

FILE COPY

Nancy B. White
Assistant General Counsel-Florida

BellSouth Telecommunications, Inc.
c/o Nancy H. Sims
Suite 400
150 South Monroe Street
Tallahassee, Florida 32301
Telephone (305) 347-5558

September 9, 1997

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

Re: Docket No. 971044-TP (National Tel.)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Answer and Response to the Petition of National Telecommunications, Inc., which we ask that you file in the captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
Nancy B. White (PW)

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Enclosures

cc: All parties of record
A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

RECEIVED & FILED

SEP 10 1997
FPC BUREAU OF RECORDS

DOCUMENTAL INDEX DATE

09041 SEP-96

FPC BUREAU OF RECORDS REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In Re: Petition by National) Docket No.: 971044-TP
Telecommunications, Inc., for)
Resolution of Dispute With)
BellSouth Telecommunications, Inc.)
_____) Filed: September 9, 1997

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
ANSWER AND RESPONSE TO PETITION OF
NATIONAL TELECOMMUNICATIONS, INC.**

BellSouth Telecommunications, Inc., ("BellSouth"), hereby files its Answer and Response, pursuant to Rule 1.110, Florida Rules of Civil Procedure and Rules 25-22.037 and 25-22.0375, Florida Administrative Code, to the Petition filed by National Telecommunications, Inc. ("National Tel") and states the following:

1. As to the allegations of Paragraph 1 of the Petition, BellSouth is without sufficient information or knowledge of these allegations and, therefore, these allegations are deemed to be denied.
2. As to the allegations of Paragraph 2 of the Petition, BellSouth admits the allegation and further avers that it is incorporated in the State of Georgia, with its principal place of business at 675 West Peachtree Street, Atlanta, Georgia. BellSouth's principal place of business in the State of Florida is as alleged.
3. As to the allegations of Paragraph 3 of the Petition, BellSouth admits these allegations.
4. As to the allegations of Paragraph 4 of the Petition, BellSouth admits that National Tel purchases services from BellSouth but is without sufficient information or knowledge of the remaining allegations and, therefore, these allegations are deemed to be denied.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

5. As to the allegations of Paragraph 5 of the Petition, BellSouth admits these allegations.

6. As to the allegations of Paragraph 6 of the Petition, BellSouth denies the allegations of Paragraph 6 and states that BellSouth is applying a Secondary Service Charge when BellSouth is asked to transfer responsibility for the service from an end user to National Tel. This charge is applicable under Section A4.2.4.C.1 of BellSouth's General Subscriber Services Tariff as well as Section IV.B. of the agreement between BellSouth and National Tel.

7. As to the allegations of Paragraph 7 of the Petition, BellSouth denies these allegations and states that the secondary service charge is valid pursuant to Section A4.2.4.C.1 of BellSouth's General Subscriber Service Tariff ("GSST") as well as Section IV.B. of the agreement between BellSouth Telecommunications, Inc. and National Telecommunications, Inc.

8. As to the allegations of Paragraph 8 of the Petition, BellSouth admits that it has discussed this matter with representatives of National Tel in an effort to resolve the issues raised in the Complaint. The remainder of Paragraph 8 consists entirely of legal conclusions and/or characterizations of documents which speak for themselves and thus no response is required. Anything in Paragraph 8 not specifically admitted herein, is hereby denied.

9. As to the allegations of Paragraph 9 of the Petition, BellSouth admits that Section A4.2.4.C. is concerned with the application of the Secondary Service Charge in cases of transfer of responsibility.

10. As to the allegations of Paragraph 10 of the Petition, BellSouth admits that Section A4.2.4 of the GSST contains specific instances where a Secondary Service Charge is applicable, but denies the remaining allegations of Paragraph 10.

11. As to the allegations of Paragraph 11 of the Petition, BellSouth admits that Section A4.2.4.C.1 of the GSST provides for a Secondary Service Charge where there is a Transfer of Responsibility, but denies the remaining allegations of Paragraph 11.

12. As to the allegations of Paragraph 12 of the Petition, BellSouth denies these allegations and states that the Secondary Service Charge is applicable to National Tel because responsibility for payment of the service has been changed from the end user to the new customer National Tel.

13. As to the allegations of Paragraph 13 of the Petition, erroneously numbered as "11", BellSouth denies these allegations and states that Section IV.B. of the agreement between BellSouth and National Tel contemplates the applicability of the Secondary Service Charge.

14. As to the allegations of the Wherefore Clause of the Petition, these allegations are requests for relief rather than facts and, therefore, do not require a response.

Respectfully submitted this 9th day of September, 1997.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty (pm)

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NANCY B. WHITE
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William J. Ellenberg II (pm)

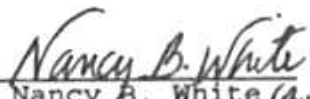
WILLIAM J. ELLENBERG II
J. PHILLIP CARVER
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0711

CERTIFICATE OF SERVICE
Docket No. 971044-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail this 9th day of September, 1997 to the following:

Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

C. Everett Boyd, Jr.
ERVIN, VARN, JACOBS & ERVIN
305 South Gadsden Street
Tallahassee, Florida 32301
Tel. No. (850) 224-9135
Fax. No. (850) 222-9164
Atty. for National Tel.


Nancy B. White (pw)