

**Before the
Federal Communications Commission
Washington, D. C. 20554**

In the Matter of)
)
BellSouth Telecommunications, Inc. Request)
for Declaratory Ruling that State) WC Docket No. 03-251
Commissions May Not Regulate Broadband)
Internet Access Services by Requiring)
BellSouth to Provide Wholesale or Retail)
Broadband Services to Competitive LEC)
UNE Voice Customers)

MOTION TO ACCEPT LATE FILED COMMENTS

BellSouth Corporation, on behalf of itself and its wholly owned subsidiaries (“BellSouth”), hereby moves that the Commission accept BellSouth’s Comments in the above referenced proceeding.

Comments on the Commission’s Notice of Inquiry regarding the Commission’s investigation of bundled service offerings were due on Monday, June 13, 2005. BellSouth attempted to effectuate filing through the electronic filing system. The filing appeared to have been transmitted but BellSouth did not receive a confirmation receipt. As a precautionary step, BellSouth attempted to re-file its comments several times (approximately 10 times), but did not receive a confirmation on any of the attempts. On the last attempt, BellSouth received an error notice stating that the Commission “system [had] experienced a server error and is currently unavailable.” The notice stated that the error was the inability to access the Sybase Server.¹ As required by the Notice of Inquiry, BellSouth did send an electronic copy of its comments to

¹ A copy of this error confirmation is attached at exhibit 1.

Janice Myles on the June 13th and BellSouth received confirmation that these copies were delivered.²

Acceptance of the late filed comments would not prejudice any party because Reply Comments are not due until July 12 and, thus, interested parties will have sufficient time to obtain BellSouth's comments and consider them before having to respond.

Accordingly, the Commission should grant BellSouth's Motion.

Respectfully submitted,

BELLSOUTH CORPORATION

By: /s/ Stephen L. Earnest
Stephen L. Earnest
Richard M. Sbaratta

Its Attorneys

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Atlanta, Georgia 30375-0001
(404) 335-0711

Date: June 14, 2005

² BellSouth divided its comments and attachments into three PDF files and sent the three files under separate emails. A Copy of each email delivery confirmation is attached as exhibit 2. Additionally, the undersigned spoke with Ms. Myles this morning and she confirmed that she had received the emails.

CERTIFICATE OF SERVICE

I do hereby certify that I have this 14th day of June 2005 served the following parties to this action with a copy of the foregoing **MOTION TO ACCEPT LATE FILED COMMENTS** by electronic filing to the parties listed below.

+Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals, 445 12th Street, S. W.
Room 5-B540
Washington, D. C. 20554

+ Best Copy and Printing, Inc.
Federal Communications Commission
The Portals 445 12th Street, SW
Room CY-B402
Washington, DC 20554

/s/ Lynn Barclay
Lynn Barclay

+ **VIA ELECTRONIC FILING**

EXHIBIT 1



Federal Communications Commission

SERVER client ERROR OCCURED

The system has experienced a server error and is currently unavailable

Mail us your comments or suggestions (To: webmail@fcc.gov)
FCC - Federal Communications Commission - m -

SERVER client ERROR OCCURED

The system has experienced a server error and is currently unavailable

Mail us your comments or suggestions (To: webmail@fcc.gov)
FCC - Federal Communications Commission - m -

Error:

Can't access Sybase Server

EXHIBIT 2

Barclay, Lynn

From: Postmaster
Sent: Monday, June 13, 2005 7:13 PM
To: Barclay, Lynn
Subject: Delivery Status Notification (Relay)



ATT108335.txt
(289 B)

03-251
outh's Comments

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

janice.myles@fcc.gov

Barclay, Lynn

From: Postmaster
Sent: Monday, June 13, 2005 7:14 PM
To: Barclay, Lynn
Subject: Delivery Status Notification (Relay)



ATT108340.txt RE: 03-251
(289 B) South's Commer

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

janice.myles@fcc.gov

Barclay, Lynn

From: Postmaster
Sent: Monday, June 13, 2005 7:15 PM
To: Barclay, Lynn
Subject: Delivery Status Notification (Relay)



ATT108341.txt RE: 03-251
(289 B) South's Commer

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

janice.myles@fcc.gov