

MARY K. KEYER  
General Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0729

ORIGINAL

December 21, 1998

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

RE: Docket No. 981052-TP

Dear Mrs. Bayo:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s Motion to Strike Testimony. Please file this document in the captioned docket.

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 on the parties shown on the attached Certificate of Service.

Sincerely,

*Mary K. Keyer* (KR)  
Mary K. Keyer

Enclosures

cc: All Parties of Record  
A. M. Lombardo  
N. B. White  
W. J. Ellenberg (w/o enclosures)

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2
- LIN 3
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_

RECEIVED & FILED

*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

14348 DEC 21 88

STATE RECORDS CENTER

**CERTIFICATE OF SERVICE**  
**Docket No. 981052-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express this 21st day of December, 1998, to the following:

Andrea K. Welch  
Telephone Company of Central  
Florida, Inc.  
3599 W. Lake Mary Boulevard  
Suite E  
Lake Mary, Florida 32746  
(407) 328-5002

Mary K. Keyer (ck)  
Mary K. Keyer

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF TELEPHONE COMPANY OF )  
CENTRAL FLORIDA (TCCF) FOR ARBITRATION ) Docket No: 981052-TP  
OF RESALE AGREEMENT WITH BELL SOUTH )  
TELECOMMUNICATIONS, INC., PURSUANT )  
TO THE TELECOMMUNICATIONS ACT OF 1996) Dated: December 21, 1998  
\_\_\_\_\_)

BELLSOUTH TELECOMMUNICATIONS, INC.'S  
MOTION TO STRIKE TESTIMONY

BellSouth Telecommunications, Inc., respectfully moves the Florida Public Service Commission to strike portions of the testimony of Andrea K. Welch, witness for Telephone Company of Central Florida (TCCF). In support of its motion, BellSouth states:

1. The issues to be addressed in this proceeding were identified by the Commission in its Order Establishing Procedure, Order No. PSC-98-1490-PCO-TP, issued November 9, 1998.

2. The Complaint issue identified in the Order Establishing Procedure is: "Has BST provided TCCF with ESSX service in compliance with the parties' resale agreement for periods of time not covered by settlements and adjustments made regarding ESSX? If not, what action, if any should the Commission take?"

3. The Arbitration issues identified in the Order Establishing Procedure are:

“Issue 1: Should BST be permitted to recover from TCCF its non-recurring and recurring costs of providing OSS for use by ALECs?

A. If so, how should the charges for such use be determined?

B. What language and rates regarding OSS should be included?

Issue 2. Should ESSX service be made available for resale in the new resale agreement?”

3. Andrea K. Welch, witness for TCCF, included in her Direct Testimony, pp. 21-25, testimony regarding “Service Interval Negotiations.” In addition to not being included as an issue in the Order Establishing Procedure, service order intervals are not an appropriate issue for this arbitration proceeding.

4. During the negotiations of TCCF’s new resale agreement, the proposed agreement included the following service order interval language in Section VI.C: “When notification is received from Reseller that a current customer of the Company will subscribe to Reseller’s service, standard service order intervals for the appropriate class of service will apply.” Exhibit AKW-2.

5. TCCF listed service order intervals on its initial discussion list for negotiations and requested a copy of BellSouth’s service order intervals. Susan Arrington provided TCCF with information on accessing this and other BellSouth information through the Internet. Arrington Rebuttal, p. 8, Exhibit SMA-5. No further discussions were held regarding this issue. Arrington Rebuttal, p. 8.

6. At no time during negotiations did TCCF request “the addition of any language or revisions to the existing language because, as written, the language

is clear and obligates BellSouth to provide service intervals equal to those provided to their end user customers.” Welch Direct, p. 22, Lines 19-22.

7. Ms. Arrington sent correspondence to Ms. Welch on July 10, 1998, identifying the open issues between them. Arrington Rebuttal, p. 6, Exhibit SMA-4. Those issues were the ESSX® Service and OSS issues which have been identified as issues in the Order Establishing Procedure for this proceeding and which are appropriate issues for this arbitration. Service order intervals are not an appropriate issue for this arbitration.

8. Ms. Welch’s attempt to identify and include service order intervals in this arbitration is an attempt to include an issue which was not an open issue between the parties at the close of negotiations and is, therefore, not an appropriate issue for this arbitration.

Based on the foregoing, BellSouth respectfully requests this Commission to issue an order striking those portions of Ms. Welch’s Direct Testimony that discusses service order intervals, specifically pages 21, lines 2-22, through page 25, line 9, and any exhibits which address this issue, specifically Exhibits AKW-13 and AKW-14. BellSouth further requests that any testimony and exhibits in Ms. Welch’s rebuttal testimony, which BellSouth has not yet seen, or any other TCCF witness’s direct or rebuttal testimony regarding service order intervals be stricken and not considered in this proceeding.

Respectfully submitted this 21st day of December, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White (re)

NANCY B. WHITE

c/o Nancy H. Sims

150 So. Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5558

William J. Ellenberg II (re)

WILLIAM J. ELLENBERG II

MARY K. KEYER

675 West Peachtree Street, #4300

Atlanta, Georgia 30375

(404)335-0711

144909