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May 29, 2001

#### VIA HAND DELIVERY

Commissioner E. Leon Jacobs, Chairman Commissioner Braulio L. Baez Commissioner J. Terry Deason Commissioner Lila A. Jaber Commissioner Michael A. Palecki Florida Public Service Commission Capital Circle Office Center 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re: Response of AT&T Communications of The Southern States, Inc., TCG South

Florida, and MediaOne Florida Telecommunications, Inc. to Recommendation for

Workshop

Docket No.: 010345-TP

Dear Chairman Jacobs and fellow Commissioners:

AT&T Communications of the Southern States, Inc., TCG South Florida, and MediaOne Florida Telecommunications, Inc. (hereinafter "AT&T"), respectfully submit this response to the staff recommendation to hold a workshop on the Petition filed in this matter, docket number 010345-TP.

AT&T supports the recommendation to hold a workshop and welcomes the opportunity to participate and provide input into the most appropriate future courses of action in this important matter.

Specifically, AT&T believes the workshop should focus on the Commission's jurisdiction to entertain the Petition, which has been challenged by BellSouth's Motion to Dismiss. The workshop should also address formulation of a schedule for future evidentiary proceedings on the allegations in the Petition.

AT&T also believes, however, that any consideration of a particular remedy at this early stage is premature and should await development of a full factual record. In the absence of a record, any discussion of remedy could cloud rather than clarify the issues and even prejudice the



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Commission's dispassionate consideration of the testimony later adduced in the evidentiary hearing.

A point of clarification about AT&T's Petition: AT&T is confident that the facts, as ultimately found, will prove structural separation to be the most appropriate means through which to accomplish the "transition from the monopoly provision of local exchange service to the competitive provision thereof". Sec. 364.01(3), Florida Statutes. But while structural separation is the best remedy, it is not the only remedy available to the Commission. The facts might well compel relief more substantial, less substantial, or simply different than structural separation. That will be determined, in the Commission's sound discretion, only after development and consideration of a full factual record. This Commission always has the discretion and statutory right to enter all appropriate relief, depending on the facts found. Sec. 364.015, Florida Statutes.

AT&T appreciates the Commission's consideration and looks forward to participation in the upcoming workshop and in future proceedings in this docket.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

The foregoing letter was sent by facsimile transmission this 28th day of May 2001 or by U.S. Mail, Hand Delivery, or facsimile transmission to all counsel of record on 29th day of May 2001.

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