



Carolina Telephone
Centel-North Carolina
Centel-Virginia
United Telephone-Southeast

James B. Wright
Senior Attorney

February 20, 1997

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

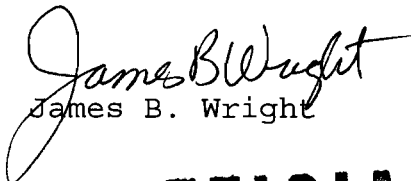
RE: Docket No. 96-01423; UTSE Motion to Strike

Dear Mr. Waddell:

Enclosed for filing in the above case is an original and six copies of United Telephone-Southeast, Inc.'s Motion to Strike Portions of Testimony of Archie Hickerson in the above matter.

Please bring this matter to the attention of the Authority.

Very truly yours,


James B. Wright

JBW:mhh

Enclosures

CC: Steve Parrott
Laura Sykora
Counsel of Record (w/encl.)

OFFICIAL FILE

PLEASE

DO NOT REMOVE

#9895

CERTIFICATE OF SERVICE
(UTSE Annual Price Cap Adjustment)

The undersigned hereby certifies that the Motion to Strike Portions of Testimony of Archie Hickerson has been served upon the following counsel of record in Docket No. 96-01423 this 20th day of February, 1997, by FAX, by air express, by hand delivery or by placing a copy of the same in the United States Mail postage prepaid and addressed as follows:

Dianne F. Neal
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505
FAX 615-741-2336

L. Vincent Williams
Office of the Attorney General
Consumer Advocate Division
426 Fifth Avenue North, 2nd Fl.
Nashville, TN 37243-0500
FAX 615-741-8724

Richard M. Tettelbaum
Citizens Telecommunications Company
of Tennessee, L.L.C.
Suite 500, 1400 16th Street, N.W.
Washington, DC 20036
FAX 202-483-9277

Guy M. Hicks
Bennett L. Ross
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300
FAX 615-214-7406

Val Sanford (AT&T)
230 Fourth Avenue, North, 3rd Floor
P. O. Box 198888
Nashville, TN 37219-8888
FAX 615-256-6339



James B. Wright

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: UNITED TELEPHONE-SOUTHEAST, INC. TARIFF NO. 96-201
TO REFLECT ANNUAL PRICE CAP ADJUSTMENT

DOCKET NO. 96-01423

MOTION TO STRIKE PORTIONS OF
TESTIMONY OF ARCHIE HICKERSON

COMES NOW United Telephone-Southeast, Inc. ("United"), and pursuant to Rule 7.02 of the Tennessee Rules of Civil Procedure, hereby moves the Tennessee Regulatory Authority ("TRA") to strike portions of the February 14, 1997 prefiled testimony of Archie R. Hickerson, the proposed witness for the Consumer Advocate Division, Office of the Attorney General in this case. In support of this Motion, United shows the following:

Mr. Hickerson asserts that two previously approved tariff rates constitute improper basic service increases. Specifically, he alleges the recent Centrex service tariff considered by the TRA in Docket No. 96-01492 and approved by the TRA by order dated January 22, 1997 is an impermissible increase under T.C.A. Section 65-5-209(f). For similar reasons Mr. Hickerson asserts the portion of United's tariff providing that residence rates apply only to five or less lines at a household location is improper.

Both of the proposed tariffs were sent to the Consumer Advocate's Office at the same time they were filed with the TRA (see Attachments 1 and 2). As to the Centrex tariff, the

Consumer Advocate had over four months to participate in that proceeding and raise any questions.

If the witness for the Consumer Advocate, or any other party, is allowed to use the current proceeding to now contest the validity of rates which were filed of record, publicly noticed, contested, the subject of multiple hearings and pleading cycles, then formally approved in writing by the TRA, then all of the prior actions taken in the separate proceedings become valueless.

There is even less cause to allow a relitigation of the tariff in the case of the Consumer Advocate, who had a separate notice of each tariff mailed directly to his office.

Mr. Hickerson's attempt to raise issues which should have been considered during the prior, separate cases constitutes an improper collateral attack on matters already considered and ruled upon by the TRA. Prior due process would be undone if such testimony is allowed into the record in this case.

Accordingly, United asks that the full sentences identified below (which deal with the two above mentioned tariffs) be stricken from Mr. Hickerson's prefiled testimony:

Page 4, lines 12 and 13;
Page 12, lines 9 through 12;
Page 38, line 13 through page 40, line 16;
Page 46, lines 3 through 11.

In addition, United asks that the word "Centrex" be stricken from page 12, line 7 and page 46, line 14, and that the phrase "and the classification of residence lines in excess of five

terminating at a household location" be stricken from page 46,
lines 14 and 15.

Respectfully submitted,

UNITED TELEPHONE-SOUTHEAST, INC.

