

ORIGINAL

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
JOHN R. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

J. STEPHEN MENTON
R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

July 16, 2001

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

RECEIVED-FPSC
01 JUL 16 PM 12:59
COMMISSION
CLERK

Re: Docket No. 010850-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of US LEC of Florida Inc., XO Florida, Inc., Time Warner Telecom of Florida, LP, ITC^DeltaCom Communications and KMC Telecom Inc. ("Petitioners") are the following documents:

1. Original and fifteen copies of Petitioners' Response in Opposition to BellSouth's Motion to Dismiss Joint Petition and Joint Amended Petition; and
2. A disk in Word Perfect 6.0 containing a copy of the Response.

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

Thank you for your assistance with this filing.

Sincerely,

Martin P. McDonnell

Martin P. McDonnell

APP
CAF
CMP
COM
CTR
ECR
LEG
OPC
PAI
RGO
SEC
SER
OTH

MPM/rl
Enclosures

RECEIVED & FILED
[Signature]
FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
08649 JUL 16 2001
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of US LEC of Florida)
Inc., XO Florida, Inc., Time Warner)
Telecom of Florida, LP, ITC^DeltaCom)
Communications and KMC Telecom Inc.)
objecting to and requesting)
suspension of proposed CCS7)
Access Arrangement Tariff filed by)
BellSouth Telecommunications, Inc.)
_____)

Docket No. 010850-TP

Filed: July 16, 2001

**PETITIONERS' RESPONSE IN OPPOSITION TO
BELLSOUTH'S MOTION TO DISMISS JOINT PETITION
AND JOINT AMENDED PETITION**

Petitioners US LEC of Florida Inc., XO Florida, Inc., Time Warner Telecom of Florida, LP, ITC^DeltaCom Communications and KMC Telecom, Inc., pursuant to Rule 28-106.204(1), Florida Administrative Code, hereby file their Response in Opposition to BellSouth Telecommunications, Inc.'s ("BellSouth") Motion to Dismiss Joint Petition and Joint Amended Petition, and state as follows:

1. On June 14, 2001, Petitioners filed their Petition Objecting to and Requesting Suspension of BellSouth's Proposed CCS7 Access Arrangement Tariff, Tariff No. T-010546 ("Proposed Tariff"), pending the scheduling of a formal administrative hearing concerning the Proposed Tariff pursuant to Sections 120.569 and 120.57(1), Florida Statutes. Subsequently, on June 18, 2001, pursuant to Rule 28-106.202, Florida Administrative Code, Petitioners filed their Joint Amended Petition correcting and clarifying specific allegations set forth in the original Joint Petition.

2. On July 5, 2001, BellSouth filed its Motion to Dismiss the Joint Petition and Joint Amended Petition.

DOCUMENT NUMBER-DATE

08649 JUL 16 2001

FPSC-COMMISSION CLERK

3. The legal standards to be applied in addressing a motion to dismiss are well established in Florida. As stated by the First District Court of Appeal in *Varnes v. Dawkins*, 624 So.2d 349, 350 (Fla. 1st DCA 1993):

The function of a motion to dismiss is to raise as a question of law the sufficiency of the facts alleged to state a cause of action. *Connolly v. Sebeco, Inc.*, 89 So.2d 482 (Fla. 1956); *P.P. Fish v. Post of Amvets #85*, 560 So.2d 337 (Fla. 1st DCA 1990)..... Significantly, all material factual allegations of the complaint must be taken as true. (Citations omitted).

Indeed, a motion to dismiss tests only the legal sufficiency of a complaint or petition to state a cause of action and is not intended to determine issues of ultimate fact. *McWhirter, Reeves, McGlothlin, Davidson, Reif & Backus, P.A. v. Weiss*, 704 So.2d 214, 215 (Fla. 2nd DCA 1998). Moreover, a motion to dismiss for failure to state a claim should be granted only if it appears to a certainty that the petitioner would be unable to recover under any set of facts that could be proved in support of the petition. *See, e.g., Hunnings v. Texaco, Inc.*, 29 F.3d 1480, 1484 (11th Cir. 1994).

