

J. Phillip Carver
General Attorney

BellSouth Telecommunications, Inc.
c/o Nancy H. Sims
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Telephone: 305 347-5558

ORIGINAL
FILE COPY

June 13, 1996

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Rm. 110
Tallahassee, FL 32399-0850

RE: Docket 960658-TP
Joint Complaint against BellSouth

Dear Mrs. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Answer to Joint Complaint, which we ask that you file in the captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

J. Phillip Carver
J. Phillip Carver (Handwritten Signature)

ACK _____
AFA _____
APP _____

CAF Enclosures

CTR All Parties of Record
CTR _____ A. M. Lombardo
EAG _____ R. G. Beatty
EAG _____ R. Douglas Lackey
LEG 1
LIN 5
OPC _____
RCH _____
SEC 1
WAS _____
OTH _____

RECEIVED & FILED

[Handwritten Signature]
FPSC BUREAU OF RECORDS

DOCUMENT NUMBER - DATE
06432 JUN 13 96
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Florida) Docket No. 960658-TP
Interexchange Carriers Association,))
MCI Telecommunications Corporation,))
and AT&T Communications of the) Filed: June 13, 1996
Southern States, Inc., against))
BellSouth Telecommunications,))
Inc.))

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
ANSWER TO JOINT COMPLAINT**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), pursuant to Rule 25-22.037, Florida Administrative Code, hereby files its Answer to the Joint Complaint of the Florida Interexchange Carriers Association ("FIXCA"), MCI Telecommunications Corporation ("MCI"), and AT&T Communications of the Southern States, Inc. ("AT&T"), (collectively "Complainants") and states the following:

1. As to the allegations of Paragraph 1, BellSouth is without knowledge of the allegations set forth therein. Accordingly, they are deemed to be denied.

2. As to the allegations of Paragraph 2, BellSouth is without knowledge of the allegations set forth therein. Accordingly, they are deemed to be denied.

3. As to the allegations of Paragraph 3, BellSouth is without knowledge of the allegations set forth therein. Accordingly, they are deemed to be denied.

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4. BellSouth admits the allegations of the first sentence of Paragraph 4. BellSouth denies the remaining allegations of this paragraph. The address listed is not BellSouth's general business address. The address listed is the address of the BellSouth Regulatory office at which BellSouth typically requests that pleadings be served. However, BellSouth requests that these pleadings be served upon the current Director of Regulatory Relations, Nancy H. Sims, not Marshall M. Criser.

5. As to the allegations of Paragraph 5, the allegations are not factual in nature, and therefore do not require a response. However, BellSouth admits that the Florida Public Service Commission ("Commission") has jurisdiction to resolve the instant complaint.

6. As to the allegations of Paragraph 6, these allegations are admitted.

7. As to the allegations of Paragraph 7, these allegations are admitted.

8. As to the allegations of Paragraph 8 of the Joint Complaint, the allegations in the first and second sentences of this paragraph are admitted. As to the remainder of the allegations of this paragraph, most of what is set forth therein does not constitute factual allegations per se, but rather constitutes opinions and prognostications as to future events.

Accordingly, these allegations are too vague to allow BellSouth to frame a response. Accordingly they are deemed to be denied.

9. As to the allegations of Paragraph 9, these allegations are admitted.

10. As to the general allegations of Paragraph 10, these allegations are denied. As to subparagraphs (a)-(g) of Paragraph 10, BellSouth responds as follows:

11. As to the allegations of subparagraph 10(a), BellSouth admits that certain scripts and training materials have changed. BellSouth denies all remaining allegations of subparagraph (a).

12. As to the allegations of subparagraph 10(b), these allegations are denied.

13. As to the allegations of subparagraph 10(c), these allegations are not properly encompassed within the instant complaint, and, therefore, are the subject of a Motion To Dismiss, which is attached.

14. As to the allegations of subparagraph 10(d), these allegations are not properly encompassed within the instant complaint, and therefore are the subject of a Motion To Dismiss, which is attached.

15. As to the allegations of subparagraph 10(e), BellSouth admits that customers are not placed in a "no PIC" status. BellSouth denies the allegations as to the reasons that customers

are not placed in this status, as well as all other allegations of subparagraph 10(e).

16. As to the allegations of subparagraph 10(f), BellSouth admits the allegations in the first and second sentences of this subparagraph. BellSouth denies the allegations of the third sentence of this subparagraph.

17. As to the allegations of subparagraph 10(g), these allegations are too vague to allow BellSouth to frame a response and are, therefore, deemed to be denied.

18. As to the allegations of Paragraph 11, this paragraph contains legal conclusions rather than factual allegations and, therefore, does not require a response. However, to the extent that the allegations set forth therein are intended to be factual in nature, BellSouth denies these allegations.

19. As to the allegations of Paragraph 12, this paragraph sets forth no new allegations. BellSouth disputes certain of the factual allegations of the Joint Complaint as set forth above.

20. As to the allegations of Paragraph 13, this paragraph does not contain factual allegations, and, accordingly, no response is required. However, BellSouth denies that the complainants are entitled to the relief requested.

MOTION TO DISMISS

21. In Docket No. 930330-TP, BellSouth filed tariff changes pursuant to this Commission's Order No. PSC-95-0203-FOF-TP, which was issued on February 13, 1995. The Commission approved BellSouth's tariff on May 23, 1996 in Order No. PSC-96-0692-FOF-TP. In the instant Complaint, the complainants state that they intend to protest this Order approving the tariff. (Complaint, P. 7).

22. Paradoxically, the complainants have also included in their Complaint subparagraphs 10(c) and (d), in which they specifically object to portions of the tariff as approved by the Commission. To the extent the complainants wish to protest the Order approving the tariff, they have the option of properly doing so by following the procedures set forth in the Order (at P. 13), and filing a protest in Docket No. 930330-TP. Rather than doing so, however, complainants have included what amounts to a protest of the Order approving the tariff in a Complaint that purports to raise issues regarding BellSouth's "practices". In other words, the Complaint is drafted as if the complainants take issue with allegedly unauthorized practices of BellSouth, rather than the provisions of a Commission Order approving BellSouth's tariff. For this reason, the portions of the

Complaint that challenge provisions that are set forth in the subject tariff are improperly raised in this context.

WHEREFORE, for the reasons stated above, BellSouth requests that the allegations of Paragraphs 10(c) and (d) be dismissed or, alternatively, stricken from the Joint Complaint.

Respectfully submitted this 13th day of June, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE
DOCKET NO. 960658-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 19th day of June, 1996 to the following:

Noreen Davis, Esq.
Staff Counsel
Florida Public Service
Commission
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Southern States, Inc.
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Tallahassee, FL 32301

Florida Interexchange Carriers
Assoc.

c/o Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin
Davidson, Rief & Bakas
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J. Phillip Carver (sp)

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