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ORIGINAL  
THE COPY

April 1, 1994

Ms. Blanca Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0865

Dear Ms. Bayo:

Re: Docket No. 921074-TP  
In the Matter of the Petition of Intermedia  
Communications of Florida, Inc. for Expanded  
Interconnection for AAVs within LEC Central Offices

ACK ✓  
3-1-94 2 Please find enclosed for filing an original and fifteen copies of  
4-1-94 2 GTE Florida Incorporated's Opposition to Motion of Florida Cable  
5-1-94 2 Television Association, Inc. for Reconsideration and/or Clarifi-  
6-1-94 2 cation of Order No. PSC-94-0285-FOF-TP in the above-referenced  
7-1-94 2 matter.

Service has been made as indicated on the attached Certificate of  
Service. If you have any questions, please contact the undersigned  
at 813-228-3094.

W/m Very truly yours,

6 *Kimberly Caswell / dm*  
Kimberly Caswell

RECEIVED & FILED

*mas*  
EPSC-BUREAU OF RECORDS

1 KC:mcp  
Enclosures

A part of GTE Corporation

DOCUMENT NUMBER DATE

03059 APR-1 94

EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for expanded )  
interconnection for alternate )  
access vendors within local )  
exchange company central offices )  
by INTERMEDIA COMMUNICATIONS OF )  
FLORIDA, INC. )  
\_\_\_\_\_ )

DOCKET NO. 921074-TP  
FILED: April 1, 1994

GTE FLORIDA INCORPORATED'S OPPOSITION TO MOTION OF FLORIDA  
CABLE TELEVISION ASSOCIATION, INC. FOR RECONSIDERATION  
AND/OR CLARIFICATION OF ORDER NO. PSC-94-0285-FOF-TP

GTE Florida Incorporated (GTEFL) opposes the Motion of Florida Cable Television Association, Inc. (FCTA) for Reconsideration and/or Clarification of Order number PSC-94-0285-FOF-TP (Order). GTEFL urges the Commission to deny the Motion because it is procedurally inappropriate and substantively inaccurate.

FCTA's Motion fails to address any Commission decision on the issues presented for resolution in this proceeding. Instead, it focuses on the contract service arrangement (CSA) process, arguing that the local exchange companies (LECs) should not be permitted to use CSAs for private line and special access services until they are deemed "effectively competitive" under Chapter 364.

The CSA process was not an issue in this proceeding. Pricing flexibility was discussed in response to Issue 15: "If the Commission permits expanded interconnection, what pricing flexibility should the LECs be granted for special access and private line services?" This question was correctly construed by the Commission and the parties to address pricing flexibility in addition to that which already exists. The Commission's Order explicitly notes that certain parties were "opposed to additional pricing flexibility."

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FPSC-RECORDS/REPORTING

[Emphasis added.] Consistent with this observation, FCTA argued against any pricing flexibility aside from CSAs, but did not argue that CSAs should be abolished or that the LECs could not use them at this time. Indeed, it stated that "The LECs currently enjoy substantial pricing flexibility under currently imposed restrictions. No further pricing flexibility is appropriate." (FCTA Brief at 13 [emphasis added].) Nothing in FCTA's discussion of this issue cast doubt upon the legality of the LECs' current ability to use CSAs. If FCTA wished to raise the issue of Commission authority to maintain existing CSA use, it could have done so at the issues identification workshop--or at least mentioned it in the brief. The Commission cannot grant reconsideration of an issue that was not even decided in this proceeding.

FCTA's framing its request for reconsideration in terms of the Commission's failure to "consider the proper rule of law" is an ill-concealed attempt to use this proceeding as a forum to again advance its particularized view of section 364.338 of the Florida Statutes. The Commission is well aware of its authority under Chapter 364. It obviously believes, as GTEFL does, that nothing there prevents the LECs from using CSAs in the absence of an effective competition determination. But FCTA's ongoing disagreement with the Commission regarding interpretation of Chapter 364 certainly does not justify "reconsideration" of the CSA process--particularly when the CSA authority was not even granted in this proceeding.

could easily have said so. In short, GTEFL is confident that the Commission will properly view FCTA's requested "clarification" as a wholesale change to the Order.

For all of the reasons discussed in this filing, GTE Florida Incorporated asks the Commission to deny FCTA's Motion.

Respectfully submitted on April 1, 1994.



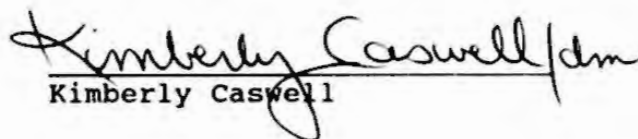
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FCTA's alternate request for the Commission to "clarify" its Order is similarly unfounded. Like the request for reconsideration, it attempts to tie CSA authority to a determination of effective competition. To accept FCTA's interpretation of the Order, one must accept the assumptions that: (1) the Commission intends to address the use of CSAs for special access and private line in Phase II of this proceeding; (2) CSAs are a "deviation" from the FCC's zone-density pricing; and (3) the Commission means for the LECs to justify continued use of CSAs by proving that private line and special access services are effectively competitive. These assumptions are easily shown to be inaccurate.

Nothing in the Order states or even implies that "the Commission intended to address the issue of whether to continue use of CSAs for private line and special access in Phase II of this docket." (FCTA Motion at 5.) Phase II deals with switched access and transport--not special access (nor, for that matter, the CSA process). Further, CSAs are not a deviation from the FCC's zone-pricing concept, as FCTA suggests. They are an existing means of meeting competition, wholly apart from any additional flexibility that zone-pricing may confer. This Commission never tied zone-density pricing to CSAs. Finally, the notion that the Commission intended the LECs to justify use of CSAs by demonstrating effective competition for special access and private line services is a logical leap that even FCTA makes no attempt to explain. (See Motion at 5.) If the Commission had intended the LECs to justify their continued use of CSAs by proving effective competition, it

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of GTE Florida Incorporated's Opposition to Motion of Florida Cable Television Association, Inc. for Reconsideration and/or Clarification of Order No. PSC-94-0285-FOF-TP in Docket No. 921074-TP was sent by U. S. mail on April 1, 1994, to the parties on the attached list.

  
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