4. Under the above-stated legal standards, BellSouth's Motion to Dismiss must be denied. BellSouth does not even allege that Petitioners have failed to state a claim for a formal administrative hearing to resolve their objections concerning the Proposed Tariff. Indeed, BellSouth provides absolutely no citation to any legal authority - - case law, statute, rule, Commission order or otherwise - - in support of its Motion to Dismiss. Instead, BellSouth essentially takes issue with the factual allegations, objections and legal arguments raised in the Petition, an approach which is clearly outside the scope of a Motion to Dismiss. BellSouth's disagreement with the allegations in the Joint Amended Petition provide no basis for dismissal of the Joint Amended Petition.

5. Although BellSouth's Motion to Dismiss provides no legal basis for dismissal, the Motion does in fact underscore the need for an evidentiary hearing to address the numerous factual, legal and policy issues arising out of the Proposed Tariff.

6. In its Motion to Dismiss, BellSouth defines SS7 functionality. The parties agree that SS7 provides signaling functionality, but that signaling functionality is generated at the local switch and is routed to BellSouth via a hubbing vendor such as Illuminet unless the carrier has Service Transfer Points ("STPs") directly connected to BellSouth. Contrary to BellSouth's assertion on page 2 of its Motion, item three, that BellSouth has not received any compensation for SS7 service in relation to non-local intrastate calls, the links and ports have historically been paid in totality by carriers and third party vendors who connected to STPs pursuant to BellSouth's FCC tariff. To say that BellSouth did not receive any compensation is simply *wrong*.

7. Further, BellSouth does not deny that it cannot measure SS7 messages. BellSouth is attempting to shift the cost and burden of measuring, tracking and assigning jurisdiction of the TCAP and ISUP messages onto all other carriers, an expense and burden that many carriers are not equipped to incur.

8. Amazingly, BellSouth states on page 5 of its Motion to Dismiss that it is unaware of any reason why a carrier would believe that it had to develop a PIU/PLU for BellSouth's originating traffic. BellSouth apparently has not read its own Description and Justification Filing filed with the Federal Communications Commission ("FCC") wherein BellSouth defines the demand determinations for third party vendors indicating that all messages (local, interstate and intrastate long distance, and non-call related messages) will be counted (including those *originated on BellSouth's network*) and will be part of the billed messages. See copy of BellSouth's Description

and Justification Filing dated April 30, 2001 filed with the FCC attached hereto as Exhibit A, at Section 4 "Tariff Review Plan", pp. 3-4.)

9. Further, BellSouth's own management describes how these messages will be billed as follows:

Your SS7 provider will be required to provide BellSouth with the Signaling PIU and a Signaling PLU. These will be used to determine the percent of the taxes on these revenues that go to the state and local governments and the percent that go to the federal government. The rates for local, intraLATA, interLATA, and non-call-associated signaling messages are the same.

* * *

BellSouth will be charging the directly connected SS7 customer for all SS7 messages defined in the tariff, whether they are associated with a local or long distance call or whether they are non-call-associated messages.

* * *

At the FCC's request, the monies gathered by the new tariffs will be offset by reductions to the InterLATA carriers in local access charges.

See copy of email message from Mark Robbins to Tom Hyde dated May 29, 2001 attached hereto as Exhibit B. In short, BellSouth has not been clear or upfront as to the application of this Proposed Tariff filing and has made contradictory statements.

10. Again on page 5 of its Motion, BellSouth claims that it has not previously recovered this cost. But this statement completely contradicts the Description and Justification BellSouth filed with the FCC wherein it claimed that costs are currently recovered under local switching. See Exhibit A, at Section 2.0, page 2.¹

¹ Section 2.0 of BellSouth's Description and Justification Filing states, in pertinent part: "With this filing, signaling usage will no longer be bundled with local switching. CCS7 will be restructured

11. Finally, BellSouth states that ILECs that have STPs will not be impacted, but BellSouth is very aware that this tariff filing will impact those ILECs that use third party hubbing vendors such as Illuminet. It is noteworthy that a coalition of independent telephone companies have filed an intervention and a petition similar to the one in this case in South Carolina. See Exhibit C to this Response. Attached as Exhibit D is a copy of a similar intervention filed by certain independent telephone companies in Mississippi.

