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Florida Cable Telecommunications Association

Steve Wilkerson, President

January 27, 1998

VIA HAND DELIVERY

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

950985-TP

RE: Undocketed: Florida Cable Telecommunications Association, Inc.'s Response in Opposition to BellSouth's Request for Section 252(e) Approval of Stipulation

Dear Ms. Bayo:

Enclosed for filing in the above-captioned docket are an original and fifteen (15) copies of Florida Cable Telecommunications Association, Inc.'s Response in Opposition to BellSouth's Request for Section 252(e) Approval of Stipulation. Copies have been served on the parties of record pursuant to the attached certificate of service.

Please acknowledge receipt and filing of the above by date stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in processing this filing.

Yours very truly,

ACK
AEA
APP Smith

CAF 2 Laura L. Gallagher

CMU
CTR Vice President, Regulatory Affairs & Regulatory Counsel

EAG
LEG 1 Enclosures

LIN 5
OPC cc: All Parties of Record
Mr. Steve E. Wilkerson

RCH
SEC 1
WAS
FPSC BUREAU OF RECORDS

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Section 252(e) Approval)
of the Stipulation Entered in PSC)
Docket No. 950985-TP)
_____)

UNDOCKETED

FILED: January 27, 1998

FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION'S
RESPONSE IN OPPOSITION TO BELL SOUTH'S REQUEST FOR
SECTION 252(e) APPROVAL OF STIPULATION

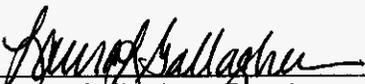
The Florida Cable Telecommunications Association, Inc. (FCTA) hereby submits its Response in Opposition to BellSouth's Request for Section 252(e) Approval of the Stipulation entered in PSC Docket No. 950985-TP. As grounds therefore, FCTA states:

1. On January 22, 1998, BellSouth submitted its Request for Section 252(e) Approval of the December 8, 1995, Stipulation and Agreement between BellSouth, FCTA and others in Docket No. 950985-TP. The Stipulation and Agreement was negotiated pursuant to state law. It was intended to settle the issues in Docket Nos. 950984-TP, 950985-TP, 950737-TP, and 950696-TP, and to facilitate the "introduction of local exchange competition" in Florida. The Commission approved the Stipulation and Agreement by Order No. PSC-96-0082-AS-TP dated January 17, 1996 pursuant to state law.
2. First, with respect to FCTA, the duration of the Stipulation and Agreement was for two years beginning January 1, 1996. Thus, the Stipulation and Agreement expired on January 1, 1998. It is improper for BellSouth to seek approval of an agreement that has expired. Therefore, FCTA respectfully requests that the Commission deny BellSouth's Request for Approval of the Stipulation and Agreement as between FCTA and BellSouth.

3. BellSouth's justification for submitting the Stipulation and Agreement for Section 252(e) approval is Order No. PSC-97-1459-FOF-TL. However, that Order was issued in November, 1997. BellSouth waited until after the expiration date, nearly two months later, to submit its request. BellSouth's request is untimely. It should be denied.
4. Second, with regard to Continental Cablevision, FCTA believes that BellSouth has made arrangements to extend the December 8, 1998, Stipulation and Agreement for an additional period of time and that certain addenda have been negotiated. If so, BellSouth should submit these additional terms in writing to assist the Commission in making its public interest determination. Until such time as BellSouth seeks approval of any additional written arrangements or time extensions, BellSouth's request is improper because the original Stipulation and Agreement expired.
5. Finally, with respect to the other signatories, BellSouth alleges that all parties except FCTA and Continental Cablevision have entered into superseding agreements entered under the Federal Act. It is not clear why BellSouth now needs approval of an expired agreement with any party under the Federal Act. This action is a waste of the Commission's time and resources.
6. BellSouth filed its request for approval of the expired agreement without FCTA's knowledge or consent. FCTA attempted to contact BellSouth's Counsel upon receiving the document today, but was unable to do so because counsel was in a hearing at the Commission on another matter. FCTA would have sought to work out this matter with BellSouth had FCTA known that BellSouth planned to request approval after the expiration date of the agreement. However, FCTA cannot support an attempt to gain approval of an expired agreement between itself and BellSouth.

WHEREFORE, for the foregoing reasons, FCTA respectfully requests the Commission deny BellSouth's January 22, 1998, request for 252(e) approval of the Stipulation entered in PSC Docket No. 950985-TP.

Respectfully submitted this 27th day of January, 1998.



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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by

U. S. Mail on this 27th day of January, 1997 to the following parties of record in Docket No.

950985-TP:

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