



Marsha E. Rule  
Attorney

Suite 700  
101 N. Monroe St  
Tallahassee, FL 32301  
904 425-6365  
FAX 904 425-6361

March 31, 1997

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

Docket No. 961153-T1

Dear Mrs. Bayo:

Enclosed for filing in the above referenced docket  
are an original and fifteen (15) copies of AT&T's  
Response to Ex-Parte Communication.

Yours truly,

Marsha E. Rule

cc: Parties of Record

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TALLAHASSEE, FLORIDA

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Numbering Plan )  
Relief for 904 Area Code, by )  
BellSouth Telecommunications, Inc. )  
)

Docket No. 961153-TL

Filed: 03/31/97

**AT&T'S RESPONSE  
TO EX-PARTE COMMUNICATION**

AT&T Communications of the Southern States, Inc. (AT&T) hereby responds to the ex-parte email communication noticed in this docket by memo dated March 27, 1997.

In response, AT&T states as follows:

1. AT&T objects to the Commission's consideration of this or any other ex parte communication in connection with this docket. Not only is the communication proffered by a non-party after the close of the record in this case, but its content amounts to unsworn testimony. The Commission should not consider the communication as a basis for reconsideration or otherwise.

2. Additionally, the content of the message does not indicate that the Commission overlooked or failed to consider a point of fact or law, as required for reconsideration. Pingree v. Quaintance, 394 So.2d 161 (Fla. 1st DCA 1981); Diamond Cab Co. of Miami v. King, 146 So.2d 889 (Fla. 1962)

2. Finally, it is inappropriate to allow non-parties to participate in the reconsideration process -- whether such participation is sought by motion or by ex-parte communication. Rule 25-22.060 (1), Florida Administrative Code, clearly limits such participation to parties:

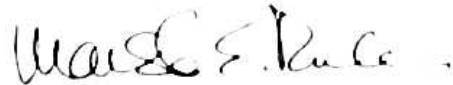
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Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order. (emphasis supplied)

The rule similarly specifies that responses and cross-motions for reconsideration may be filed by "parties".

WHEREFORE, AT&T respectfully requests that the Commission disregard the ex parte email communication provided to the parties via notice dated March 27, 1997.

Respectfully submitted,



Marsha E. Rule  
101 N. Monroe St.  
Suite 700  
Tallahassee, Florida 32301  
(904) 425-6365

ATTORNEY FOR AT&T  
COMMUNICATIONS OF THE  
SOUTHERN STATES, INC.

**CERTIFICATE OF SERVICE**

**DOCKET NO. 961153-TL**

I HEREBY CERTIFY that a true copy of the Foreband has been furnished by U. S. Mail or hand-delivery to the following parties of record this 31<sup>st</sup> day of March, 1993:

Mary Herron, Esq.  
Gray Early, Esq.  
Ackerman Law Firm  
216 S. Monroe St., #200  
Tallahassee, FL 32301

Nancy H. Sims  
BellSouth Telecommunications  
150 S. Monroe St., Suite 400  
Tallahassee, FL 32301

David Erwin, Esq.  
Young Law Firm  
P. O. Box 1833  
Tallahassee, FL 32302-1833

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

Jeffrey Wahlen, Esq.  
Lee L. Willis, Esq.  
Ausley & McMullen  
P. O. Box 391  
Tallahassee, FL 32301

Stephen S. Matthews, Esq.  
Office of General Counsel  
Dept. of Management Services  
4050 Esplanade Way #200  
Tallahassee, FL 32302-0200

Charles Belligrina, Esq.  
Division of Legal Services  
Florida Public Service Comm.  
2540 Shumard Park Boulevard  
Tallahassee, FL 32309

John Marks, Esq.  
Katy Fetter Bartler et al.  
106 E. College Ave., 21st Fl.  
Tallahassee, FL 32301



Marsha E. Fule