12. For example, BellSouth takes issue with the Petitioners' concerns and objections outlined in the Joint Amended Petition regarding the charges in the Proposed Tariff for CCS7 related services in connection with local calls. BellSouth argues that Petitioners' objection in this regard is a non-issue because CCS7 charges are already addressed in interconnection agreements between BellSouth and Petitioners. This is a contested question of fact - - not a basis for dismissal of the Joint Amended Petition. To the extent BellSouth submits testimony and evidence demonstrating that these charges have been negotiated by BellSouth and Petitioners for local calls and that such charges are reflected in interconnection agreements, additional issues still remain. For example, can BellSouth use the Proposed Tariff to impose additional CCS7 related charges on ALECs for IntraLATA toll calls in what amounts to a "defacto" unilateral amendment to a negotiated interconnection agreement? Such issues must be explored through evidence and testimony through a formal administrative proceeding.

such that billing for ISUP and TCAP will occur per signaling message. To reflect that previously bundled signaling usage will, under the restructure, be billed on a per signaling message basis, local switching charges are being reduced."

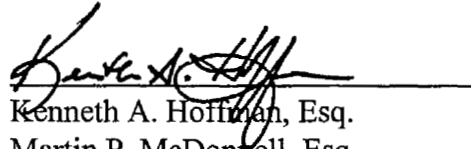
13. BellSouth also alleges that because the Proposed Tariff has no application to local calls between the networks of Petitioners and BellSouth, then there is no basis for Petitioners' concern that the charges in the Proposed Tariff violate Section 364.051(2), Florida Statutes, which is the price cap statute for basic service. Again, this is a question of both fact and law which will require the Commission to take evidence to determine, for example, if CCS7 related charges are reflected in interconnection agreements between BellSouth and Petitioners and, if so, whether such charges violate Section 364.051(2), Florida Statutes. Alternatively, if the Commission were to find that the charges in the Proposed Tariff do not fall within the scope of Section 364.051, and particularly in view of BellSouth's own characterization of the Proposed Tariff as a "new intrastate access service offering," then there are legitimate questions of fact and law as to whether these access charges violate pertinent provisions of Section 364.163, Florida Statutes, concerning network access services. Indeed, even if BellSouth is able to demonstrate that the CCS7 charges in the Proposed Tariff apply only to IntraLATA Toll Traffic, then issues remain as to whether CCS7 costs are already recovered in BellSouth's intrastate switched access charges which are priced significantly above cost.

14. Finally, while BellSouth may disagree with Petitioners' objections to the charges in the Proposed Tariff on the basis that said charges will necessitate increased rates across the telecommunications industry in Florida, BellSouth's disagreement provides no legal basis for dismissal of the Joint Amended Petition. Indeed, BellSouth's tacit admission that the charges in the Proposed Tariff could indeed bring price increases by competing providers to recover these costs is a policy issue with ramifications to an unlimited number of telecommunications carriers across the industry, including Petitioners, and certainly merits further exploration in this docket.

15. In sum, under the principles of law governing motions to dismiss, BellSouth has failed to allege any legal basis or citation to any legal authority supporting dismissal of Petitioners' Joint Amended Petition. BellSouth's Motion to Dismiss is nothing more than a series of unsupported facts and arguments, which only underscore the need for a formal administrative hearing to address Petitioners' concerns and objections regarding the Proposed Tariff.

WHEREFORE, for the foregoing reasons, the Petitioners respectfully request that the Commission deny BellSouth's Motion to Dismiss Joint Petition and Joint Amended Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth A. Hoffman", is written over a horizontal line.

