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Sent: Monday, July 02, 2001 10:38 AM
To: 'filings@psc.state.fl.us'
Subject: Filing in Docket No. 010345-TP

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The attached document is from:

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Docket No. 010345-TP - Petition of AT&T Communications of the Southern States, Inc., TCG South Florida, and Media One Florida Telecommunications, Inc., for Structural Separation of BellSouth Telecommunications, Inc.

Number of pages: 9 (including cover leter, certificate and pleading)

Pleading entitled BellSouth's Opposition to Motion to Clarify and Amend AT&T's Petition for Structural Separation

A paper copy will be filed with the Division of the Commission Clerk and Administrative Services today.

By filing electronically, BellSouth accepts that the official copy is the version printed by the Public Service Commission's Division fo the Commission Clerk and Administrative Services and filed in the official docket file.

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FPSC-RECORDS/REPORTING

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July 2, 2001

Mrs. Blanca S. Bayó
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
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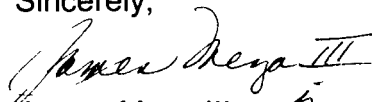
Re: Docket No. 010345-TP (Structural Separation of BellSouth)

Dear Ms. Bayó:

Enclosed is an original of BellSouth Telecommunications, Inc.'s
Opposition to Motion to Clarify and Amend AT&T's Petition for Structural
Separation, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate
of Service.

Sincerely,


James Meza III *jr*

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

**CERTIFICATE OF SERVICE
Docket No. 010345-TP**

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

(*) Federal Express and U.S. Mail this 2nd day of July, 2001 to the following:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of AT&T Communications of) Docket No. 010345-TP
the Southern States, Inc., TCG South)
Florida, and MediaOne Florida)
Telecommunications, Inc. for)
Structural Separation of BellSouth)
Telecommunications, Inc.) Filed: July 2, 2001

**BELLSOUTH'S OPPOSITION TO MOTION TO CLARIFY AND
AMEND AT&T's PETITION FOR STRUCTURAL SEPARATION**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully requests that the Florida Public Service Commission ("FPSC") deny AT&T Communications of the Southern States, Inc.'s, TCG South Florida Inc.'s, and MediaOne Florida Telecommunications, Inc.'s (collectively "AT&T") Motion to Clarify and Amend AT&T's Petition for Structural Separation. In support of this opposition, BellSouth submits the following:

1. On March 21, 2001, AT&T filed its Petition for Structural Separation, wherein, after twenty-eight pages of baseless accusations and arguments, AT&T specifically requested that the Commission order the structural separation of BellSouth. Importantly, nowhere in this voluminous document did AT&T request that the Commission order any other type of relief.

2. Based on AT&T's specific claim for relief, on April 10, 2001, BellSouth filed a Motion to Dismiss, claiming, among other things, that (1) the Commission lacked the authority to order structural separation; and (2) the Commission was prohibited from ordering structural separation. BellSouth's Motion is still pending.

3. On May 30, 2001, the Commission ordered that the parties conduct a workshop to address the issues related to AT&T's request for structural separation. On June 20, 2001, the Commission issued a Notice of Commission Workshop setting the workshop for July 30 and 31, 2001.

4. Now, three months after it filed its original Petition, AT&T is seeking to amend its Petition to greatly expand its request for relief by asking that the Commission award "all necessary or appropriate relief under the circumstances." Motion at 1. Consequently, after setting the scope of this proceeding three months ago, AT&T is attempting to change the rules and parameters of the game by introducing new issues and seeking additional, unlimited and unspecified claims of relief after BellSouth has expended considerable time and effort preparing its defense to only a request for structural separation. It is well settled in Florida that amendments of pleadings "are not allowed if they 'would change the issue, or introduce new issues, or materially vary the grounds for relief.'" Warfield v. Dowry, 41 So. 2d 877, 878 (Fla. 1949) (cit. omit.). AT&T's proposed amendment attempts to do exactly what Florida law prohibits - change or introduce new issues. Accordingly, for this reason alone, AT&T's Motion should be denied.

5. Additionally, contrary to AT&T's assertion, AT&T's proposed amendment severely prejudices BellSouth. As stated above, AT&T's does not ask for specific types of alternative relief. Accordingly, BellSouth cannot prepare a defense to these unlimited, unspecified claims for relief because it does not know what they are.

6. Further, AT&T has not presented good cause for the Commission to grant its Motion. Indeed, AT&T has not explained why it waited until after BellSouth filed its Motion to Dismiss, after the Staff issued a recommendation for a workshop, after the agenda on the Staff's recommendation, and on the day the Commission issued a notice setting the dates for the workshop to seek to amend its Petition. AT&T's delay is inexcusable and should not be sanctioned by this Commission.

7. Finally, despite AT&T's doomsday-like prediction that "the time for the Commission is running short" (Petition at 4), AT&T's actions in this proceeding can only be described as dilatory. For instance, upon receiving BellSouth's Motion to Dismiss, AT&T requested a thirty day extension of time in which to respond. Now, three months after filing its Petition, AT&T is attempting to greatly expand the issues presented in its Petition by adding unspecified and unlimited claims for relief. The proposed amendment could result in a delay of this proceeding and the scheduled workshop.

WHEREFORE, BellSouth respectfully requests that the Commission deny AT&T's Motion to Clarify and Amend AT&T's Petition for Structural Separation.

Respectfully submitted this 2nd day of July, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE

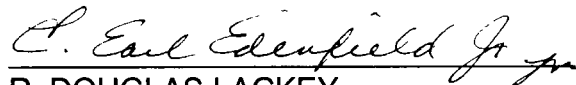
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