

FILE COPY

J. Phillip Carver  
General Attorney

BellSouth Telecommunications, Inc.  
c/o Nancy H. Sims  
Suite 400  
150 So. Monroe Street  
Tallahassee, Florida 32301  
Telephone: 305 347-5558

November 5, 1996

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

RE: **Docket Nos. 960833-TP, 960846-TP and 960916-TP**  
**AT&T, MCImetro and ACSI's Arbitration with BellSouth**

Dear Mrs. Bayo:

Enclosed please find an original and fifteen copies of BellSouth Telecommunications, Inc.'s Memorandum In Opposition To AT&T's Motion to Strike BellSouth's Notice of Order, which we ask that you file 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 to the parties shown on the attached Certificate of Service.

Sincerely yours,

*J. Phillip Carver (sw)*  
J. Phillip Carver

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CFD \_\_\_\_\_
- CTE \_\_\_\_\_
- ENC \_\_\_\_\_
- ENC 3 \_\_\_\_\_
- ENC 5 \_\_\_\_\_
- ENC \_\_\_\_\_
- ENC 1 \_\_\_\_\_
- V/S \_\_\_\_\_
- OTH \_\_\_\_\_

Enclosures  
cc: All Parties of Record  
R. G. Beatty  
A. M. Lombardo  
William J. Ellenberg II

DOCUMENT NUMBER-DATE  
**11834 NOV-5 96**  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petitions by AT&T	)	
Communications of the Southern	)	
States, Inc., MCI Telecommunications	)	Docket No. 960833-TP
Corporation, MCI Metro Access	)	
Transmission Services, Inc., American	)	
Communications Services, Inc. and	)	Docket No. 960846-TP
American Communications Services of	)	
Jacksonville, Inc. for arbitration of	)	
certain terms and conditions of a	)	
proposed agreement with BellSouth	)	Docket No. 960916-TP
Telecommunications, Inc. concerning	)	
interconnection and resale under the	)	
Telecommunications Act of 1996	)	
<hr/>		Filed: November 5, 1996

**BELLSOUTH TELECOMMUNICATIONS, INC.'S MEMORANDUM IN  
OPPOSITION TO AT&T'S MOTION TO STRIKE BELLSOUTH'S  
NOTICE OF ORDER**

BellSouth Telecommunications, Inc. ("BellSouth" or "Company") hereby files, pursuant to Rule 25-22.037(b), Florida Administrative Code, its Memorandum in Opposition to AT&T's Motion to Strike BellSouth's Notice of Order of the Eighth Circuit court of Appeal's Order Granting Stay and Pending Judicial Review and Request for Relief, and states as grounds in support thereof, the following:

1. In the main, the Motion to Strike filed by AT&T Communications of the Southern States, Inc. (AT&T) covers the same substantive ground as the prior Motion to Strike filed by MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc. (collectively "MCI") on October 23, 1996, to which BellSouth responded on October 30, 1996. Accordingly, BellSouth's response to AT&T's is much the same as its response to MCI. For

DOCUMENT NUMBER-DATE  
11834 NOV-5 96  
FPSC-RECORDS/REPORTING

MCI motion. MCI merely requested that BellSouth's motion be stricken without alleging any prejudice or requesting a chance to respond on the merits. AT&T also requests that BellSouth's notice be stricken without alleging any prejudice, but it has, at the same time, argued the substance of its own interpretation of the Order.

4. In sum, AT&T is attempting to utilize a hypertechnical approach to the rules to prevent BellSouth from providing to the Commission its interpretation of the Federal Court Order, which interpretation in no way prejudices AT&T, and to which AT&T could certainly respond in greater length than it has already if it so desired.

WHEREFORE, for the reasons stated above, BellSouth respectfully requests that this Commission enter an Order denying AT&T's Motion to Strike in its entirety.

Respectfully submitted this 5th day of November, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Robert G. Beatty (att)*

ROBERT G. BEATTY  
J. PHILLIP CARVER  
c/o Nancy H. Sims  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5555

*William J. Ellenberg II (att)*

WILLIAM J. ELLENBERG II  
NANCY B. WHITE  
675 West Peachtree Street, Room 4300  
Atlanta, GA 30375  
(404) 335-0711

**CERTIFICATE OF SERVICE**  
**DOCKET NOS. 960833-TP, 960846-TP and 960916-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express this 5th day of November, 1996 to the following:

\* Hand-delivery

Donna Canzano \*  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
(904) 413-6202

Tracy Hatch, Esq.  
Michael W. Tye, Esq.  
101 N. Monroe Street  
Suite 700  
Tallahassee, Florida 32301  
Attys. for AT&T  
Tel. (904) 425-6364

Robin D. Dunson, Esq.  
1200 Peachtree Street, N.E.  
Promenade I, Room 4038  
Atlanta, Georgia 30309  
Atty. for AT&T  
Tel. (404) 810-8689

Mark A. Logan, Esq.  
Brian D. Ballard, Esq.  
Bryant, Miller & Olive, P.A.  
201 S. Monroe Street  
Tallahassee, Florida 32301  
Attys. for AT&T  
Tel. (904) 222-8611

Richard D. Melson, Esq.  
Hopping Green Sams & Smith  
123 South Calhoun Street  
P.O. Box 6526  
Tallahassee, Florida 32314  
Tel. (904) 222-7500  
Fax. (904) 224-8551  
Atty. for MCImetro

Floyd R. Self, Esq.  
Norman H. Horton, Jr., Esq.  
Messer, Caparello, Madsen,  
Goldman & Metz, P.A.  
215 South Monroe Street  
Suite 701  
Tallahassee, FL 32302-1876  
(904) 222-0720  
Attys. for ACSI

Brad Mutschelknaus  
Kelley Drye & Warren, L.L.P.  
Suite 500  
1200 19th Street, N.W.  
Washington, D.C. 20036  
Atty. for ACSI

  
J. Phillip Carver