

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In the Matter of)
)
Complaint of WorldCom)
Technologies, Inc. against)
BellSouth Telecommunications,)
Inc. for breach of terms of)
Florida partial interconnection)
agreement under Sections 251 and)
252 of the Telecommunications Act)
of 1996, and request for relief.)

DOCKET NO. 971478-TL

Filed: June 1, 1998

Complaint of Teleport)
Communications Group, Inc./TCG)
South Florida against BellSouth)
Telecommunications, Inc. for)
breach of terms of interconnection)
agreement under Section 252 of the)
Telecommunications Act of 1996,)
and request for relief.)

DOCKET NO. 980184-TP

Complaint of Intermedia)
Communications Inc. Against)
BellSouth Telecommunications Inc.)
for breach of terms of Florida)
Partial Interconnection)
Agreement under Sections 251 and)
252 of the Telecommunications Act)
of 1996, and request for relief.)

DOCKET NO. 980495-TP

Complaint by MCI Metro Access)
Transmission Services, Inc. against)
BellSouth Telecommunications, Inc.)
for breach of approved inter-)
connection agreement by failure to)
pay compensation for certain local)
traffic.)

DOCKET NO. 980499-TP

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INTERMEDIA COMMUNICATIONS INC.'S
OBJECTION TO GTE FLORIDA, INC.'S
PETITION FOR SUBMISSION TO SUBMIT A BRIEF

INTERMEDIA COMMUNICATIONS INC. (Intermedia) hereby files this
objection to GTE FLORIDA, INC.'s (GTEFL) Petition for Permission to
Submit a Brief, submits the following:

1. On May 6, 1998, GTEFL submitted a Petition for Permission

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to Submit a Brief in these dockets. GTEFL asserts that it will be impossible for the Commission to decide this docket without addressing the jurisdictional nature of traffic to Internet Service Providers (ISP). As grounds for its motion, GTEFL states that this proceeding raises complex legal and policy issues that cannot be defined to particular contracts, and seeks to discuss the generic factual and legal matter of the nature of ISP traffic. Without such an opportunity, GTEFL states it will lose all rights to have input on this matter that will directly and substantially affect it.

2. The Commission has consistently held that the only parties to arbitration proceedings and contract disputes arising from them are the only parties that may participate. In fact, the Commission denied intervention to Intermedia in the WorldCom complaint on the basis that "[a]rbitration proceedings under the Act are limited to the issues raised by the immediate parties to the particular negotiations" and the outcome is an agreement binding only on those parties. (Order No. PSC-98-0454-PCO-TP, issued March 31, 1998.) Moreover, the Commission held that

[e]ntities not party to the negotiations are not proper parties in arbitration proceedings, even though they may, in some indirect way, be affected by a particular decision. As a matter of logic, this is equally true in the context of contract dispute proceedings arising from interconnection agreements arbitrated under the Act, such as the present one. (Order at 3)

The Commission concluded that this "is a specific contract dispute between the parties to the specific contract, and only those parties may participate in this case." (Order at 4)

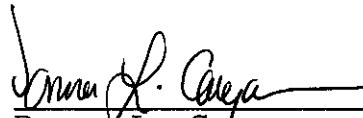
3. In addition, the Prehearing Officer denied GTEFL's petition to intervention in Docket No. 971478-TP, on the basis that the Commission has on numerous occasions denied third party intervention in arbitration proceedings or in proceedings brought seeking performance under interconnection agreements arising from arbitration proceedings. (Order No. PSC-98-0476-PCO-TP, issued April 2, 1998).

4. It has been clear since the March 10, 1998 agenda conference in which the Commission voted to undertake a hearing in the WorldCom complaint docket, that the jurisdictional nature of traffic to ISPs would be a central focus of the complaint resolution. In fact, it was during the discussion of the WorldCom complaint that the Commission denied intervention to Intermedia. Subsequently, Intermedia filed its own complaint against BellSouth Telecommunications Inc.

5. GTEFL's attempt to submit post-hearing briefs is simply an attempt to circumvent the Commission's decision to deny GTEFL intervention. The Commission was aware since the March 10, 1998 agenda conference that it may be considering the jurisdictional nature of traffic to ISPs in resolution of complaints against BellSouth, and it was aware of this issue when it denied GTEFL's petition to intervene.

WHEREFORE, for the reasons set forth herein, Intermedia respectfully requests that GTEFL's Petition for Permission to Submit a Brief be denied.

Dated this 1st day of June, 1998.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by hand delivery(*) or U.S. Mail this 1st day of June, 1998, to the following:

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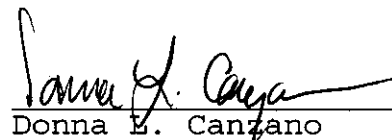
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