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June 26, 1996

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. 950985-TP
Resolution of petition(s) to establish nondiscriminatory rates, terms and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, Florida Statutes

- ACK
- AFA
- APP
- CAF
- CMU Chase
- CTR
- EAG
- LEG 1
- LIN 5
- OPC
- RCH
- SEC 1
- WAS
- OTH

Please find enclosed for filing an original and fifteen copies of GTE Florida Incorporated's Response to MCI Metro Access Transmission Services, Inc.'s Cross-Motion for Reconsideration 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

APG:tas
Enclosures

RECEIVED & FILED A part of GTE Corporation

DOCUMENT NUMBER-DATE

06860 JUN 26 96

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of petition(s) to establish)
nondiscriminatory rates, terms, and conditions)
for interconnection involving local exchange)
companies and alternative local exchange)
companies pursuant to Section 364.162,)
Florida Statutes)

Docket No. 950985-TP
Filed: June 26, 1996

**GTE FLORIDA INCORPORATED'S RESPONSE TO
MCI METRO ACCESS TRANSMISSION SERVICES, INC.'S
CROSS-MOTION FOR RECONSIDERATION**

Pursuant to Commission Rule 25-22.060(b), GTE Florida Incorporated (GTEFL) responds to the Cross-Motion for Reconsideration filed by MCI Metro Access Transmission Services, Inc. (MCImetro) on June 17, 1996. MCImetro asks the Commission to reconsider giving GTEFL and Sprint/United-Centel 60 days from the entry of a written order on reconsideration in which to file tariffs implementing the decision in this docket. (Cross-Motion at 19.) MCI proposes instead that these LECs be directed to file tariffs 30 days from the date of the Commission's vote on the reconsideration petitions in this proceeding. MCI believes that this approach will help ALECs avoid undue delay in beginning business on the terms and conditions the Commission orders. (Id. at 19-20.)

If the Commission chooses to re-examine the filing period it has mandated, GTEFL recommends a compromise between the Commission's Order and MCImetro's suggestion. GTEFL does not object to a 30-day--rather than a 60-day--period for filing tariffs. But the 30 days should run from the date of the Commission's order on reconsideration, rather than its vote on reconsideration. Starting the filing window from the date of an oral Commission vote at agenda is infeasible.

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First, the Commission does not detail its decision in an agenda session. This is especially true for a complex docket, such as this one, which typically has a number of separate items presented for a vote. The Commission's Order usually does not exactly track the Staff's recommendations, and the Commission sometimes makes modifications to these recommendations. Because of these factors, parties often cannot be certain about exactly what they are supposed to do until the final order is issued. Certainty is particularly important with regard to tariff filings, which are the official means of notifying the public about the terms and conditions of a LEC's services. If a customer takes service from a tariff drafted in reliance on an agenda vote, and any aspect of that tariff turns out to be inconsistent with the Commission's final Order, the tariffs will need to be changed and resubmitted. Customers will need to be notified of the changes and, if rates are affected, billing adjustments will need to be made accordingly. Tariff filings based on oral votes thus have the potential to waste Commission and company resources, and confuse and irritate customers.

Second, counting from the date of a vote, rather than an order, is at odds with parties' appellate rights. The window for filing an appeal of a Commission decision runs from the date an order is rendered. Fla. R. App. Pro. 9.110(b). An order is "rendered" for purposes of appeal when it is "a signed, written order" filed with the clerk of the lower tribunal. Id. Rule 9.020(g). A party cannot appeal an oral vote under these rules. Thus, GTEFL would be forced to take action in response to a Commission directive that is not appealable. This result is plainly inconsistent with the scheme set forth in the Florida

Appellate Rules, as well as the Florida Administrative Procedure Act's provision for appellate review of final agency action as a matter of right. Fla. Admin. Pro. Act sec. 120.68.

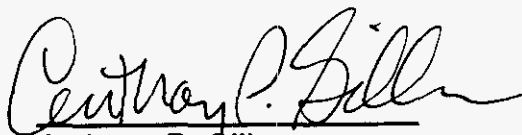
Third, MCImetro's recommendation is inconsistent with the Commission's action in the unbundling docket, the subject matter of which is closely linked to this docket. There, Staff recommended, and the Commission approved, tariff filings 30 days from its order, not its vote. (See May 9, 1996 Staff. Rec. in Dkt. 950984-TP; agenda conf. held May 21, 1996.)

GTEFL's suggestion of tariff filings 30 days from the Commission's order on reconsideration will preserve the integrity of the appellate scheme, prevent potentially disruptive tariff revisions, and be in accord with the tariffing requirements in the unbundling docket. At the same time, the shorter, 30-day filing deadline will allow MCImetro and other ALECs to start operating under the terms set by the Commission a month earlier than they would otherwise. GTEFL believes that any potential fears of undue Commission delay in issuing its order are unfounded. GTEFL trusts the order on reconsideration will be rapidly issued, given the Commission's acknowledged goal of expediting local competition.

For all of the reasons discussed in this filing, GTEFL asks the Commission to deny MCImetro's Cross-Motion for Reconsideration. If the Commission believes a shorter tariffing period is appropriate, GTEFL asks it to instead order a tariff effective date 30 days from the date the Order on reconsideration is rendered in this docket. This alternate

recommendation will accommodate all interests, rather than just focussing on that of a single group.

Respectfully submitted on June 26, 1996.

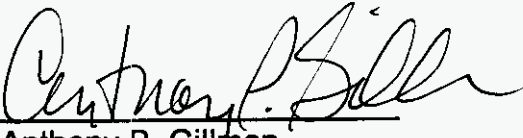
A handwritten signature in cursive script, appearing to read "Anthony P. Gillman", written over a horizontal line.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Response to MCI Metro Access Transmission Services, Inc.'s Cross-Motion for Reconsideration in Docket No. 950985-TP were sent via U.S. mail on June 26, 1996 to the parties on the attached list.


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