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Legal Department

NANCY B. WHITE  
General Counsel-Florida

99 APR 13 PM 4:38

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5558

RECORDS AND  
REPORTING

April 13, 1999

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. 990210-TP

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Opposition to Petition to Intervene Filed by MCI Telecommunications, Corporation, MCIMetro Access Transmission Services, LLC, and WorldCom Technologies, 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.

ACK \_\_\_\_\_

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Enclosures

OPC \_\_\_\_\_

RCH \_\_\_\_\_

SEC 1

WAS \_\_\_\_\_

OTH \_\_\_\_\_

cc: All parties of record  
Marshall M. Criser III  
William J. Ellenberg II

Sincerely,

*Nancy B. White (cc)*

Nancy B. White

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**CERTIFICATE OF SERVICE**  
**Docket No. 990210-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 13 day of April, 1999 to the following:

Access One Communications  
3427 N.W. 55th Street  
Ft. Lauderdale, FL 33309-6308  
Tel: 954-714-0000  
Fax: 954-739-2476

Hopping Law Firm  
Richard Melson  
P.O. Box 6526  
Tallahassee, FL 32314  
Tel: 850-222-7500  
Fax: 850-224-8551

MCI WorldCom, Inc.  
Mr. Dulaney L. O'Roark III  
Concourse Corporate Center Six  
6 Concourse Parkway, Suite 3200  
Atlanta, GA 30328

MCI WorldCom, Inc.  
Donna Canzano McNulty  
325 John Knox Road  
The Atrium, Suite 105  
Tallahassee, FL 32303

Nancy B. White (cc)  
Nancy B. White

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth	)	Docket No. 990210-TP
Telecommunications, Inc. for	)	
Approval of Interconnection,	)	
Unbundling and Resale	)	Filed: April 13, 1999
With The Other Telephone	)	
Company, Inc., d/b/a Access	)	
One Communications	)	
_____	)	

**BELLSOUTH TELECOMMUNICATION, INC.'S  
OPPOSITION TO PETITION TO INTERVENE FILED BY  
MCI TELECOMMUNICATIONS, CORPORATION, MCIMetro  
ACCESS TRANSMISSION SERVICES, LLC, AND  
WORLDCOM TECHNOLOGIES, INC.**

BELLSOUTH TELECOMMUNICATIONS, INC., ("BellSouth"), pursuant to Rule 28-106.203, Florida Administrative Code, hereby files its Opposition to the Petition to Intervene filed by MCI Telecommunications Corporation, MCImetro Access Transmission Services, LLC, and Worldcom Technologies, Inc. (collectively "MCI"). In support thereof, BellSouth states the following:

1. MCI has filed for intervention in the above captioned docket which seeks approval of an interconnection unbundling and resale agreement entered into between The Other Telephone Company, Inc., d/b/a Access One Communications ("Access One") on January 20, 1999 and filed on February 24, 1999 with the Commission.

2. BellSouth opposes MCI's Petition for Intervention on several bases. First, intervention is restricted to proceedings initiated subject to Section 120.57, Florida Statutes, as well as those initiated under Sections

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120.60 or 120.54(16), Florida Statutes, See Rule 106.101, Florida Administrative Code. These statutes are inapplicable inasmuch as BellSouth and Access One submitted their negotiated agreement for approval pursuant to Section 252 of the Telecommunications Act of 1996 ("Act"). This is not a proceeding in which the interests of any party other than BellSouth and Access One will be determined.

3. Second, MCI, contrary to its assertions, has no substantial interests affected by this docket. MCI must establish that the proposed action will result in injury - in fact that has sufficient immediacy to just a hearing and that this injury is of a type or nature which the proceeding is designed to protect. Fairbanks, Inc. v. State, Dept. of Transp., 635 So.2d 58, 1<sup>st</sup> DCA (1994). MCI has not established these requirements.

4. MCI alleges that the BellSouth-Access One agreement filed with the Commission will discriminate against MCI. Specifically, MCI alleges that the language of Section 1.1.2 of Attachment 2, of that Agreement is discriminatory. BellSouth contends that MCI's interests will not be affected because BellSouth will incorporate that language into MCI's agreement with BellSouth if MCI so desires. All Section 1.1.2 states is that, if the parties desire to construct an agreement that does not meet the requirements of Section 252 of the Act, they are free to do so. Therefore, because MCI is free to adopt the language of Section 1.1.2 of attachment 2 of the

BellSouth-Access One Agreement, no MCI interest is affected and MCI's intervention should be rejected.

WHEREFORE, BellSouth respectfully requests that MCI's Petition to Intervene be denied.

Respectfully submitted this 13<sup>th</sup> day of April, 1999.

BELLSOUTH  
TELECOMMUNICATIONS, INC.

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