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LAW OFFICES

McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, RIEF & BAKAS, P.A.

100 NORTH TAMPA STREET, SUITE 2800
TAMPA, FLORIDA 33602-5126

TALLAHASSEE OFFICE
315 SOUTH CALHOUN STREET
SUITE 716
TALLAHASSEE, FLORIDA 32301
TELEPHONE (904) 222-2525
FAX (904) 222-5606

JOHN W. BAKAS, JR.
LINDA C. DARSEY
C. THOMAS DAVIDSON
STEPHEN O. DECKER
LESLIE JOUGHIN, III
VICKI GORDON KAUFMAN
JOSEPH A. MCGLOTHLIN
JOHN W. McWHIRTER, JR.
RICHARD W. REEVES
FRANK J. RIEF, III
PAUL A. STRASKE

MAILING ADDRESS: TAMPA
P.O. Box 3350, TAMPA, FLORIDA 33601-3350

TELEPHONE (813) 224-0866
FAX (813) 221-1854
CABLE GRANDLAW

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August 23, 1995

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Gunter Bldg.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0870

Re: Docket No. 920260

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and 16 copies of FIXCA's Response to Southern Bell's Motion to File Supplemental Brief.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman

Vicki Gordon Kaufman

✓ VGK/pcg

3 Enclosures

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file an additional brief, it is Southern Bell who wants to take a second bite at the apple via the filing of a reply brief. Southern Bell responds to the issue about which it complains in its brief (see pages 35-36), but then asks for another chance to reply after it sees the arguments of the other parties. That is, Southern Bell wants the opportunity to file a reply brief--something not permitted in the Commission's rules.

4. Southern Bell claims it cannot anticipate the arguments of its adversaries. Interestingly, however, a review of the briefs filed shows that no party raised an argument about ECS' illegality which was not discussed at hearing. Therefore, Southern Bell has no basis to claim surprise and no basis to file a reply brief.

5. Southern Bell has had the opportunity to brief the issues, just as all the other parties have. It should not be permitted to reply to the briefs of the other parties, unless those parties are given the same opportunity to reply to Southern Bell's brief.

WHEREFORE, Southern Bell's motion should be denied.


Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin
Davidson, Rief & Bakas
117 South Gadsden Street
Tallahassee, FL 32301

Attorneys for the Florida
Interexchange Carriers
Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Fixca's Response to Southern Bell's Motion to File Supplemental Brief, has been furnished by hand delivery* or by U.S. Mail to the following parties of record, this 23 day of August, 1995:

*Robert Elias
Donna Canzano
Division of Legal Services
Florida Public Service
Commission
Gerald L. Gunter Bldg., R. 370
2540 Shumard Oak Drive
Tallahassee, FL 32399

Marshall M. Criser
Southern Bell Telephone and
Telegraph Company
150 South Monroe Street
Sun Bank Bldg., Suite 400
Tallahassee, FL 32301

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

Charles J. Beck
Deputy Public Counsel
Office of Public Counsel
Claude Pepper Bldg., Rm. 812
111 W. Madison Street
Tallahassee, FL 32301

Chanthina R. Bryant
Tony Key
3065 Cumberland Circle
Atlanta, GA 30339

Dan B. Hendrickson
Post Office Box 1201
Tallahassee, FL 32302

Monte Belote
Florida Consumer Action
4100 W. Kennedy Blvd. #128
Tampa, FL 33609

*Robin Norton
Division of Communications
Florida Public Service
Commission
Gerald L. Gunter Bldg.
Room 270
2540 Shumard Oak Drive
Tallahassee, FL 32399

Thomas F. Woods
Gatlin, Woods, Carlson
and Cowdery
1709-D Mahan Drive
Tallahassee, FL 32308

Rick Melson
Hopping, Green, Sams
& Smith
123 South Calhoun
Post Office Box 6526
Tallahassee, FL 32301

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

Floyd Self
Messer, Vickers, Caparello
Madsen, Lewis, Goldman
Metz
Post Office Box 1876
Tallahassee, FL 32301

Laura L. Wilson
Florida Cable Television
Association
Post Office Box 10383
310 North Monroe Street
Tallahassee, FL 32302

Michael A. Gross
Assistant Attorney General
Department of Legal Affairs
PL-01, The Capitol
Tallahassee, FL 32399-1050

Angela Green
Florida Public
Telecommunications Assoc.
125 S. Gadsden Street
Suite 200
Tallahassee, FL 32301

Rick Wright
Auditing & Financial
Analysis Division
Fla. Public Service
Commission
Gerald L. Gunter Bldg.
Room 215
2540 Shumard Oak Drive
Tallahassee, FL 32399

Vicki Gordon Kaufman
Vicki Gordon Kaufman