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ORIGINAL
FILE COPY

July 23, 1996

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RE: Docket No. 960719-TP

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to FIXCA's Motion to Modify BellSouth Access Tariff and BellSouth's Motion for Authority to File its Response to FIXCA's Motion to Modify BellSouth Access Tariff. Please file these documents in the captioned docket.

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 on the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
(NW)

Nancy B. White

ACK Enclosures

APP cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
W. J. Ellenberg

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Approval of the Interconnection)
Agreement Negotiated by BellSouth)
Telecommunications, Inc. ("BellSouth"))
and Time Warner AxS of Florida, L.P.) Docket No. 960719-TP
d/b/a Time Warner Communications &)
Digital Media Partners ("Time Warner")) Filed: July 23, 1996
pursuant to Sections 251 and 252 of)
the Telecommunications Act of 1996)
_____)

BELLSOUTH TELECOMMUNICATIONS, INC.'S
RESPONSE TO FIXCA'S MOTION TO MODIFY BELLSOUTH
ACCESS TARIFF AND BELLSOUTH'S MOTION FOR AUTHORITY
TO FILE ITS RESPONSE TO FIXCA'S MOTION TO MODIFY
BELLSOUTH ACCESS TARIFF

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth" or "Company") and pursuant to Rule 25-22.037, Florida Administrative Code, files this Response to the Florida Interexchange Carriers Association ("FIXCA") Motion to Modify BellSouth's Access Tariff and its Motion for Authority to File its Response to FIXCA's Motion to Modify BellSouth's Access Tariff Out of time. For the following reasons, BellSouth urges the Florida Public Service Commission ("Commission") to grant BellSouth's motion to file its responsive pleading and to deny FIXCA's motion to modify BellSouth's access tariff:

1. On July 10, 1996, FIXCA filed its Motion to Modify BellSouth's Access Tariff. Although BellSouth's service address is Robert G. Beatty, Esq., J. Phillip Carver, Esq. in c/o Nancy H. Sims, BellSouth Telecommunications, Inc., 150 South Monroe Street, Room 400, Tallahassee, Florida 32301, this Motion was served via U.S. Mail to the undersigned. It is BellSouth's practice to date stamp pleadings when served. Because FIXCA's motion was not properly served, it was not date stamped.

BellSouth is, therefore, unsure of when it received the document and, therefore, the date its response is due pursuant to Rule 25-22.037, Florida Administrative Code.

2. FIXCA will not suffer any prejudice as a result of BellSouth's response. The Commission's consideration of FIXCA's Motion will not be delayed by the filing of BellSouth's response.

3. FIXCA's Motion to Modify the BellSouth's Access Tariff is based on Section 5.02(e) of the BellSouth/Time Warner Master Interconnection Agreement filed with this Commission on June 7, 1996 which provides for the rating of tandem-switched transport for intraLATA toll traffic based on an average mileage of five miles. FIXCA alleges this average mileage option for measuring tandem-switched transport for intraLATA toll traffic is required to be included in BellSouth's Switched Access Tariff pursuant to Section 252(e) of the Telecommunications Act of 1996 ("Act").

4. Section 252(e) of the Act states that an interconnection agreement adopted by negotiation or arbitration must be submitted to the State Commission for approval. The State Commission may only reject a negotiated agreement if the agreement is not in the public interest or if the agreement discriminates against a telecommunications carrier not a party to the agreement.

5. FIXCA alleges that, for the agreement to be nondiscriminatory, the five mile option must be made available for intrastate access to all carriers via BellSouth's Switched Access Service Tariff. This is patently incorrect.

6. Section 5.02(e) of the BellSouth/Time Warner negotiated

agreement adopts simplified billing for intraLATA toll in the form of the average distance of the area Time Warner will be serving as an ALEC under the Agreement. This average transport distance for intraLATA toll traffic is specific to Time Warner. The tariff, on the other hand, measures tandem-switched transport intrastate access on a per mile basis, with the total number of miles dependent on the actual length of the transport. If FIXCA's members desire to enter into a Master Interconnection Agreement with BellSouth that contains tandem-switched transport for intraLATA toll traffic based on average mileage specific to each one of those members, that may be appropriate. It is inappropriate, however, to place a carrier specific transport distance for intraLATA toll traffic into a statewide tariff.

WHEREFORE, BellSouth requests this Commission to accept BellSouth's response to FIXCA's Motion to Modify BellSouth's Access Tariff and to deny FIXCA's Motion to Modify BellSouth's Access Tariff.

Respectfully submitted this 23rd day of July, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty (pro)

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CERTIFICATE OF SERVICE
DOCKET NO. 960719-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express this 23rd day of July, 1996 to the following:

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