

YOUNG, VAN ASSENDERP & VARNADOE, P. A.
ATTORNEYS AT LAW

JAN 10 1997
FILE COPY

REPLY TO:

R. BRUCE ANDERSON
TASHA O. BUFORD
DAVID B. ERWIN
DAVID P. HOPSTETTER*
C. LAURENCE KEESEY
ANDREW I. SOLIS
KENZA VAN ASSENDERP
GEORGE L. VARNADOE
ROY C. YOUNG

GALLIE'S HALL
225 SOUTH ADAMS STREET, SUITE 200
POST OFFICE BOX 1833
TALLAHASSEE, FLORIDA 32302-1833
TELEPHONE (904) 222-7206
TELECOPIER (904) 561-6834

SUNTRUST BUILDING
801 LAUREL OAK DRIVE, SUITE 300
POST OFFICE BOX 7907
NAPLES, FLORIDA 34101-7907
TELEPHONE (941) 597-2814
TELECOPIER (941) 597-1060

*BOARD CERTIFIED REAL ESTATE LAWYER

July 15, 1997

WILLIAM J. ROBERTS
OF COUNSEL

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

In re: Petition of BellSouth Telecommunications, Inc. for removal of St. Joseph
Telephone and Telegraph Company's InterLATA subsidy
Docket No. 970808.TP

Dear Ms. Bayo:

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEE 1 _____
- LIN 5 _____
- QAC _____
- REL _____
- SEL 1 _____
- WAS _____
- YVS _____

Enclosed are the original and 15 copies of a Motion to Dismiss on behalf of St. Joseph Telephone and Telegraph Company, Inc. Copies have been sent to parties of record.

Sincerely,



David B. Erwin

DBE:akh
Enclosures
cc: John H. Vaughan

DOCUMENT NUMBER-DATE

0-7080 JUL 16 5

FILED IN THE OFFICE OF THE CLERK OF THE COURT

ORIGINAL FILED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Bell South)
Telecommunications, Inc. for)
removal of St. Joseph Telephone)
and Telegraph Company's)
InterLATA subsidy)
_____)

Docket No. 970808-TP

Filed: July 15, 1997

MOTION TO DISMISS

St. Joseph Telephone and Telegraph Company, Inc., through its undersigned attorney, pursuant to Rule 25-22.037(2), F.A.C., moves to dismiss the petition of BellSouth Telecommunications, Inc. a) for failure to join an indispensable party, and b) for failure to attach all pertinent Commission orders, and in support states as follows:

1. On July 1, 1997, BellSouth Telecommunications, Inc. petitioned the Florida Public Service Commission to remove the interlata subsidy received by St. Joseph Telephone and Telegraph Company.
2. BellSouth Telecommunications, Inc. did not join St. Joseph Telephone and Telegraph Company, Inc. as a party, although removal of the subsidy would adversely affect St. Joseph Telephone and Telegraph Company, Inc.
3. BellSouth Telecommunications, inc. did not serve a copy of the petition on St. Joseph Telephone and Telegraph Company.
4. St. Joseph Telephone and Telegraph Company, Inc. has not yet been served with a copy of the petition by the Commission.
5. This matter could proceed to conclusion under the scheme apparently envisioned by BellSouth Telecommunications, Inc. without the involvement of St. Joseph Telephone and Telegraph Company, Inc., but St. Joseph Telephone and Telegraph Company, Inc.'s presence is

DOCUMENT NUMBER-DATE

07080 JUL 16 1997

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FILED-RECORDS REPORTING

CERTIFICATE OF SERVICE
Docket No. 970808-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express this 22 day of July, 1997 to the following:

Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. David B. Erwin
Young, van Assenderp
& Varnadoe, P.A.
225 South Adams Street
Suite 200
Post Office Box 1833
Tallahassee, FL 32302-1833
Tel. No. (904) 222-7206
Fax. No. (904) 561-6834

Mark R. Ellmer
502 Fifth Street
Suite 400
Port St. Joe, FL 32456

Nancy B. White (KR)
Nancy B. White