

PENNINGTON, CULPEPPER, MOORE, WILKINSON, DUNBAR & DUNLAP, P.A.

ATTORNEYS AT LAW

BARBARA D. AUGER
BRAM D. E. CANTER
ROBERT CINTRON, JR.
ROBERT S. COHEN
BRUCE CULPEPPER
PETER M. DUNBAR
DAVISSON F. DUNLAP, JR.
MARTHA J. EDENFIELD
JOHN T. LEADBEATER
EDGAR M. MOORE

E. MURRAY MOORE, JR.
JOHN C. PELHAM
CARL R. PENNINGTON, JR., P.A.
C. EDWIN RUDE, JR.
JEFFERY M. SCOTT
GARY A. SHIPMAN
CYNTHIA S. TUNNICLIFF
WILLIAM E. WHITNEY
BEN H. WILKINSON
CATHI C. WILKINSON

OF COUNSEL
HERBERT F. CLARK
(Admitted in New Jersey, New York & Wisconsin Only)
R. STUART HUFF, P.A.
Coral Gables, Florida
CHRISTOPHER W. KANAGA
(Admitted in Massachusetts & Colorado Only)
DOUGLAS S. LYONS, P.A.
SCOTT MADDOX
WILLIAM VANDERCREEK
(Admitted in Texas & Iowa Only)
SPECIAL CONSULTANTS
RANDY MILLER*
DAVID L. SWAFFORD*
*Not A Member Of The Florida Bar

215 SOUTH MONROE STREET
2ND FLOOR
TALLAHASSEE, FLORIDA 32301

(904) 222-3533
FAX (904) 222-2126
E-Mail Phlaw@Supernet.net

REPLY TO:
P.O. BOX 10095
TALLAHASSEE, FL 32302-2095

November 1, 1996

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

via Hand Delivery

ORIGINAL
FILE COPY

Re: Consideration of BellSouth Telecommunications, Inc.'s
entry into InterLATA services pursuant to Section
271 of the Federal Telecommunications Act of 1996
Docket No. 960786-TL

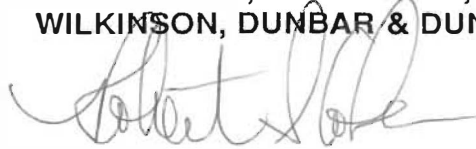
Dear Ms. Bayo:

Enclosed for filing please find an original and fifteen copies of Time Warner AxS of Florida, L.P. d/b/a Time Warner Communications and Digital Media Partners' Petition for Leave to Intervene for the above-referenced docket. Please date-stamp the copy of this letter to indicate that the original was filed and return to me.

If you have any questions regarding this matter, please feel free to contact me.

Respectfully,

PENNINGTON, CULPEPPER, MOORE,
WILKINSON, DUNBAR & DUNLAP, P.A.



Robert S. Cohen

RSC/dat
enclosure
cc: All Parties of Record (w/ enclosure)

cmu
Legal - 1
Sec - 1
Linda - 5
DM-org

DOCUMENT NUMBER-DATE

11808 NOV-5 96

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Consideration of BellSouth
Telecommunications, Inc.'s entry into
InterLATA services pursuant to Section
271 of the Federal Telecommunications
Act of 1996

Docket No. 960786-TL
Filed: October 31, 1996

PETITION FOR LEAVE TO INTERVENE BY
TIME WARNER AxS OF FLORIDA, L.P. d/b/a TIME
WARNER COMMUNICATIONS AND DIGITAL MEDIA PARTNERS

ORIGINAL
FILE COPY

Time Warner AxS of Florida, L.P. d/b/a Time Warner Communications and Digital Media Partners (hereinafter referred to collectively as "Time Warner Communications"), pursuant to Rule 25-22.039, Florida Administrative Code, and by and through their undersigned counsel, do hereby jointly file their Petition for Leave to Intervene and, in support hereof, state the following:

1. Both Time Warner Communications entities are certificated as Alternative Local Exchange Companies in Florida. The address for Time Warner AxS of Florida, L.P. d/b/a Time Warner Communications is 2251 Lucien Way, Suite 320, Maitland, Florida 32751. The address for Digital Media Partners is 2600 McCormick Drive, Suite 255, Clearwater, Florida 34619. Petitioners' address for purposes of these proceedings is that of their undersigned attorneys.

2. This docket concerns the Commission's determination of whether BellSouth has met the interconnection agreement and the 14 point checklist of Section 271(c)(2) of the Federal Telecommunications Act of 1996. As alternative local exchange companies, Time Warner Communications' substantial interests will specifically be affected by decisions made by the Commission in this proceeding.

DOCUMENT NUMBER-DATE

11808 NOV-5 96

FPSC-RECORDS/REPORTING

3. The results of this proceeding will provide input to the Federal Telecommunications Commission in its determination of whether BellSouth should be granted interLATA authority. Time Warner Communications believe that interLATA authority is a significant benefit to BellSouth. Time Warner believes that BellSouth was the only Florida local exchange carrier ("LEC") with whom it was able to reach an interconnection agreement quickly because BellSouth is the only LEC for whom generally available rates, terms, and conditions are prerequisites to obtaining interLATA authority.

4. A grant of interLATA authority to BellSouth, absent the existence of sustainable competition, will serve only to place BellSouth in a position similar to where it was prior to the 1984 divestiture, namely, in control of both the local bottleneck and, as a result, with the ability to dominate the toll market.

5. Time Warner Communications have an interest in asking the Commission to ensure that BellSouth act in a manner which promotes local competition, not only through the words of its interconnection agreements, but also through the implementation of those agreements (such as through ordering and repair), and in the manner in which BellSouth deals with customers moving to a new local service provider. It is Time Warner Communications' position that any leverage they may have to ensure BellSouth's "good behavior" disappears the minute BellSouth is granted interLATA authority. This further supports the fact that Time Warner Communications' substantial interests will be significantly affected by the outcome of this docket.

