

ORIGINAL  
FILE COPY

HOPPING GREEN SAMS & SMITH  
PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET  
POST OFFICE BOX 6526  
TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

FAX (904) 425-3415

Writer's Direct Dial No.  
(904) 425-2313

July 30, 1996

JAMES S. ALVES  
BRIAN H. BIBEAU  
KATHLEEN BLIZZARD  
ELIZABETH C. BOWMAN  
RICHARD S. BRIGHTMAN  
PETER C. CUNNINGHAM  
RALPH A. DEMEO  
THOMAS M. DeROSE  
WILLIAM H. GREEN  
WADE L. HOPPING  
FRANK E. MATTHEWS  
RICHARD D. MELSON  
DAVID L. POWELL  
WILLIAM D. PRESTON  
CAROLYN S. RAEPPLÉ  
DOUGLAS S. ROBERTS  
GARY P. SAMS  
ROBERT P. SMITH  
CHERYL G. STUART

JAMES C. GOODLETT  
GARY K. HUNTER, JR.  
JONATHAN T. JOHNSON  
ROBERT A. MANNING  
ANGELA R. MORRISON  
GARY V. PERKO  
KAREN M. PETERSON  
MICHAEL P. PETROVICH  
LISA K. RUSHTON  
R. SCOTT RUTH  
JULIE R. STEINMEYER  
T. KENT WETHERELL, II

OF COUNSEL  
CARLOS ALVAREZ  
W. ROBERT FOKES

Ms. Blanca S. Bayó  
Director, Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Dockets [REDACTED] TP and 960846-TP

Dear Ms. Bayó:

Enclosed for filing in the above dockets on behalf of AT&T Communications of the Southern States, Inc. and MCI Metro Access Transmission Services, Inc. are the original and 15 copies of their Joint Motion for Consolidation.

By copy of this letter this document has been provided to the parties on the attached service list.

Very truly yours,

*Richard D. Melson*

Richard D. Melson

ACK ✓  
RDM/cc  
Enclosures  
cc: Parties of Record

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
79858.1  
SEP 1  
WAS

96-1039

RECEIVED & FILED

*[Signature]*  
REC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07915 JUL 30 96

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by AT&T )  
Communications of the Southern ) Docket No. 960833-TP  
States, Inc., for arbitration )  
with BellSouth Telecommunications, )  
Inc. concerning interconnection )  
and resale under the )  
Telecommunications Act of 1996. )  
\_\_\_\_\_)  
In re: Petition by MCI Metro Access )  
Transmission Services, Inc. for ) Docket No. 960846-TP  
for arbitration with BellSouth )  
Telecommunications, Inc. concerning )  
interconnection and resale under ) Filed: July 30, 1996  
the Telecommunications Act of 1996.)  
\_\_\_\_\_)

JOINT MOTION FOR CONSOLIDATION

AT&T Communications of the Southern States, Inc. (AT&T),  
and MCI Metro Access Transmission Services, Inc. (MCImetro)  
hereby jointly move the Commission to consolidate the arbitration  
proceedings involving BellSouth Telecommunications, Inc.  
(BellSouth) filed by AT&T and expected to be filed by MCImetro  
pursuant to Section 252(b) of the Telecommunications Act of 1996  
(Act) in the manner set forth below. As grounds therefor, AT&T  
and MCImetro state:

1. Section 252 of the Act sets forth the procedures for  
negotiation, arbitration and approval of agreements relating to  
interconnection with the incumbent local exchange carrier. Under  
Section 252(b)(1), any party to a negotiation may, during the  
period from the 135th to the 160th day after the date on which  
the incumbent local exchange carrier receiver a request for

negotiation, petition a state commission to arbitrate any open issues.

2. By letter dated March 4, 1996, AT&T requested BellSouth to commence good faith negotiations under Section 251 of the Act. On July 17, 1996, AT&T petitioned the Commission to arbitrate various unresolved issues with BellSouth regarding the price, terms and conditions of interconnection. That petition has been assigned Docket No. 960833-TP, and is currently scheduled for hearing on October 9-11, 1996.

3. By letter dated March 26, 1996, MCI Telecommunications Corporation, on behalf of itself and all of its affiliates, including MCImetro, requested BellSouth to commence good faith negotiations under the Act. Although those negotiations are still on-going, to date there are a number of unresolved issues. MCImetro currently expects that it will file a petition asking the Commission to arbitrate various open issues between itself and BellSouth on or after August 9, 1996. In light of the upcoming filing window, the Commission has opened Docket No. 960846-TP to provide a vehicle for handling a petition involving MCImetro and BellSouth.