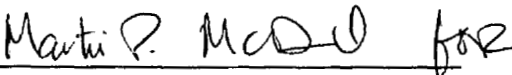
Kenneth A. Hoffman, Esq.
Martin P. McDonnell, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302
(850) 681-6788 (Telephone)
(850) 681-6515 (Telecopier)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Joint ALECs' Response in Opposition to BellSouth's Motion to Dismiss Joint Petition and Joint Amended Petition was furnished by U. S. Mail to the following this 16th day of July, 2001:

Nancy B. White, Esq.
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 N. Monroe Street, Suite 400
Tallahassee, FL 32301

Jason Fudge, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, Florida 32399-0850



Kenneth A. Hoffman, Esq.

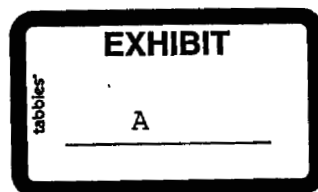
BELLSOUTH TELECOMMUNICATIONS, INC.

DESCRIPTION AND JUSTIFICATION

BELLSOUTH CCS7 ACCESS ARRANGEMENT

TRANSMITTAL NO. 588

April 30, 2001



1.0 INTRODUCTION

With this filing, BellSouth Telecommunications, Inc. hereinafter referred to as "BellSouth" is revising its F.C.C Tariff No. 1 relative to CCS7 Access Arrangement such that a charge will apply to all Integrated Switched Digital Network User Part (ISUP) and Transaction Capabilities Application Part (TCAP) messages. At the same time, local switching rates are being reduced to reflect the usage sensitive CCS7 restructure.

2.0 CCS7 ACCESS ARRANGEMENT - RESTRUCTURE

When a customer orders CCS7 Arrangement, the customer may currently choose BellSouth CCS7 Usage Feature as an Optional Feature for the billing of call set-up (ISUP) and non-call set-up (TCAP) messages. Alternatively, signaling usage is bundled with Feature Group D local switching. With this filing, signaling usage will no longer be bundled with local switching. CCS7 will be restructured such that billing for ISUP and TCAP will occur per signaling message. To reflect that previously bundled signaling usage will, under the restructure, be billed on a per signaling message basis, local switching charges are being reduced.

2.1 PRICE CAP INDICES AND AVERAGE TRAFFIC SENSITIVE (ATS) RATES

As displayed on the TRP provided with this filing and Appendix A, Workpaper SUM-A, the revisions proposed in this filing keep BellSouth within all allowable price cap limits. In addition, as shown in Workpaper TGT-1, this filing has no impact on the current ATS rate of \$0.006197.

3.0 RATES AND ECONOMIC INFORMATION

With this filing, customers will begin being billed for ISUP and TCAP usage charges as of June 15, 2001. This delay in billing is necessary in order to allow intrastate CCS7 tariffs to be filed in each of the states where BellSouth operates and to become effective on the same day as the interstate tariff.

4.0 TARIFF REVIEW PLAN (TRP)

Total SS7 demand was determined through the completion of two steps. Demand had to be developed for access messages and also for Third Party Provider messages.

First, to determine the number of query messages associated with interstate access demand, total 1999 interstate voice messages by call type were pulled from CABS statistical billing records. After obtaining the 1999 voice message demand, the quantity of query messages was obtained by multiplying the voice message demand by call type by the average number of ISUP and TCAP query messages associated with a call. The average number of ISUP and TCAP messages associated with a call is detailed in Telcordia's GR-246-CORE, SS7 technical reference documentation.

Second, since Third Party Providers are not billed local switching by BellSouth, Third Party demand was determined using a different method. In addition, BellSouth did not have any historical data regarding Third Party Provider voice message demand accessible from CABS statistical billing records. In order to gather this demand data, BellSouth identified Third Party Providers by their two-six code (the code which identifies each link-set with a carrier/customer), and then monitored the volume of SS7 messages over

these link-sets using the Agilent Link Monitoring System. This monitoring system is employed by BellSouth for the purposes of collecting AMA data regarding SS7 usage (by ISUP and TCAP messages). Demand data was gathered in the February/March 2001 timeframe. The volume of messages for the observation period was then annualized. This annualized volume was then reduced by a rate of 5% annually, representing demand growth over the 1999/2000 time frame. This demand adjustment adequately represents the growth rate of SS7 usage across all accounts for BellSouth.

