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August 28, 1996

Ms. Blanca S. Bayó
Director, Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket Nos. 960847-TP and 960980-TP

Dear Ms. Bayó:

On behalf of MCI Telecommunications Corporation (MCI) enclosed for filing in the above dockets are the original and 15 copies of MCI's Motion for Consolidation.

By copy of this letter this document has been provided to the parties on the attached service list.

Very truly yours,

Richard D. Melson

- ACK
- AFA RDM/cc
- APP Enclosures
- CAF cc: Parties of Record
- CMU Chase
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by AT&T)
Communications of the Southern) Docket No. 960847-TP
States, Inc., for arbitration)
with GTE Florida, Incorporated)
concerning interconnection)
and resale under the)
Telecommunications Act of 1996.)

In re: Petition by MCI)
for arbitration with GTE Florida,) Docket No. 960980-TP
Incorporated concerning)
interconnection and resale under) Filed: August 28, 1996
the Telecommunications Act of 1996.)

MOTION FOR CONSOLIDATION

MCI Telecommunications Corporation and Metro Access Transmission Services, Inc. (collectively, MCI) hereby move the Commission to consolidate the arbitration proceedings involving GTE Florida Incorporated (GTEFL) filed by AT&T and by MCI pursuant to Section 252(b) of the Telecommunications Act of 1996 (Act) in the manner set forth below. As grounds therefor, MCI states:

1. Section 252 of the Act sets forth the procedures for negotiation, arbitration and approval of agreements relating to interconnection with the incumbent local exchange carrier. Under Section 252(b)(1), any party to a negotiation may, during the period from the 135th to the 160th day after the date on which the incumbent local exchange carrier receives a request for negotiation, petition a state commission to arbitrate any open issues.

2. On March 11, 1996, AT&T requested GTEFL to commence good faith negotiations under Section 251 of the Act. On August 16, 1996, AT&T petitioned the Commission to arbitrate various unresolved issues with GTEFL regarding the price, terms and conditions of interconnection. That petition has been assigned Docket No. 960847-TP, and is currently scheduled for hearing on October 14-16, 1996.

3. By letter dated April 3, 1996, MCI Telecommunications Corporation, on behalf of itself and all of its affiliates, including MCImetro, requested GTE Corporation to commence good faith negotiations under the Act on behalf of all of its operating companies. MCI is today filing its petition asking the Commission to arbitrate various open issues between itself and GTEFL.

4. MCI anticipates that the proceedings in these two dockets will involve many common questions of law, fact, and policy. For example, disputes regarding the cost and price of various unbundled network elements, the appropriate discount for various resold services, and the dates by which GTEFL should be required to provide various electronic interfaces for order processing, data exchange, etc. are likely to be common to the two dockets. In addition, each proceeding may involve some limited issues that are unique to the individual proceeding. For example, AT&T may have reached agreement on an issue that MCI and GTEFL have been unable to resolve, or MCI may have requested unbundling of a particular network element not requested by AT&T.

5. In light of the large number of common issues anticipated, MCI believes that administrative economy would be advanced by consolidating the two proceedings. Such consolidation is consistent with both the Commission's rules of procedure, and with the provisions of the Act.

6. Rule 25-22.035(2), Florida Administrative Code, provides that:

If there are separate proceedings before the presiding officer which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.

MCI submits that consolidation of these proceedings would promote the efficient resolution of the common issues. Consolidation would eliminate the necessity for the Commission to hear repetitive testimony and cross-examination regarding common issues in two closely spaced hearings. Consolidation would result in a single record and a single, consistent decision by the Commission on these common issues. In addition, given the tight federal statutory time frames that govern Section 252(d) proceedings, and the congested nature of the Commission's calendar, consolidation would assist the Commission in resolving both proceedings in a timely fashion. With the proposed restrictions and limitations set forth in paragraph 8, below, consolidation would not affect -- much less unduly prejudice -- the rights of any of the parties to the proceeding.

7. Section 252(g) of the Act also expressly provides for consolidation of these types of proceedings:

(g) CONSOLIDATION OF STATE PROCEEDINGS.--
Where not inconsistent with the requirements of this Act, a State commission may, to the extent practical, consolidate proceedings under sections 214(e), 251(f), 253, and this section in order to reduce administrative burdens on telecommunications carriers, other parties to the proceedings, and the State commission in carrying out its responsibilities under this Act.

(emphasis added)

As stated above, consolidation of these dockets would reduce the administrative burden on both the parties to these dockets and on the Commission in carrying out its responsibilities under the Act.

8. By submitting this request for consolidation, MCI is not seeking to "intervene" in the AT&T's proceeding, nor to allow AT&T to intervene in MCI's proceeding. In order to be consistent with the Commission's rulings that the Act does not contemplate intervention by third parties in a Section 252 arbitration proceeding, MCI proposes that the Commission establish the following guidelines to govern the consolidated proceedings:

(a) As part of the normal prehearing issue identification procedures, the parties shall identify two categories of issues: (i) those which are common to the AT&T/GTEFL petition and the MCI/GTEFL petition, and (ii) those which are unique to only one of the petitions.

(b) All parties will participate fully in the litigation of the issues which are common to both petitions. The Commission's decision on these common issues will be binding on all parties.

(c) Only the parties directly involved (i.e. GTEFL and AT&T with respect to the AT&T petition, and GTEFL and MCI with respect to the MCI petition) will participate in the litigation of the issues which are unique to only one of the petitions. MCI agrees that the non-affected petitioner will not present testimony, conduct cross-examination, or file a brief with respect to the issues that affect only the other petitioner. The Commission's decision on these issues will be binding only on the parties who litigated the issue.

9. The Commission has recently consolidated arbitration petitions involving AT&T/BellSouth and MCI/BellSouth on terms and conditions similar to those proposed in this motion.

10. MCI has consulted with counsel for AT&T and GTEFL. MCI is authorized to represent that AT&T does not oppose this request for consolidation, and that GTEFL has not yet formulated its position on the request.

WHEREFORE, for the reasons stated above, MCI respectfully requests that the Commission consolidate the captioned proceedings in the manner set forth in this joint motion.

RESPECTFULLY SUBMITTED this 28th day of August, 1996.

HOPPING GREEN SAMS & SMITH, P.A.

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ATTORNEYS FOR MCI
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AND MCIMETRO ACCESS TRANSMISSION
SERVICES, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by hand delivery this 28th day of August, 1996.

Donna Canzano
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Florida Public Service Commission
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Tallahassee, FL 32399

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