Dated: February 20, 1997

By James B. Wright
James B. Wright
Senior Attorney
14111 Capital Boulevard
Wake Forest, NC 27587-5900
Telephone #919-554-7587

#9891

Attachment 1



Charles S. "Steve" Parrott
Director - State Regulatory Affairs

Mid-Atlantic Operations
14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
Telephone: (919) 554-7039
Fax: (919) 554-7595

September 13, 1996

Dr. Chris Klein
Chief, Utility Rate Division
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Dear Dr. Klein:

Attached are the required number of copies of the following tariff pages for your consideration and approval:

Section U13: Nineteenth Revised Contents Page 2
Seventh Revised Page 26 through First Revised Page 30.4
Second Revised Contents Page 4
Original Page 63 through Original Page 85

Section U100: Twenty-Eighth Revised Contents Page 1
Original Page 9 through Original Page 40

This tariff filing is to offer restructured Centrex Service in accordance with a commitment made in the August 13, 1996 Tennessee Regulatory Authority Conference [RE: Docket No. 96-00462 (Zeta Image Complaint)]. As a part of this filing, United's existing Advanced Business Connection (ABC) Service tariff is being obsoleted and existing customers grandfathered.

The new centrex tariff provides for two-way Network Access Registers (NARs) and Voice Messaging Access, removes distance sensitivity, and offers term discounts. Cost support for the restructured tariff is already on file with the TRA Staff. A Comparison of Costs/Revenues is attached for ease of reference.

If you have questions regarding this information, please contact Kaye Odum at 919-554-5277.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Steve Parrott".

C. Steve Parrott

Attachments

c: Bob Wallace
Consumer Advocate Division



Charles S. "Steve" Parrott
Director - Regulatory Affairs TN/VA

September 22, 1995

Attachment 2
p 1 of 3

Carolina Telephone
Centel-North Carolina
Centel-Virginia
United Telephone-Southeast

Dr. Chris Klein
Director-Utility Rate Division
Tennessee Public Service Commission
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Dear Dr. Klein:

Attached are the required number of copies of the following tariff pages for your consideration and approval:

Section U2:	Sixth Revised Page 7
	Third Revised Page 8
	Third Revised Page 9

This tariff filing is to revise the criteria used to determine the application of Business or Residence rates. The new criteria places emphasis on the directory listing used for the service and the location of the service.

This proposed change is being offered in an effort to better accommodate customers and to also alleviate the indelicate "policing" situations often experienced by our Service Representatives.

By my signature below, I certify that a copy of the enclosed tariffs have been filed with the Consumer Advocate Division.

If you have questions regarding this request, please contact Janie Sutton at (919) 554-7361.

Sincerely,

C. Steve Parrott

c: Bob Wallace
Consumer Advocate

ISSUED: September 22, 1995
BY: *Director Regulatory Affairs TN/VA*
Wake Forest, North Carolina

EFFECTIVE: October 25, 1995

(T)
(T)

U2. GENERAL REGULATIONS

U2.3 ESTABLISHMENT AND FURNISHING OF SERVICE (Cont'd)

U2.3.4 APPLICATION FOR SERVICE (Cont'd)

- c. If telephone service is established and it is subsequently determined that either condition in b. above exists, the Company may suspend or disconnect such service until satisfactory arrangements have been made for the payment of the prior indebtedness.
- d. When application for service and facilities or requests for additions, rearrangements, relocations or modifications of service and equipment are cancelled in whole or in part prior to completion of the service involved, the applicant is required to reimburse the Company for all expense incurred in handling the request before notice of cancellation is received, including the disposition of material or equipment that cannot be used for another customer and the removal of that material or equipment after notice of cancellation by the customer.
- e. When equipment has been ordered for the specific needs of a subscriber and the installation thereof is unduly delayed by or at the request of the subscriber, appropriate charges apply for such equipment for the period of the delay.
- f. When a subscriber requests a change in location of all or a part of the facilities covered by his application for service or requests for additions, rearrangements or modifications of his existing service prior to completion of the work involved, he is required to pay the difference between the total costs and expenses incurred by the Company in completing the work involved and that which would have been incurred had the final location of facilities been specified initially.
- g. The Company shall design its network to provide a P.01 grade of service. In order to maintain this standard, subscribers of inward service, such as DID (Direct Inward Dialing), which consist of a trunk ended device where digits are outputted from the central office to the customer, must design their facilities to permit performance without injurious effect upon any services rendered by the Company in the Switching Network. The subscribers should design their facilities to maintain a P.01 grade of service consistent with the Company's network design. Unassigned numbers in a block of numbers purchased by the customer must be intercepted by recorded announcement or attendant at the customer location.