Appendix A Workpaper TS-1 shows the ISUP demand of 127,982,699,389 messages and TCAP demand of 20,419,008,994 messages. This demand generates revenue of \$6,990,933 as shown in Appendix A Workpaper SUM-A. BellSouth proposes to offset this additional revenue by reducing Local Switching rates by \$6,974,580 as shown in Appendix A Workpaper TS-1.



Tom Hyde
<tom.hyde@Cbeyond.net>

To: "nedwards@itcdeltacom.com" <nedwards@itcdeltacom.com>
cc:
Subject: FW: TCAP & ISUP Billing

07/13/2001 09:01 AM

-----Original Message-----

From: Mark.Robbins@bridge.bellsouth.com
[mailto:Mark.Robbins@bridge.bellsouth.com]
Sent: Tuesday, May 29, 2001 4:58 PM
To: tom.hyde@Cbeyond.net
Cc: doberg@illuminet.com; William.French2@bellsouth.com;
julia.strow@Cbeyond.net; Mark.Robbins@bridge.bellsouth.com;
David.B.Veasey@bridge.bellsouth.com
Subject: RE: TCAP & ISUP Billing

Tom,

Here is the response from the SS7 SMEs concerning the SS7 tariff filing:

1) Pursuant to CC docket 96-95, BellSouth has filed a tariff to begin billing on a per message basis for all SS7 messages handled by BellSouth for an interconnecting customer. An interconnecting customer is defined as one that has a pair or a quad of SS7 links directly connected to one of BellSouth's SS7

Gateway STPs. BellSouth will be charging the directly connected SS7 customer for all SS7 messages defined in the tariff, whether they are associated with a

local or long distance call or whether they are non-call-associated messages.

From BellSouth's perspective, the tariff was filed as "revenue neutral". At the

FCC's request, the monies gathered by the new tariffs will be offset by reductions to the InterLATA carriers in local access charges. It is the FCC's

contention that, to this point, the InterLATA carriers had been paying the way

for all SS7 capability and that now the costs would be more equitably spread across all interconnecting companies.

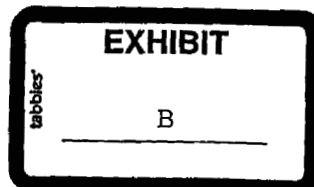
2) BellSouth will not be charging or billing Cbeyond for any SS7 messages because Cbeyond does not have SS7 links connected to BellSouth.

3) Your SS7 provider will be required to provide BellSouth with the Signaling

PIU and a Signaling PLU. These will be used to determine the per cent of the taxes on these revenues that go to the state and local governments and the per

cent that go to the federal government. The rates for local, intraLATA, interLATA, and non-call-associated signaling messages are the same.

Mark



**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO.:

In Re:

BELLSOUTH'S SS7 Tariff)

**PETITION TO INTERVENE
AND
OBJECTION TO
BELLSOUTH
TELECOMMUNICATIONS, INC.'S
SS7 TARIFF**

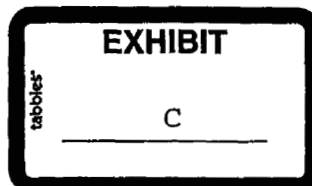
In response to the filing by BellSouth Telecommunications, Inc. ("BellSouth") for approval of a proposed tariff relating to SS7 services requested to become effective June 15, 2001, ("the Tariff"), the South Carolina Telephone Coalition ("SCTC") submits the within Petition to Intervene in this proceeding. In support of its Petition, SCTC would respectfully show unto this honorable Commission that:

1. SCTC is a coalition of local exchange telephone companies organized and doing business under the laws of the State of South Carolina. SCTC's members are telephone companies or telephone cooperatives subject to the jurisdiction of this Commission.

2. SCTC seeks to intervene in this proceeding with full rights to participate as a party of record insofar as its interests may appear.

