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TN REGULATORY AUTHORITY
DOCKET ROOM
August 16, 2002

VIA HAND DELIVERY

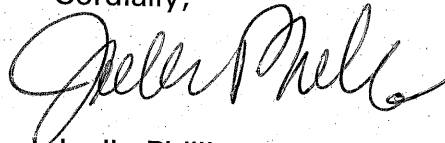
The Honorable Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: *Petition of Tennessee UNE-P Coalition to Open a Contested Case
Proceeding to Declare Switching an Unrestricted Unbundled Network
Element*
Docket No. 02-00207

Dear Chairman Kyle:

Enclosed herein for filing, please find the original and fourteen copies of BellSouth Telecommunications, Inc.'s Response to UNE-P Coalition's Petition for Clarification or Reconsideration. Copies of the enclosed have been provided to counsel of record.

Cordially,



Joelle Phillips

JP/jej

Enclosure

cc: The Honorable Ron Jones, Hearing Officer

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee**

In Re: *Petition of Tennessee UNE-P Coalition to Open a Contested Case
Proceeding to Declare Switching an Unrestricted Unbundled Network
Element*

Docket No. 02-00207

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
RESPONSE TO UNE-P COALITION'S
PETITION FOR CLARIFICATION OR RECONSIDERATION**

BellSouth Telecommunications, Inc. ("BellSouth") files this response to Petition for Clarification or Reconsideration and respectfully shows the Hearing Officer as follows:

In their Petition, Petitioners in this docket seek to have the Hearing Officer revisit his decision to suspend the procedural schedule while BellSouth's motion to hold the entire docket in abeyance is considered. As the Petitioners note, BellSouth's motion to hold these proceedings in abeyance is unrelated to the joint motion filed by the parties seeking to suspend the procedural schedule in this docket in order to provide additional time for the Staff to issue data requests. This obviously means that by joining the joint motion filed by the parties, BellSouth was not waiving or otherwise prejudicing its motion to hold the entire docket in abeyance. Accordingly, the Hearing Officer's decision to suspend further activity in this docket pending resolution of BellSouth's motion to hold the proceedings in abeyance was an entirely appropriate exercise of the Hearing Officer's discretion,

and it will promote administrative economy and prevent the waste of both TRA and party resources.

In the event that the Hearing Officer grants BellSouth's motion to hold this matter in abeyance, then the efforts of the Staff to propound data requests will constitute wasted administrative resources. In addition, third party Staff Data Requests impose burdens on parties who are not parties to this docket, and the Hearing Officer is well within his discretion to consider a procedural motion to hold the matter in abeyance prior to investing resources of the TRA and requiring third parties to invest their resources in the completion of discovery.

BellSouth also disagrees with the statement in Petitioners' Petition that "it is not clear whether the Hearing Officer expects the Staff to proceed with the data requests to non-party carriers." BellSouth reads the Hearing Officer's order to suspend all activity in the docket pending resolution of the motion to hold the docket in abeyance.

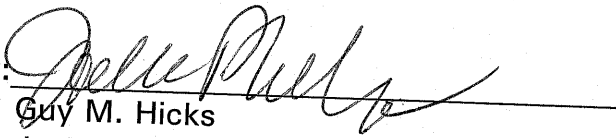
Most importantly, BellSouth objects to the characterization in the Motion that the Hearing Officer's order has been interpreted by BellSouth in any particular fashion. BellSouth's statement in its Louisiana proceeding merely recounts the current procedural status of the ongoing proceedings on this matter. BellSouth's representations regarding the suspension of the schedule in this docket was perfectly accurate, and BellSouth made no statement in that pleading to suggest that the suspension of the procedural schedule was indicative of any finding on the merits of BellSouth's motion. Petitioners' suggestion that BellSouth has somehow

misinterpreted the Order, therefore, has no basis in fact. BellSouth recognizes that the decision on the merits of its motion to hold this docket in abeyance has not been made, and BellSouth has taken no steps to suggest that the suspension of this docket should be "interpreted as implicit support for postponing the matter indefinitely as BellSouth has requested." Petitioners' Petition at 3.

For the reasons set forth above, BellSouth respectfully urges the Hearing Officer to reject the Petition for Clarification or Reconsideration.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2002, a copy of the foregoing document was served on counsel for known parties, via the method indicated, addressed as follows:

- ☐ Hand
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- ☒ Facsimile
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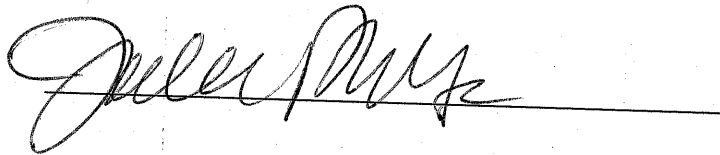
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A handwritten signature in cursive script, appearing to read "J. Miller", is written over a horizontal line.