

FILE

Legal Department

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960833

September 10, 1996

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RE: Docket No. 960916-TP

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to American Communications Services, Inc.'s Motion for Leave to File Supplemental Testimony. Please file these documents in the captioned docket.

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 on the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
Nancy B. White (22)

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AFA _____
APP _____
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Enclosures

cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
W. J. Ellenberg

Carzano
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DOCUMENT NUMBER-DATE
09601 SEP 10 96
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of)
)
Petition by American)
Communications Services, Inc.)
and American Communications) Docket No. 960916-TP
Services of Jacksonville, Inc.)
for Arbitration with BellSouth) Filed: September 10, 1996
Telecommunications, Inc.)
pursuant to the)
Telecommunications Act of 1996)
_____)

BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE TO
AMERICAN COMMUNICATIONS SERVICES, INC.'S MOTION FOR
LEAVE TO FILE SUPPLEMENTAL TESTIMONY

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth" or "Company"), and hereby responds to American Communications Services, Inc. and American Communications of Jacksonville, Inc.'s ("ACSI") Motion for Leave to File Supplemental Testimony as follows:

1. On September 6, 1996, ACSI filed its Motion and supplemental testimony of Dr. Marvin Kahn. ACSI based its request on the fact that the F.C.C. order had been released and testimony was needed to assess the effect of the F.C.C. order on Dr. Kahn's direct testimony.

2. While BellSouth does not object to this filing per se, this filing is an additional example of why consolidation should not be allowed. Contrary to ACSI's assertion, the F.C.C. order was available as of August 8, 1996, at least five days prior to ACSI's filing for arbitration on August 13, 1996. Therefore, ACSI could have easily addressed the order in its direct testimony.

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3. Moreover, ACSi waited almost one month after the release of the order to file the supplemental testimony. Indeed, ACSi waited until the Friday before the Monday upon which BellSouth's response and direct testimony were due to file this supplemental testimony.

4. While BellSouth sees no value in opposing the filing, BellSouth believes the Prehearing Officer should be in possession of all the facts before ruling on ACSi's motion.


Wherefore, for the reasons given, BellSouth requests that the Prehearing Officer review ACSi's motion.

Respectfully submitted this 10th day of September, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.



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**CERTIFICATE OF SERVICE
DOCKET NO. 960916-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express this 10th day of September, 1996 to the following:

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