3. SCTC's individual member companies provide local exchange telephone service within their respective service areas. SCTC's position in this matter is that of the Tariff is not appropriate and is not in the public interest and therefore should not be allowed to go into effect by this Commission. The Tariff, as currently drafted, would potentially impact each of the SCTC member companies and, therefore, the SCTC has an interest in this proceeding.

Columbia 661039



4. The Tariff appears to apply to access related to SS7 service and adds a per message Transaction Capabilities Application Part ("TCAP") and Integrated Switched Digital Network User Part ("ISUP") charge of \$.000035 and \$.000123 respectively and monthly recurring charges, in addition to the normal recurring monthly charge already assessed on the interstate side. SS7 is an inherent function of the telephone network in South Carolina and the entire country. SS7 provides signaling functionality for call routing and completion as well as access to various databases and it is used in network management. SS7 is more efficient than the obsolete Dual Tone Multi-Frequency (DTMF) signaling in that it allows faster dialing or "quick call set-up" because it checks to make sure the line is open before seizing the trunk. SS7 messages are used on virtually every single phone call. The only instance that SCTC is aware that an SS7 message might not be used is where DTMF is still used. The only remaining use of DTMF is for certain 911 trunks, otherwise all calls use SS7. In one phone call there are normally 5 ISUP messages and one TCAP message. ISUP messages are for call acknowledgment, call set-up, and call processing. A TCAP message is used for caller id, 800 or toll-free calls, and Caller Name And Number database ("CNAM"). There is not a per message charge for SS7.

5. The Tariff would apply to everyone - ILEC's, CLBC's, IXC's, wireless carriers, and third party SS7 providers.

6. SCTC objects to the Tariff because (a) these charges would apply to local traffic, and, thus, mandates usage charges which currently do not apply; (b) it contains no corresponding reduction to balance the increase in revenue that BellSouth will receive if the Tariff is allowed to go into effect; (c) this Tariff requires that a PIU/PLU be developed for originating and terminating usage and dictates the methodology for determining the PIU/PLU. This would

require SCTC companies and/or their affiliates to invest considerable resources and network infrastructure to develop these PTU/PLU factors; (d) BellSouth is already compensated for TCAP messages through its existing rates for 800 service queries, LDB queries, CNAM queries, and LNP queries; (e) if this tariff goes into effect, then every ILEC, CLEC, IXC, Wireless carrier and third party SS7 provider will be required to implement new rates to recover this "new" per message charge for SS7; (f) BellSouth is already recovering its costs through local switching charges and through agreements; and (g) this tariff will have an impact on all ILECs, CLECs, IXCs, Wireless carriers and third party SS7 providers which will result in all affected carriers raising their traffic sensitive rates. The ripple effect of this tariff filing if allowed to go into effect is that every ILEC, CLEC, IXC, wireless carrier, and third party SS7 provider will raise rates to recover this new charge from either other carriers or from the consumer and will also restructure their rates to charge BellSouth the SS7 message costs that each of these carriers also incur to complete calls. All carriers, not just BellSouth, incur cost to generate SS7 messages internally, transmit them to other carriers and to receive them from other carriers during the routing and completion of local and interexchange calls.

7. SCTC's rights and interests as well as its customers will be substantially affected by decisions made by the Commission regarding the Tariff.

WHEREFORE, the SCTC respectfully requests that:

- (i.) this matter be assigned a docket number and set for hearing;
- (ii.) SCTC be granted leave to intervene in the proposed June 15, 2001 BellSouth SS7 Tariff as its interest might appear;
- (iii.) the BellSouth SS7 Tariff be suspended pending the hearing;

- (iv.) SCTC be allowed to investigate with the Commission and the Staff the ramifications of the BellSouth SS7 Tariff, and, ultimately, the BellSouth SS7 Tariff be denied or modified to take into consideration the improper aspects thereof; and
- (v.) for such other, further, general, specific and more equitable relief as may be just and proper under the circumstances.

