

THE SUPREME COURT OF FLORIDA

CHARLES J. CRIST, JR., ATTORNEY
GENERAL, STATE OF FLORIDA,
Appellant,

v.

Case No.: SC04-9

LILA A. JABER, etc., et al., Appellees.

HOWARD MCLEAN, PUBLIC COUNSEL,
STATE OF FLORIDA, Appellant,

v.

Case No.: SC04-10

LILA A. JABER, etc., et al., Appellees.

Petition of Verizon Florida Inc. to
Reform its Intrastate Network Access and
Basic Local Telecommunications rates in
Accordance with Florida Statutes, Section
364.164

AARP, Appellant,

v.

Case No.: SC04-946

LILA A. JABER, etc., et al., Appellees.

**AARP's MOTION TO CONSOLIDATE
AND TO SET BRIEFING SCHEDULE**

AARP, Appellant in Case No. SC04-946, moves this Court to consolidate Case
No. SC04-946 with Case Nos. SC04-9 and SC04-10 for all appellate purposes, and

to establish a briefing schedule as set forth below.

Case No. SC04-946 is an appeal from an order by the Public Service Commission (PSC) rendered May 4, 2004, which order considered and confirmed the petitions by Sprint, Verizon and BellSouth previously approved by PSC Order No. PSC-03-1469-FOF-TL, issued December 24, 2003.

Case No. SC04-9 is an appeal of the PSC's December 24, 2003 and May 4, 2004 orders by the Attorney General, and Case No. SC04-10 is an appeal of these same orders by the Public Counsel. This Court directed the parties to Case Nos. SC04-9 and SC04-10 to show cause why they should not be consolidated. All parties that responded to the show cause order appeared to consent to consolidation. However, the Court subsequently relinquished jurisdiction in those cases to the PSC to rule on pending motions for reconsideration, and deferred ruling on the consolidation issue until after the relinquishment period concluded.

The relinquishment period in those two cases has now concluded. Additionally, AARP has filed the present appeal in Case No. SC04-946, creating a third case in this Court appealing the PSC's December 24, 2003 and May 4, 2004 orders. As the issues in each of these cases are the same, AARP submits that it is in the interest of judicial and legal economy to consolidate Case No. SC04-946 with Case Nos. SC04-9 and SC04-10 for all appellate purposes.

AARP submits that following consolidation, the Appellants' Initial Briefs should be served by **August 12, 2004** (70 days from the filing of AARP's notice of appeal, pursuant to Rule 9.110(f) of the Florida Rules of Appellate Procedure), and additional briefs should be served as set forth in Rule 9.210(f).

AARP's counsel has conferred with counsel for parties to SC04-9, SC04-10, and SC04-946. Counsel for the Attorney General and Public Counsel have no opposition to this motion. Counsel for Appellees BellSouth, AT&T, MCI, Verizon and Sprint-Florida stated no objection to either the requested consolidation or the requested briefing schedule. Appellee PSC indicated its support for the consolidation of the three appeals, no objection to the proposed briefing schedules, and requested that the undersigned make the Court aware that the PSC Clerk can prepare the record and serve the index on the parties by June 30, 2004, if required to meet whatever briefing schedule the Court may establish. Counsel for Appellee Knology of Florida, Inc. had not responded by the time this motion was finalized.

WHEREFORE, AARP respectfully requests that this Court enter an order consolidating Case No. SC04-946 with Case Nos. SC04-9 and SC04-10 for all appellate purposes, and establishing a briefing schedule as proposed herein, and grant such further relief as the Court deems appropriate.

DATED this _____ day of June, 2004.

Respectfully submitted,

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CERTIFICATE OF FONT COMPLIANCE

I HEREBY CERTIFY that the foregoing AARP's Motion to Consolidate and to Set Briefing Schedule has been prepared using Times New Roman 14-point font.

Michael B. Twomey

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has been furnished by

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