6. The names and addresses of the persons to whom copies of all correspondence, notices, orders and other documents in this proceeding should be sent are as follows:

Peter M. Dunbar, Esq.
Robert S. Cohen, Esq.
Pennington, Culpepper, Moore,
Wilkinson, Dunbar & Dunlap, P.A.
Post Office Box 10095
Tallahassee, Florida 32302

Sue E. Weiske, Esquire
Time Warner Communications
160 Inverness Drive West
3rd Floor North
Englewood, Colorado 80112

Ms. Jill Butler
Florida Regulatory Director
Time Warner Communications
2773 Red Maple Ridge
Tallahassee, Florida 32301

WHEREFORE, Petitioner, Time Warner Communications respectfully requests that the Florida Public Service Commission enter an order approving their Petition to Intervene.

RESPECTFULLY SUBMITTED this 5th day of November, 1996.



PETER M. DUNBAR
FLA. BAR NO. 146594
ROBERT S. COHEN
FLA. BAR NO. 347353
Pennington, Culpepper, Moore,
Wilkinson, Dunbar & Dunlap, P.A.
Post Office Box 10095
Tallahassee, Florida 32302-2095
(904) 222-3533

Counsel for: Time Warner AxS of
Florida, L.P. and Digital Media Partners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true copy of the foregoing has been sent by U. S.

Mail to the parties on the attached list this 5th day of November, 1996.

A handwritten signature in black ink, appearing to read "Robert S. Cohen", written over a horizontal line.

ROBERT S. COHEN

Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Robert G. Beatty/J. Phillip Carver
c/o Nancy Sims
150 S. Monroe St., Suite 400
Tallahassee, FL 32301

Alan N. Berg
United Tel. Co. Of Fla.
555 Lake Border Drive
Apopka, FL 32703

David B. Erwin
Young VanAssenderp et al.
225 S. Adams St., Ste. 200
P.O. Box 1833
Tallahassee, FL 32302

Michael W. Tye
AT&T Communications, Inc.
101 North Monroe Street
Suite 700
Tallahassee, FL 32301

James W. Tyler
Vista-United Tel.
3100 Bonnet Crk.Rd.
Lake Buena Vista, FL
32830

Office of Public Counsel
Claude Pepper Building
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400

Harriet Eudy
ALLTEL Florida, Inc.
206 White Avenue, S.E.
Live Oak, FL 32060

Jeff McGehee
Frontier Comm. of the South
201 S. Pensacola Av.
Atmore, AL 36504

Lee L. Willis/J. Jeffrey Wahlen
Macfarlane Ausley et al.
227 S. Calhoun Street
Tallahassee, FL 32302

John H. Vaughan
St. Joseph Tel. & Tel.Co.
502 Fifth Street
Port St. Joe, FL 32456

Tom McCabe
Quincy Tel. Co.
107 W. Franklin Street
Quincy, FL 32351

Lynn Brewer
Northeast Fla.Tel.Co.Inc.
130 North Fourth Street
Macclenny, FL 32063-0485

Jim McGinn
Indiantown Tel.Sys.Inc.
15925 S.W. Warfield Blvd.
Indiantown, FL 34956

A. D. Lanier
Gulf Tel. Co.
115 W. Drew Street
Perry, FL 32347

Ferrin Seay
Floral Tel. Co. Inc.
522 North 5th Street
Floral, AL 36442

F. B. Poag
Sprint/United-Florida
555 Lake Border Drive
Apopka, FL 32703

Laura Wilson/C. Dudley
Florida Cable Tele. Assn.
310 N. Monroe Street
Tallahassee, FL 32302

FIXCA
c/o J. P. Gillan and Associates
121 N.W. Ivanhoe Blvd.
Orlando, FL 32804

Floyd Self
Messer Vickers et al.
215 S. Monroe St., Suite 701
Tallahassee, FL 32302

William H. Higgins
Cellular One
250 S. Australian Avenue
Suite 900
West Palm Beach, FL 33401

Jill Butler
Digital Media Partners
2773 Red Maple Ridge
Tallahassee, FL 32301

Michael J. Henry
MCI Telecomm. Corp.
780 Johnson Ferry Rd., # 700
Atlanta, GA 30342

Richard D. Melson
Hopping Green Sams & Smith
123 S. Calhoun Street
Tallahassee, FL 32314

Timothy Devine
MFS Communications Co.
Six Concourse Pkwy., Ste. 2100
Atlanta, GA 30328

Richard Rindler/J. Falvey
Swidler & Berlin
3000 K Street, N.W.
Washington, DC 20007

C. Everett Boyd, Jr.
Ervin Varn Jacobs et al.
305 S. Gadsden Street
Tallahassee, FL 32302

Benjamin W. Fincher
Sprint
3100 Cumberland Circle
Atlanta, GA 30339

Robin D. Dunson
1200 Peachtree Street, NE
Promenade I, Room 4038
Atlanta, GA 30309

Marsha E. Rule
Wiggins & Villacorta, P.A.
501 E. Tennessee St., Suite B
Tallahassee, FL 32308

Angela B. Green
Florida Pub. Telecomm. Assn.
125 S. Gadsden Street, Suite 200
Tallahassee, FL 32301

Patrick K. Wiggins
Wiggins & Villacorta, P.A.
501 E. Tennessee St., Suite B
Tallahassee, FL 32308

Sue E. Weiske
Time Warner Communications
160 Inverness Drive West
Englewood, CO 80112