Respectfully submitted,

M. John Bowen, Jr.
M. Margaret Fox
McNAIR LAW FIRM, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800
jbowen@mcnair.net

By: _____

Attorneys for Intervenor South Carolina
Telephone Coalition


June 15, 2001

Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Betty B. Wheeler, do hereby certify that I have served a copy of the foregoing upon the following individual(s) in this cause by placing same in the U.S. Mail, first-class postage prepaid, addressed as follows, this 15th day of June, 2001.

Caroline N. Watson, Esquire
General Counsel - South Carolina
BellSouth Communications, Inc.
1600 Williams Street
Suite 5200
Columbia, South Carolina 29201


Betty B. Wheeler

Columbia, South Carolina

FILED

JUL 05 2001

**BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION
MISSISSIPPI PUBLIC SERVICE COMMISSION**

01-UN-0359

**BELLSOUTH
TELECOMMUNICATIONS, INC.**

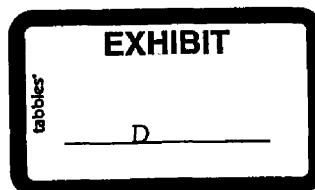
**IN RE: NOTICE OF ITS TARIFF FILING
WHICH PROPOSES TO ADD
BELLSOUTH CCS7 ACCESS
ARRANGEMENT SERVICE IN THE
ACCESS SERVICES TARIFF AND
SECTION A35 OF THE GENERAL
SUBSCRIBE SERVICES TARIFF**

MOTION TO INTERVENE

COME NOW, Bay Springs Telephone Company; Bruce Telephone Company, Inc.; Calhoun City Telephone Company; Century Telephone Company of North Mississippi; Decatur Telephone Company, Inc.; Delta Telephone Company, Inc.; Franklin Telephone Company, Inc.; Fulton Telephone Company, Inc.; Georgetown Telephone Company; Lakeside Telephone Company; Mound Bayou Telephone Company, Inc.; Myrtle Telephone Company; Noxapater Telephone Company, Inc.; Sledge Telephone Company, Inc.; Smithville Telephone Company, Inc.; and Southeast Mississippi Telephone Company ("Mississippi Independent Telephone Companies"), and hereby move the Mississippi Public Service Commission (the "Commission"), pursuant to Rule 6J of the Commission's Public Utilities Rules of Practice and Procedure and other authority, to allow their intervention in this matter based upon the following grounds:

1. The Mississippi Independent Telephone Companies submit this Motion to Intervene with respect to the May 16, 2001, CCS7 Tariff (the "Tariff") submitted by BellSouth Telecommunications, Inc. ("BellSouth"). Said Tariff was suspended by the Commission on June 18, 2001.

2. Each Mississippi Independent Telephone Company is certificated in Mississippi as a



local exchange telecommunications carrier and is a public utility as defined by Mississippi Code of 1972, as amended, Section 77-3-3(d)(iii).

3. The Tariff applies to access related to CCS7 service and adds a per message ISUP and TCAP charge of \$.000035 and \$.000123, respectively, and monthly recurring charges, in addition to the normal recurring monthly charge already assessed on the interstate side. CCS7 is an inherent function of the telephone network in Mississippi and the entire country. CCS7 provides signaling functionality for call routing and completion as well as access to various databases, and it is used in network management. These are new charges for CCS7. Currently there is not a per message charge for CCS7.

4. Decisions made in this docket regarding the establishment of CCS7 charges may have an impact on the Mississippi Independent Telephone Companies and their customers.

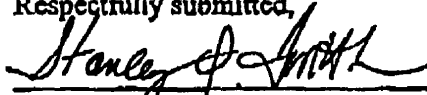
5. The Mississippi Independent Telephone Companies request that as parties to this docket, they be allowed to seek clarification of the BellSouth CCS7 Tariff and its possible impact on the Mississippi Independent Telephone Companies' abilities to provide universal telecommunications services to rural Mississippi.

6. The Mississippi Independent Telephone Companies, therefore, are interested parties having a substantial interest in the outcome of this docket proceeding. Since their interests cannot be adequately represented by any other party in this docket, the Mississippi Independent Telephone Companies respectfully request that they be allowed to intervene in this cause and fully set forth their position and rights before this Commission.