4. AT&T and MCImetro anticipate that the proceedings in these two dockets will involve many common questions of law, fact, and policy. For example, disputes regarding the cost and price of various unbundled network elements, the appropriate discount for various resold services, and the dates by which BellSouth should be required to provide various electronic

interfaces for order processing, data exchange, etc. are likely to be common to the two dockets. In addition, each proceeding may involve some limited issues that are unique to the individual proceeding. For example, AT&T may have requested unbundling of a particular network element not requested by MCImetro, or MCImetro and BellSouth may have reached agreement on an issue that AT&T and BellSouth have been unable to resolve.

5. In light of the large number of common issues anticipated, AT&T and MCImetro believe that administrative economy would be advanced by consolidating the two proceedings. Such consolidation is consistent with both the Commission's rules of procedure, and with the provisions of the Act.

6. Rule 25-22.035(2), Florida Administrative Code, provides that:

If there are separate proceedings before the presiding officer which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.

AT&T and MCImetro submit that consolidation of these proceedings would promote the efficient resolution of the common issues. Consolidation would eliminate the necessity for the Commission to hear repetitive testimony and cross-examination regarding common issues in two closely spaced hearings. Consolidation would result in a single record and a single, consistent decision by the Commission on these common issues. In addition, given the

tight federal statutory time frames that govern Section 252(d) proceedings, and the congested nature of the Commission's calendar, consolidation would assist the Commission in resolving both proceedings in a timely fashion. With the proposed restrictions and limitations set forth in paragraph 8, below, consolidation would not affect -- much less unduly prejudice -- the rights of any of the parties to the proceeding.

7. Section 252(g) of the Act also expressly provides for consolidation of these types of proceedings:

(g) CONSOLIDATION OF STATE PROCEEDINGS.-- Where not inconsistent with the requirements of this Act, **a State commission may, to the extent practical, consolidate proceedings under sections 214(e), 251(f), 253, and this section** in order to reduce administrative burdens on telecommunications carriers, other parties to the proceedings, and the State commission in carrying out its responsibilities under this Act.

(emphasis added)

As stated above, consolidation of these dockets would reduce the administrative burden on both the parties to these dockets and on the Commission in carrying out its responsibilities under the Act.

8. By submitting this request for consolidation, AT&T and MCImetro are not seeking to "intervene" in the other's proceeding. In order to be consistent with the Commission's rulings that the Act does not contemplate intervention by third parties in a Section 252 arbitration proceeding, AT&T and

MCImetro propose that the Commission establish the following guidelines to govern the consolidated proceedings:

(a) As part of the normal prehearing issue identification procedures, the parties shall identify two categories of issues: (i) those which are common to the AT&T/BellSouth petition and the MCImetro/BellSouth petition, and (ii) those which are unique to only one of the petitions.

(b) All parties will participate fully in the litigation of the issues which are common to both petitions. The Commission's decision on these common issues will be binding on all parties.

(c) Only the parties directly involved (i.e. BellSouth and AT&T with respect to the AT&T petition, and BellSouth and MCImetro with respect to the MCImetro petition) will participate in the litigation of the issues which are unique to only one of the petitions. AT&T and MCImetro agree that the non-affected petitioner will not present testimony, conduct cross-examination, or file a brief with respect to the issues that affect only the other petitioner. The Commission's decision on these issues will be binding only on the parties who litigated the issue.

9. AT&T and MCImetro have consulted with counsel for BellSouth, and understand that BellSouth opposes this request for consolidation.

WHEREFORE, for the reasons stated above, AT&T and MCImetro respectfully request that the Commission consolidate the

captioned proceedings in the manner set forth in this joint motion.

RESPECTFULLY SUBMITTED this 30th day of July, 1996.



Tracy Hatch, Esq.  
Michael W. Tye, Esq.  
101 N. Monroe Street  
Suite 700  
Tallahassee, FL 32301  
(904) 425-6364

Robin D. Dunson, Esq.  
1200 Peachtree St., N.E.  
Promenade I, Room 4038  
Atlanta, GA 30309  
(404) 810-8689

Mark A. Logan, Esq.  
Brian D. Ballard, Esq.  
Bryant, Miller & Olive, P.A.  
201 S. Monroe St.  
Tallahassee, FL 32301  
(904) 222-8611

ATTORNEYS FOR AT&T  
COMMUNICATIONS OF THE  
SOUTHERN STATES, INC.



Richard D. Melson  
Hopping Green Sams & Smith  
123 South Calhoun Street  
P.O. Box 6526  
Tallahassee, FL 32314  
(904) 425-2313

Martha McMillin  
Suite 700  
780 Johnson Ferry Road  
Atlanta, GA 30342  
(404) 843-6375

ATTORNEYS FOR MCI METRO  
ACCESS TRANSMISSION  
SERVICES, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by hand delivery this 30th day of July, 1996, to the following:

BellSouth Telecommunications, INS.  
c/o Nancy H. Sims  
150 S. Monroe Street, Suite 400  
Tallahassee, FL 32301

Donna Canzano  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399



Attorney