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March 8, 2002
EXECUTIVE SECRETARY

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VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

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 Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Objection to Intervention of ASCENT. Copies of the enclosed are being provided to counsel of record and counsel for ASCENT.

Very truly yours,

Joelle Phillips

JJP:ch

cc: Andrew Isar, Esquire

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 OBJECTION
TO INTERVENTION OF ASCENT**

BellSouth Telecommunications, Inc. ("BellSouth") files this objection to the Petition to Intervene filed on behalf of the Association of Communications Enterprises ("ASCENT"). BellSouth respectfully shows the Authority as follows.

On February 28, 2002, ASCENT filed its Petition to Intervene in this matter. BellSouth was not served with a copy of the Petition and did not obtain a copy until March 6, 2002. On March 6, 2002, BellSouth filed a letter requesting further information regarding the nexus between ASCENT or its members and the matters raised in this docket. On Thursday, March 7, BellSouth received a copy of ASCENT's letter to the Authority in response to BellSouth's request for information. In light of the information provided in the petition and subsequent that letter, BellSouth files this objection to the intervention by this party.

TRA Rule 1220-1-2-.08 governs intervention in TRA contested cases. TRA 1220-1-2-.08(2) provides as follows:

A petition for intervention shall set forth with particularity those facts that demonstrate that the petitioner's legal rights, duties,

privileges, immunities or other legal interests may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law. Intervention may be denied or delayed for failure to provide such specific facts.

As established by Subsection 2, a petition to intervene must state particular facts specifically demonstrating the legal interest of the intervening party. Neither the original intervention petition nor the subsequent correspondence by ASCENT satisfies this standard. ASCENT urges in its March 7 letter that it need not disclose the names of the its members operating in Tennessee in order to be granted intervention. The rule, however, requires the demonstration of particular facts establishing the legal interest of the intervening party. Without such information, contrary to ASCENT's assertion, the TRA is not required to grant intervention.

The only specific facts articulated by ASCENT describing its nexus to matters to be addressed in this docket are: (1) the membership in ASCENT of Access Integrated Networks, Inc., a party which is already participating in this docket; and (2) which ASCENT concedes it does not intend to represent in this docket, and the membership in ASCENT of two corporations, Covista and Equinox Information Systems, ASCENT describes as "Tennessee-based corporations." ASCENT's correspondence does not describe in any way the business in which Covista and Equinox Information Systems are engaged in Tennessee or how their legal rights or interests may be affected by or connected to the matters to be addressed in this docket. Accordingly, on the basis of the information provided by

ASCENT to date, BellSouth respectfully urges that ASCENT's petition and following correspondence do not satisfy the provisions of TRA Rule 1220-1-2-.08 as required for intervention.¹

ASCENT's correspondence further states that it does not maintain "operating information" on its members because of the voluntary nature of membership. Given this lack of information, it is not apparent from the petition how ASCENT could represent the interest of members, if it is unsure whether or how its members operate in Tennessee.

For the reasons set forth herein, BellSouth respectfully objects to the intervention sought by ASCENT.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

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¹ BellSouth recognizes that ASCENT may have been unaware of the specific requirements of the TRA's procedural rules and that ASCENT may be able to provide the information required by the rule. In the event information sufficient to satisfy the rule is provided demonstrating that intervention is appropriate, BellSouth would withdraw its objection to intervention.

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2002, a copy of the foregoing document was served on counsel for known parties, via the method indicated, addressed as follows:

- ☐ Hand
- ☐ Mail
- ☒ Facsimile
- ☐ Overnight
- ☐ Electronic

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