U2.3.5 APPLICATION OF RATES FOR BUSINESS AND RESIDENCE SERVICE

- a. *The determination of whether customer service is furnished at Business or Residence rates is based on consideration of the directory listing used for the service and the location of the service.*
- b. *Service is classified and charged at business rates where the directory listing indicates business use or where it is determined that the location is used primarily as a business, professional, trade or occupational location.*
- c. *Service is classified and charged at residence rates where the directory listing does not indicate business use and where the telephone service is furnished at a location used primarily as a residence or place of dwelling.*

(C)
|
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ISSUED: September 22, 1995
BY: *Director Regulatory Affairs TN/VA*
Wake Forest, North Carolina

EFFECTIVE: October 25, 1995

(T)
(T)

U2. GENERAL REGULATIONS

U2.3 ESTABLISHMENT AND FURNISHING OF SERVICE (Cont'd)

U2.3.5 APPLICATION OF RATES FOR BUSINESS AND RESIDENCE SERVICE (Cont'd)

- d. *Individuals practicing a profession or operating a business and having no office other than their residence may choose either business service or residence service depending upon the type of directory listing requested.*
- e. *Business or residential services are not installed on premises of a public or semi-public character in a location where the service would be accessible for use by the patrons of the customer or by the public in general.*
- f. *Residence service may not be a part of a hunting sequence that contains business lines.*
- g. *No more than five (5) residential lines terminating at a household location are eligible for residence rates.*
- h. *Changes from business service to residence service are made only in the event of a change in the subscriber's arrangements which would entitle him to a residence classification of his service, as shown in "c." or "d." above.*
- i. *The business telephone number may be continued for the residence service only if all the facts indicate that the service can no longer be classified as "Business Service" as indicated in "b." above. Service connection charges, which apply for these changes, are shown in Section 4 of this tariff.*
- j. *Changes from residence to business service may be made without change in telephone number, if the subscriber so desires. Service connection charges, which apply for these charges, are shown in Section 4 of this tariff.*

(C)

(C)



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Centel-North Carolina
Centel-Virginia
United Telephone-Southeast

James B. Wright
Senior Attorney

February 20, 1997

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James B. Wright

JBW:mhh

Enclosures

CC: Steve Parrott
Laura Sykora
Counsel of Record (w/encl.)

OFFICIAL FILE

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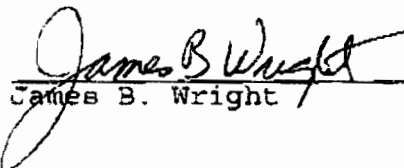
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333 Commerce St., Suite 2101
Nashville, TN 37201-3300
FAX 615-214-7406

Val Sanford (AT&T)
230 Fourth Avenue, North, 3rd Floor
P. O. Box 198888
Nashville, TN 37219-8988
FAX 615-256-6339


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NASHVILLE, TENNESSEE

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TO REFLECT ANNUAL PRICE CAP ADJUSTMENT

DOCKET NO. 96-01423

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UNITED TELEPHONE-SOUTHEAST, INC.

Dated: February 20, 1997

By James B. Wright
James B. Wright
Senior Attorney
14111 Capital Boulevard
Wake Forest, NC 27587-5900
Telephone #919-554-7587

#9891

Attachment 1



Charles S. "Steve" Parrott
Director - State Regulatory Affairs

Mid-Atlantic Operations
14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
Telephone: (919) 554-7039
Fax: (919) 554-7595

September 13, 1996

Dr. Chris Klein
Chief, Utility Rate Division
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

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C. Steve Parrott

Attachments

c: Bob Wallace
Consumer Advocate Division

Attachment 2
p 1 of 3

Charles S. "Steve" Parrott
Director - Regulatory Affairs TN/VA

Carolina Telephone
Centel-North Carolina
Centel-Virginia
United Telephone-Southeast

September 22, 1995

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Sincerely,

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C. Steve Parrott

c: Bob Wallace
Consumer Advocate

GENERAL SUBSCRIBER SERVICES TARIFF
UNITED TELEPHONE-SOUTHEAST, INC
TENNESSEE

Sixth Revised Page 7
Cancels Fifth Revised Page 7

ISSUED: September 22, 1995
BY: Director Regulatory Affairs TN/VA
Wake Forest, North Carolina

EFFECTIVE: October 25, 1995

(T)
(T)

U2. GENERAL REGULATIONS

U2.3 ESTABLISHMENT AND FURNISHING OF SERVICE (Cont'd)

U2.3.4 APPLICATION FOR SERVICE (Cont'd)

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U2.3.5 APPLICATION OF RATES FOR BUSINESS AND RESIDENCE SERVICE

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- c. *Service is classified and charged at residence rates where the directory listing does not indicate business use and where the telephone service is furnished at a location used primarily as a residence or place of dwelling.*

(C)

(C)

GENERAL SUBSCRIBER SERVICES TARIFF
UNITED TELEPHONE-SOUTHEAST, INC
TENNESSEEThird Revised Page 8
Cancels Second Revised Page 8ISSUED: September 22, 1995
BY: Director Regulatory Affairs TN/VA
Wake Forest, North Carolina

EFFECTIVE: October 25, 1995

(T)
(T)

U2. GENERAL REGULATIONS

U2.3 ESTABLISHMENT AND FURNISHING OF SERVICE (Cont'd)

U2.3.5 APPLICATION OF RATES FOR BUSINESS AND RESIDENCE SERVICE (Cont'd)

- d. *Individuals practicing a profession or operating a business and having no office other than their residence may choose either business service or residence service depending upon the type of directory listing requested.*
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(C)

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