SC NET
PETITION FOR RECONSIDERATION OF ORDER NO. 2003-730

The South Carolina Telephone Coalition, on behalf of its member companies and affiliated competitive local exchange carrier companies ("SCTC"), all of whom are parties of record to the above-captioned proceedings, and South Carolina Net, Inc. ("SC Net"), which, pursuant to Order No. 2003-728, is a limited party to the above-referenced proceedings for purposes of discovery only, hereby petition the South Carolina Public Service Commission ("the Commission"), pursuant to S.C. Code Ann. § 58-9-1200 (1976), S.C. Code Ann. § 1-23-310 et seq. (1976 & Supp. 1997), and applicable Commission rules and regulations, for reconsideration of the Commission's Order

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No. 2003-730, issued in this docket on December 17, 2003. Counsel for the SCTC and SC Net received a copy of Commission Order No. 2003-730 on January 2, 2004. In support of the Petition for Reconsideration, the SCTC and SC Net respectfully state the following:

1. Commission Order No. 2003-730 (the "Order") was issued in response to the Joint Motion of BellSouth Telecommunications, Inc. and CompSouth. The Joint Motion was taken up and ruled upon by the Commission prior to the issuance of a Notice of Filing, public notice of the initiation of the proceeding, or identification of all of the interested parties to the proceeding. In fact, the Joint Motion was taken up and ruled upon prior to the intervention of SCTC and prior to the Commission notifying certificated South Carolina carriers (including SC Net) that they were being made parties to the proceeding for the limited purpose of discovery.

2. The Order sets forth rules with respect to discovery in these proceedings that vary significantly from the South Carolina Rules of Civil Procedure and from the Commission's own discovery rules.

3. Neither SCTC nor SC Net had prior notice or an adequate opportunity to participate in the development of these procedures or to have input into the proposed procedures prior to the issuance of the Order and, therefore, SCTC and SC Net were not afforded due process with respect to issuance of the Order.

4. SCTC and SC Net have been prejudiced as a result of lack of notice and opportunity to be heard with respect to the Order. The procedures contained in the Order are such that they may allow other parties to impose an undue burden on small companies, like SCTC member companies and their affiliated competitive local exchange carriers, and on entities that have been made parties for limited purposes, like SC Net. For example, the Order places no reasonable limitation on the scope or volume of discovery that may be conducted.

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5. The South Carolina Rules of Civil Procedure limit the number of interrogatories that may be served upon other parties. See SCRCP Rule 33(b)(8) (" . . . the total number of general interrogatories to any one party *shall not exceed fifty questions including subparts*, except by leave of court upon good cause shown"). The interrogatories served thus far on SCTC and SC Net, respectively, in these proceedings exceed this limitation.

6. In addition to the potential for burdensome interrogatory requests, the Order could potentially be used to subject small companies and limited parties to numerous and lengthy depositions. Parties and non-parties with a limited interest in this proceeding should not be required to make employees or other persons available for depositions, except in those cases where the party intends to present a witness in these proceedings.

7. Likewise, parties and non-parties with a limited interest in this proceeding should not be required to be subjected to burdensome requests to produce documents. The requests that have been served thus far have been extremely broad and comprehensive.

8. The South Carolina Telephone Coalition and South Carolina Net respectfully request that the Commission reconsider Order No. 2003-730 and issue an order:

(1) Placing a reasonable limit on the number of interrogatories (including subparts) that may be served upon small companies and certificated carriers that have been made parties for limited purposes. SCTC and SC Net suggest that 50 interrogatories, including subparts, is an appropriate limitation, and is consistent with the South Carolina Rules of Civil Procedure. We recognize that SCTC and SC Net have already been served with interrogatory requests exceeding that number by one of the parties to these proceedings. SCTC and SC Net expect to respond to those requests, to the extent they have not already done so. However, we respectfully request that

the Commission limit any future interrogatory requests in accordance with this petition so as not to unduly burden SCTC and SC Net; and

(2) Excusing small companies and certificated carriers that have been made parties for limited purposes from the requirement to be available for depositions except in those cases where a party to the proceeding intends to have a witness testify in the proceeding; and

(3) Excusing small companies and certificated carriers that have been made parties for limited purposes from the requirement to respond to requests for the production of documents.

WHEREFORE, the South Carolina Telephone Coalition and South Carolina Net respectfully request that the Commission reconsider Order No. 2003-730 and grant the relief requested herein, or grant such other and further relief as is just and reasonable.

Respectfully submitted,

By: Margaret M. Fox

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Columbia, South Carolina

January 12, 2004

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BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NOS. 2003-326-C AND 2003-327-C

IN RE:

Docket No. 2003-326-C -- Analysis of Continued Availability of Unbundled Local Switching for Mass Market Customers Pursuant to the Federal Communications Commission's Triennial Review Order	**CERTIFICATE OF SERVICE**
and	
Docket No. 2003-327-C -- Continued Availability of Unbundled High Capacity Loops at Certain Locations and Unbundled High Capacity Transport on Certain Routes Pursuant to the Federal Communications Commission's Triennial Review Order	

This is to certify that I, Rebecca W. Martin, a Secretary with the McNair Law Firm, P. A., have this date served one (1) copy of the attached Petition for Reconsideration of Order No. 2003-730 in the above-referenced dockets to the persons named below by causing said copies to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below.

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