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T.R.A. DOCKET ROOM
January 30, 2004

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VIA HAND DELIVERY

Hon. Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Petition for Exemption of Certain Services*
Docket No. 03-00391

Dear Chairman Tate:

Enclosed are the original and fourteen copies of *Petitioners' Comments in Response to Comments of Consumer Advocate and Protection Division*. Copies of the enclosed are being provided to counsel of record.

Cordially,



Joelle Phillips

JJP:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Petition for Exemption of Certain Services*

Docket No. 03-00391

**PETITIONERS' COMMENTS IN RESPONSE TO COMMENTS OF
CONSUMER ADVOCATE AND PROTECTION DIVISION**

BellSouth Telecommunications, Inc. ("BellSouth") and Citizens Communications, Inc. ("Citizens") (collectively "Petitioners") file these *Comments* in response to comments filed by the Consumer Advocate and Protection Division ("Consumer Advocate") relating to the procedure necessary to address Petitioners' request for exemption of intraLATA toll service. Petitioners respectfully show the TRA as follows:

In its *Comments* filed January 16, 2004, the Consumer Advocate maintains that, based on the information it currently possesses, the Consumer Advocate believes it is necessary to conduct a full evidentiary process in order to evaluate the current level of competition for intraLATA toll service in Tennessee, notwithstanding the position of both the Petitioners and commenter AT&T that the competitive state of intraLATA toll in Tennessee is already well known. Petitioners in this matter are certainly willing to proceed with an evidentiary process, including testimony, discovery and evidentiary hearing.¹ While Petitioners believe this process is unnecessary, it is apparent from the *Comments* filed by the CAD that the CAD is not currently satisfied that intraLATA toll is,


¹ The Petitioners had anticipated that the parties would be able to agree to something less than this type of proceeding. In the absence of such an agreement, however, Petitioners are prepared to proceed with discovery, pre-filed testimony, and a live hearing. Petitioners maintain, however, that even in the context of a contested case proceeding of this type, the Authority retains the power to impose reasonable limitations on discovery (such as limiting the number of requests) or on hearing time. Obviously, the TRA must maintain this power in order to appropriately manage its resources and to prevent parties from wasting the agency's time.

in fact, competitive in Tennessee, and Petitioners welcome the opportunity to demonstrate that it is.

The CAD notes at the conclusion of its *Comments* that it may, in the future, agree to some procedural process less than that which it outlines in its *Comments*. Petitioners, however, understand that the Hearing Officer has requested that the parties submit a proposed schedule by February 13, 2004. Consequently, Petitioners will work with the other interested parties in this docket to establish an agreed schedule.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

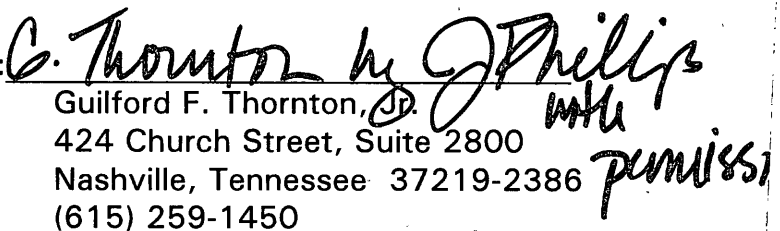
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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2004, a copy of the foregoing document was served on the parties of record, via the method indicated:

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