

8<sup>15</sup>  
an

# MACFARLANE AUSLEY FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(904) 224-9115 FAX (904) 222-7560

111 MADISON STREET, SUITE 2300  
P.O. BOX 1531 (ZIP 33601)  
TAMPA, FLORIDA 33602  
(813) 273-4200 FAX (813) 273-4396

400 CLEVELAND STREET  
P. O. BOX 1689 (ZIP 34617)  
CLEARWATER, FLORIDA 34615  
(813) 441-8966 FAX (813) 442-8470

February 6, 1995

IN REPLY REFER TO:

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## BY HAND DELIVERY

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

Re: Expanded Interconnection Phase II  
and Local Transport Restructure  
Docket No. 21074-95

Dear Ms. Bayo:

Enclosed for filing in the above-styled docket are the original and fifteen (15) copies of United Telephone Company of Florida and Central Telephone Company of Florida's Joint Memorandum in Opposition to IAC's Motion for Partial Reconsideration.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

Lee L. Willis

- ACK
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU Reith LLW/csu
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_ Enclosures
- LEG 1 cc: All parties of record
- LIN 4 utd\921074 .byo
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
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DOCUMENT NO.  
01306-95  
2/6/95

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Expanded Interconnection ) Docket Nos. 921074-TP,  
Phase II and Local Transport ) 930955-TL, 940014-TL,  
Restructure ) 940020-TL, and 931196-TL  
\_\_\_\_\_ ) Filed: February 6, 1995

UNITED TELEPHONE COMPANY OF FLORIDA AND  
CENTRAL TELEPHONE COMPANY OF FLORIDA'S  
JOINT MEMORANDUM IN OPPOSITION TO  
IAC'S MOTION FOR PARTIAL RECONSIDERATION

Pursuant to Rule 25-22.037(2)(b), Florida Administrative Code, United Telephone Company of Florida and Central Telephone Company of Florida (the "Companies") file this Memorandum in Opposition to the Interexchange Access Coalition's ("IAC") Motion for Partial Reconsideration, dated January 24, 1995 ("Motion"), and say:

1. To prevail on a motion for reconsideration, the moving party must show some point the agency failed to consider or overlooked when it rendered its order. Diamond Cab Co. of Miami v. King, 145 So.2d 889, 891 (Fla. 1962). A motion for reconsideration cannot be used to reargue a point because the moving party disagrees with the order. Id.

2. IAC's Motion should be denied because it fails to show some point the Commission failed to consider or overlooked when it issued its order. Rather, the Motion constitutes an attempt to reargue points previously considered and decided by the Commission.

3. With respect to the DS3-DS1 cross-over ratio, IAC claims that "no evidence supporting lower cross-over ratios was submitted." However, Teleport's witness, Mr. Andreassi, acknowledged in the record that Teleport prices its DS1 and DS3

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services such that the DS1 to DS3 crossover is in the range of 3.17 to 7.8<sup>1</sup> DS1 to DS3 cross-over ratios that presently exist in the markets for these services provide evidence which supports lower cross-over ratios than advocated by IAC.

4. IAC also claims that "cross-over ratios of 14-21 are inconsistent with the goals of the final order." Not surprisingly, the Motion fails to consider the full context of the goals expressed in the order. The Order clearly states: "we do not believe that a single criterion is sufficient by itself upon which to set a rate. Rather, all relevant factors should be considered in setting prices for Local Transport rate elements."<sup>2</sup> Similarly, the Order appropriately recognizes that "competitive realities" could lead to non-uniform contribution levels across services.<sup>3</sup>

5. The other points raised in the Motion are merely attempts to reargue points already considered by the Commission.

WHEREFORE, the Companies respectfully request that the FPSC deny IAC's Partial Motion for Reconsideration.

