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### GTE Telephone Operations

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February 29, 1996

**ORIGINAL  
FILE COPY**

Ms. Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Dear Ms. Bayo:

Re: Docket No. 950984-TP  
Resolution of petition(s) to establish nondiscriminatory rates, terms and conditions for resale involving local exchange companies and alternative local exchange companies pursuant to Section 364.161, Florida Statutes

Please find enclosed for filing an original and fifteen copies of GTE Florida Incorporated's Response To and Joinder With Parts of Motion on Issues and Parties Eiled by United Telephone and Central Telephone in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions with regard to this matter, please contact me at 813-228-3087.

Very truly yours,

*Anthony P. Gillman*  
Anthony P. Gillman

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
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APG:tas  
Enclosures

A part of GTE Corporation

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*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
02522 FEB 29 1996  
FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Resolution of petition(s) to establish )  
nondiscriminatory rates, terms and conditions )  
for resale involving local exchange companies )  
and alternative local exchange companies )  
pursuant to Section 364.161, Florida Statutes )  
\_\_\_\_\_ )

Docket No. 950984-TP  
Filed: February 29, 1996

**GTE FLORIDA INCORPORATED'S RESPONSE TO AND JOINDER WITH  
PARTS OF MOTION ON ISSUES AND PARTIES FILED  
BY UNITED TELEPHONE AND CENTRAL TELEPHONE**

GTE Florida Incorporated (GTEFL) responds to and joins with portions of the motion on the issues and parties filed by United Telephone Company and Central Telephone Company (hereinafter collectively referred to as United/Centel). GTEFL's response is as follows:

1. United/Centel filed its Motion on Issues and Parties on February 21, 1996. Because GTEFL was served by first class mail with this motion, its response is due on March 4, 1996. Rules 25-22.037(2)(b) and 25-22.030(4).

2. In its motion, United/Centel first seeks a change in the issues so that an order issued in this proceeding will be binding upon all parties who have participated in the hearing, including those parties who have not filed petitions against either United/Centel or GTEFL. If the Commission finds that the non-petitioning parties should not be bound by the decision in this case, then United/Centel seeks an order dismissing those parties not filing petitions on the grounds that their substantial interests will not be affected in the proceeding. Finally, United/Centel seeks the addition of a new issue so that this issue can be briefed.

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3. GTEFL does not agree with United/Centel's first motion. Although GTEFL does not necessarily disagree with the legal authorities cited by United/Centel, GTEFL believes that the intent behind Sections 364.161 and 162 of the Florida Statutes was for parties to negotiate individual interconnection contracts with one another and that the Commission was to act as an arbitrator of any disputes between such parties. If individual contracts were intended by the legislature, then GTEFL contends that the Commission should conduct individual proceedings as well (although combined as necessary to encourage administrative efficiency). Thus, GTEFL does not believe that MCI Metro should be bound by the decision in this case any more than GTEFL will be bound with respect to MCI Metro.

4. However, because none of the intervening parties will be bound by the decision, GTEFL feels that United/Centel's second motion has merit. As such, GTEFL fully concurs with and joins with United/Centel on this motion and adopts United/Centel's arguments made in support of that motion. Not being bound by the decision in this case, the non-petitioning parties have not shown that they will suffer an injury in fact of sufficient immediacy, as argued by United/Centel.

5. GTEFL also contends that it would be more efficient to limit this proceeding only to the petitioning parties and allow the Commission to act as an arbitrator of disputes only between these parties. The time and money spent in each hearing would be much less if the Commission was able to focus specifically on arbitrating the outstanding disputes between the petitioning parties rather than take views from every other ALEC in the state. No one is saving either time or resources when all parties feel compelled to

present full evidentiary cases every time a petition is filed. The non-petitioning parties will have full recourse to take any action against GTEFL or United/Centel in the event they are subsequently unable to agree on interconnection terms with those companies. As such, dismissing them from this petition will not prejudice them later.

5. GTEFL has no objection to United/Centel's proposal to add a new issue so that this question can be briefed by the parties.

WHEREFORE, GTEFL respectfully moves the Commission to dismiss all parties who have not filed petitions from this proceeding for lack of standing.

Respectfully submitted on February 29, 1996.

By: Anthony P. Gillman/dm  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Response To and Joinder With Parts of Motion on Issues and Parties Filed by United Telephone and Central Telephone in Docket No. 950984-TP were sent via facsimile (\*) or U.S. mail (\*\*\*) on February 29, 1996 to the parties on the attached list.

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