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November 12, 1996

VIA HAND DELIVERY

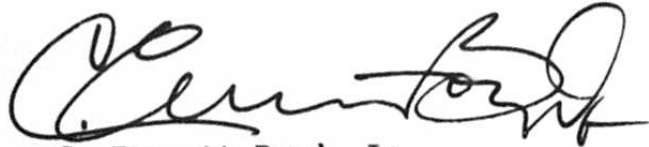
Honorable Blanca S. Bayo  
Director - Records and Reporting  
Florida Public Service Commission  
Room 110  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: Docket No. 961150-TP

Dear Ms. Bayo:

Enclosed for filing is an original and 15 copies of Sprint Communications Company Limited Partnership's Motion to Strike BellSouth Telecommunication, Inc.'s Notice of Order of the Eighth Circuit and Request for Relief.

Sincerely,



C. Everett Boyd, Jr.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP Smith-F4I  
cc: Attorneys of Record
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 3
- LIN 2
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Sprint Communications Company Limited Partnership for Arbitration of Proposed Interconnection Agreement with BellSouth Telecommunications, Inc., Pursuant to the Telecommunications Act of 1996

Docket No. 961150-TP

Filed: November 12, 1996

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**SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP'S  
MOTION TO STRIKE BELLSOUTH TELECOMMUNICATION, INC.'S  
NOTICE OF ORDER OF THE EIGHTH CIRCUIT AND REQUEST FOR RELIEF**

Sprint Communications Company Limited Partnership ("Sprint"), by and through its undersigned counsel, moves to strike the Notice of Order of the Eighth Circuit Court of Appeal's Order Granting Stay Pending Judicial Review and Request for Relief ("Notice") filed by BellSouth Telecommunications, Inc. ("BellSouth"), and in support thereof states:

1. BellSouth's Notice appropriately brings to the Commission's attention the October 15, 1996, order and opinion entered by the Eighth Circuit Court of Appeal.<sup>1</sup> In this docket, BellSouth has already filed its response to Sprint's Petition for Arbitration and supporting testimony. The Commission's rules do not contemplate or permit BellSouth's filing of an additional pleading at this time arguing the merits of the docket and the impact of the Eighth Circuit's order and stay.

2. Much of BellSouth's Notice improperly takes the form of testimony addressing several of the critical issues of this arbitration proceeding, including wholesale and unbundled element pricing, reciprocal compensation, and limitations on provision of

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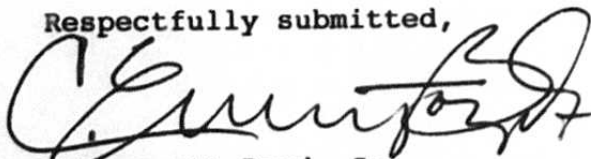
<sup>1</sup> A request for official recognition of the order would have been proper and sufficient.

service using unbundled elements. Ironically, BellSouth expressly concedes that the Eighth Circuit's order does not stay the FCC's rules which permit the rebundling of elements to replicate existing ILEC services. But, BellSouth has filed testimony, direct and rebuttal, addressing the Eighth Circuit's ruling. The "testimony" contained in BellSouth's Notice is unnecessary and improper.

3. BellSouth's Notice also, improperly, takes the form of a preliminary brief, arguing the legal impact and implications of the Eighth Circuit's order and stay, the FCC's August 8, 1996, order and rules, and the Telecommunications Act of 1996. BellSouth will have ample opportunity, in its post-hearing brief, as contemplated by the Commission's rules, to set forth its legal arguments on the issues. It is improper for BellSouth to file a pleading at this point in the proceedings setting forth its legal arguments on any legal issues.

4. For the above-stated reasons, the Notice filed by BellSouth should be stricken without prejudice for BellSouth to raise matters relating to the Eighth Circuit's order and stay and other legal issues at the appropriate time and in the proper form of pleading.

Respectfully submitted,



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Attorneys for Sprint Communications  
Company Limited Partnership

**CERTIFICATE OF SERVICE**

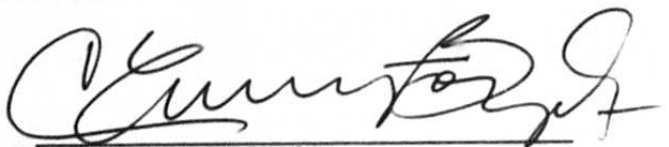
I HEREBY CERTIFY that a true copy of the foregoing has been furnished by hand delivery on this 12<sup>th</sup> day of November 1996, to the following:

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