WHEREFORE, PREMISES CONSIDERED, the Mississippi Independent Telephone Companies respectfully request that they be allowed to intervene and participate in this cause as parties with all rights of interested parties to fully set forth their position and rights and to have the

opportunity to fully participate in discovery and examination of witnesses of all parties. The Mississippi Independent Telephone Companies request such other and further relief as to which they may be entitled.

Respectfully submitted,



Stanley Q. Smith, MSB #7607

WATKINS LUDLAM WINTER & STENNIS, P.A.

633 North State Street

P. O. Box 427

Jackson, Mississippi 39205-0427

Telephone: (601) 949-4863

Facsimile: (601) 949-4804

Attorney for the Mississippi Independent Telephone
Companies

CERTIFICATE OF SERVICE

I, STANLEY Q. SMITH, do hereby certify that in accordance with Rule 6L of the Mississippi Public Service Commission's Public Utility Rules of Practice and Procedure, I have this date caused to be filed with the Commission by hand delivery of the original and fourteen (14) copies of the foregoing Motion to the following:

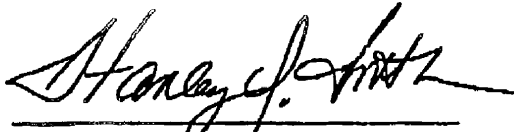
Mr. Brian U. Ray, Executive Secretary
Mississippi Public Service Commission
Suite 201A , The Woolfolk Building
Jackson, Mississippi 39201

I further certify that I have caused to be hand delivered a true and correct copy of the foregoing Motion to the following:

Thomas B. Alexander, Esq.
General Counsel - Mississippi
BellSouth Telecommunications, Inc.
790 Landmark Center
Jackson, Mississippi 39201

Attorney for BellSouth

THIS, the 5th day of July, 2001.


Stanley Q. Smith

Stanley Q. Smith, MSB #7607
WATKINS LUDLAM WINTER & STENNIS, P.A.
633 North State Street
P. O. Box 427
Jackson, Mississippi 39205-0427
Telephone: (601) 949-4863
Facsimile: (601) 949-4804

BEFORE THE PUBLIC SERVICE COMMISSION
OF
MISSISSIPPI

2001-UN-359

BELLSOUTH TELECOMMUNICATIONS, INC.
TC123000100

IN RE:
NOTICE OF BELLSOUTH TELECOMMUNICATIONS, INC. OF ITS TARIFF
FILING WHICH PROPOSES TO ADD BELLSOUTH CCS7 ACCESS
ARRANGEMENT SERVICE IN THE ACCESS SERVICES TARIFF AND
SECTION A35 OF THE GENERAL SUBSCRIBER SERVICES TARIFF.

ORDER GRANTING REQUEST TO INTERVENE

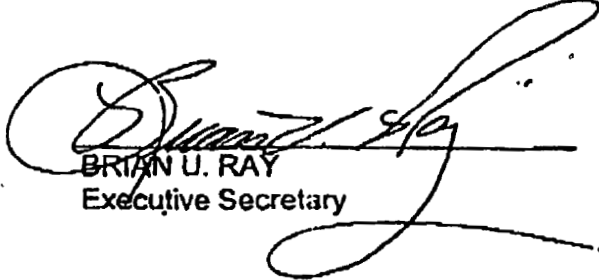
On July 5, 2001, MISSISSIPPI INDEPENDENT TELEPHONE COMPANIES,
filed a request to intervene in the above-styled cause.

The Commission has considered the request and is of the opinion that,
MISSISSIPPI INDEPENDENT TELEPHONE COMPANIES, should be allowed to
intervene in this proceeding.

IT IS THEREFORE, ORDERED that, MISSISSIPPI INDEPENDENT
TELEPHONE COMPANIES, are hereby allowed to intervene.

SO ORDERED by the Commission this, the 6th day of July, 2001.




BRIAN U. RAY
Executive Secretary