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ORIGINAL

LAW OFFICES
MESSER, CAPARELLO & SELF
A PROFESSIONAL ASSOCIATION

215 SOUTH MONROE STREET, SUITE 701
POST OFFICE BOX 1876
TALLAHASSEE, FLORIDA 32302-1876
TELEPHONE (904) 222 0780
TELECOPIERS (904) 224 4388, (904) 428 1942

February 6, 1998

BY HAND DELIVERY

Ms. Blanca Bayo, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. ^{971604-TP} 971064-TP

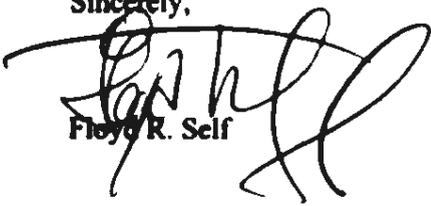
Dear Ms. Bayo:

Enclosed for filing on behalf of WorldCom, Inc and MCI Communications Corporation are an original and fifteen copies of a Joint Motion to Strike the Reply of GTE Corporation and GTE Communications Corporation to Opposition of WorldCom, Inc. and MCI Communications Corporation to Motion to Intervene in the above-referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

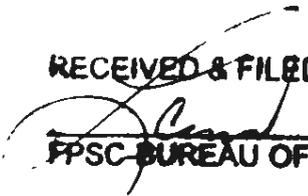
Sincerely,


Floyd R. Self

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU Williams
- CTR _____
- EAG _____
- LEG 1
- LIN _____
- CPD _____
- PN _____
- SE 1

FRS:amb
Enclosures
cc: Mr. Brian Sulmonetti
Parties of Record

RECEIVED & FILED


FPSC BUREAU OF RECORDS

DOCUMENT NUMBER DATE

U1956 FEB-6 98

COMMUNICATIONS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of merger of MCI Communications Corporation (Holder of AAV/ALEC Certificate 2986 in the name MCI Metro Access Transmission Services, Inc.; and IXC Certificate 61, PATS Certificate 3080, and AAV/ALEC Certificate 3996 in the name of MCI Telecommunications Corp.) with TC Investments Corp., a Wholly-Owned Subsidiary of WorldCom, Inc.

971604-TP

Docket No. 971064-TP
Filed: February 6, 1998

JOINT MOTION TO STRIKE THE REPLY OF GTE CORPORATION AND GTE COMMUNICATIONS CORPORATION TO OPPOSITION OF WORLDCOM, INC. AND MCI COMMUNICATIONS CORPORATION TO MOTION TO INTERVENE

WorldCom, Inc. ("WorldCom") and MCI Communications Corporation ("MCI"), by their undersigned counsel, hereby jointly file this Motion to Strike the Reply of GTE Corporation and GTE Communications Corporation and as basis would state:

1. On December 15, 1997 GTE Corporation and GTE Communications Corporation ("GTE") filed a Petition to Intervene ("Petition") in this docket. On December 24, 1997 WorldCom and MCI filed a Joint Opposition to GTE's Petition to Intervene ("Joint Opposition") requesting that the Commission deny GTE's Petition. On January 26, 1998 GTE filed its Reply to the Joint Opposition ("Reply") of WorldCom and MCI to the Petition. GTE's Reply is unauthorized, untimely, and irrelevant. Accordingly, it should be stricken.

2. First, GTE's Reply is not permitted by the rules. While Rule 25-22.037(1), Florida Administrative Code, authorized the joint response of WorldCom and MCI as an answer to the Petition, there is absolutely nothing in the rules which authorize a reply to an answer. It is GTE's Petition that is at issue at this time. WorldCom and MCI properly and timely filed an answer to that Petition, and under the Commission's rules that is the extent of the pleading cycle. GTE's improper attempt to label the Joint Opposition a "Motion," when it was not labeled as such nor constitutes such, does not change the legal status of the Joint Opposition as an answer or otherwise authorize GTE's reply. Thus, GTE's Reply should be stricken as unauthorized.