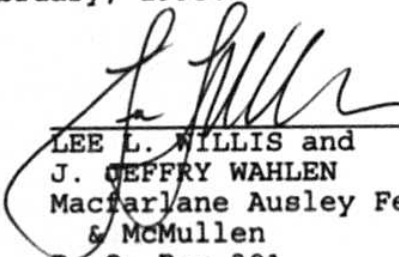
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<sup>1</sup>Hearing transcript, volume 7, page 1017, lines 19-24.

<sup>2</sup>Final Order on page 59.

<sup>3</sup>Final Order on page 54.

DATED this 6th day of February, 1995.



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LEE L. WILLIS and  
J. GEFFRY WAHLEN  
Macfarlane Ausley Ferguson  
& McMullen  
P. O. Box 391  
Tallahassee, Florida 32302  
(904) 224-9115

ATTORNEYS FOR UNITED TELEPHONE  
COMPANY OF FLORIDA and CENTRAL  
TELEPHONE COMPANY OF FLORIDA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail or hand delivery (\*) this 6th day of February, 1995, to the following:

Daniel V. Gregory  
Quincy Telephone Company  
P. O. Box 189  
Quincy, FL 32351

John A. Carroll, Jr.  
Northeast Florida Telephone  
P. O. Box 485  
Macclenny, FL 32063-0485

Michael W. Tye  
AT&T Communications  
106 E. College Ave., Suite 1410  
Tallahassee, FL 32301

Joseph Gillan  
Florida Interexchange Carriers  
P. O. Box 547276  
Orlando, FL 32854-7276

Brad E. Mutschelknaus  
Rachel J. Rothstein  
Ann M. Szemplenski  
Wiley, Rein & Fielding  
1775 K Street, N.W.  
Washington, DC 20006

Laura L. Wilson  
Florida Cable Television Assn.  
P. O. Box 10383  
Tallahassee, FL 32302

Patrick K. Wiggins  
Kathleen Villacorta  
Wiggins & Villacorta  
P. O. Drawer 1657  
Tallahassee, FL 32302

Vicki Gordon Kaufman  
McWhirter, Reeves, et al.  
315 S. Calhoun St., Suite 716  
Tallahassee, FL 32301

Jack Shreve  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., Rm. 812  
Tallahassee, FL 32399-1400

C. Everett Boyd, Jr.  
Ervin, Varn, et al.  
305 S. Gadsden Street  
Tallahassee, FL 32301

Chanthina R. Bryant  
Sprint  
3065 Cumberland Circle  
Atlanta, GA 30339

Janis Stahlhut  
Time Warner Cable  
Corporate Headquarters  
300 First Stamford Place  
Stamford, CT 06902-6732

Teresa Marerro  
Teleport Communications Group  
1 Teleport Drive, Suite 301  
Staten Island, NY 10311

Kenneth A. Hoffman  
Floyd R. Self  
Messer, Vickers, et al.  
P. O. Box 1876  
Tallahassee, FL 32302

Donna L. Canzano \*  
Division of Legal Services  
Florida Public Service Comm.  
101 East Gaines Street  
Tallahassee, FL 32301

Marshall M. Criser, III  
Southern Bell Telephone  
and Telegraph Company  
150 S. Monroe Street, Suite 400  
Tallahassee, FL 32301

Mickey Henry  
MCI Telecommunications Corp.  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342

Richard D. Melson  
Hopping, Boyd, Green & Sams  
P. O. Box 6526  
Tallahassee, FL 32314

Peter Dunbar  
Pennington and Haben  
P. O. Box 10095  
Tallahassee, FL 32302

Douglas S. Metcalf  
Communications Consultants, Inc.  
P. O. Box 1148  
Winter Park, FL 32790-1148

Harriet Eudy  
ALLTEL Florida, Inc.  
P. O. Box 550  
Live Oak, FL 32060

Beverly Menard  
c/o Richard Fletcher  
GTE-Florida  
106 E. College Ave., Suite 1440  
Tallahassee, FL 32301

Intermediate Communications  
V.P., External Affairs  
9280 Bay Plaza Blvd., Suite 720  
Tampa, FL 32063

  
\_\_\_\_\_  
Attorney