DOCUMENT NUMBER-DATE

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FPSC-REGISTRATION/REPORTING

3. Second, even if the Joint Opposition were a Motion, GTE's Reply is untimely. GTE's characterization of the Joint Opposition as a "Motion in Opposition to GTE's Petition to Intervene" is incorrect -- it was neither labeled as such nor would it constitute such a pleading under the rules since it was in fact an answer to the Petition. However, if the Commission agrees that the Joint Opposition is a motion, then GTE is too late with its reply. Commission Rule 25-22.037(2)(b), Florida Administrative Code permits "written memoranda in opposition" to a written motion within seven days after service of the motion or, under Rule 25-22.028(4), within 12 days after service by mail. Thus, if GTE is allowed to elevate the Joint Opposition to the level of a motion, then the latest their reply was due was 12 days after service of that motion. GTE's reply was served 33 days after the Joint Opposition. The Commission has not, and should not, tolerate such untimely pleadings. See FPSC Order No. PSC-96-0334-FOF-TL (striking GTE Florida's response as untimely). Therefore, if GTE's Reply is considered a response to a motion, it should be stricken as untimely.

4. Notwithstanding the foregoing, and without waiving the position that GTE's Reply should be stricken, WorldCom and MCI would urge the Commission to disregard the substance of GTE's Reply. The Reply is nothing more than GTE's attempt to supplement its Petition with redundant and irrelevant arguments and extraneous citations. Rule 25-22.039, Florida Administrative Code, with respect to interventions, authorizes petitions for leave to intervene, but requires that they "include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a constitutional or statutory right or pursuant to Commission Rule or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding." It was incumbent upon GTE to have established in its original pleading that it has the requisite interests to be allowed to intervene. GTE should not be permitted to manufacture a new pleading injected with spurious and meritless arguments in an attempt to "try again." Moreover, the telecommunications orders cited by GTE as support for its request for intervention involve ratemaking, rulemaking, generic policy dockets, or original certificate applications -- which are not the subject of this docket. Finally, all of the cited orders involve

different statutory criteria than what is at issue in this docket — a transfer of control of MCI, the ultimate parent company of the MCI Florida operating subsidiaries, to WorldCom. What GTE is attempting to do with this “reply” is to improperly embellish, delay, and confuse the issue. The Commission should recognize such arguments for what they are and reject them.

Wherefore, for the reasons cited herein, Petitioners request that the Commission strike the Reply filed by GTE in this docket. If the Commission should accept GTE’s Reply as part of the record in this proceeding, the Petitioners request that they be permitted to respond to the allegations raised in the Reply.

Respectfully submitted,

**MCI COMMUNICATIONS
CORPORATION**

WORLDCOM, INC.

By: Thomas Bond by FRS
Thomas Bond
MCI COMMUNICATIONS
CORPORATION
780 Johnson Ferry Road
Atlanta, GA 30342
(404) 267-6315 (Tel)

By: Jean L. Kiddoo by FRS
Jean L. Kiddoo
Kathy L. Cooper
SWIDLER & BERLIN, CHARTERED
3000 K Street, N.W., Suite 300
Washington, DC 20007
(202) 424-7834 (Tel)

By: Richard Melaon by FRS
Richard Melaon, Esq.
HOPPING, GREEN, SAMS
& SMITH
123 South Calhoun Street
Tallahassee, FL 32301
(850) 222-7500

By: Floyd R. Self
Floyd R. Self
MESSER, CAPARELLO & SELF, P.A.
Post Office Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720

Its Counsel

Its Counsel

Dated: February 6, 1998

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Joint Motion to Strike the Reply of GTE Corporation and GTE Communications Corporation to Opposition of WorldCom, Inc. and MCI Communications Corporation to Motion to Intervene in Docket No. 971604-TP has been furnished by Hand Delivery (*) and/or U.S. Mail to the following parties of record this 6th day of February, 1998:

Martha Brown, Esq.*
Division of Legal Services, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. Richard Tudor*
Mr. Tom Williams*
Division of Communications, Room 270
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

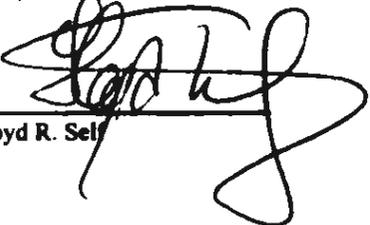
Richard D. Nelson
Hopping Green Sams & Smith
123 S. Calhoun St.
Tallahassee, FL 32301

Thomas K. Bond
MCI Telecommunications
780 Johnson Ferry Road, Suite 700
Atlanta, GA 30342

Mr. Brian Sulmonetti
LDDS WorldCom
1515 S. Federal Highway, Suite 400
Boca Raton, FL 33432

Jean L. Kiddoo, Esq.
Swidler & Berlin, Chartered
3000 K Street, N.W., Suite 300
Washington, DC 20007

Kimberly Caswell, Esq.*
GTE Florida Incorporated
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110



Floyd R. Self