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EXECUTIVE SECRETARY

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March 7, 1997

VIA HAND DELIVERY

David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37201

OFFICIAL FILE

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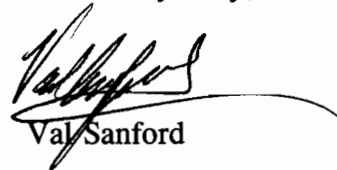
Re: Tariff Filing by UTSE to Reflect Annual Price  
Cap Adjustment, Tariff No. 96-201  
Docket No. 96-01423

Dear Mr. Waddell:

Enclosed for filing in the above-styled matter are an original and thirteen (13) copies of the reply of AT&T Communications of the South Central States, Inc. to the Motion of the Consumer Advocate to Adopt the Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies Promulgated by the Secretary of State.

Copies are being served on counsel of record.

Yours very truly,

  
Val Sanford

VS/jp  
Enclosures

cc: Guy M. Hicks, Esq.  
L. Vincent Williams, Esq.  
Richard M. Tettelbaum, Esq.  
James B. Wright, Esq.  
James P. Lamoureux, Esq.  
Garry Sharp

**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**

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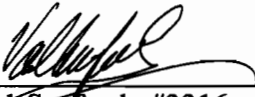
**REPLY OF AT&T COMMUNICATIONS  
OF THE SOUTH CENTRAL STATES, INC. TO  
MOTION OF CONSUMER ADVOCATE  
TO ADOPT THE UNIFORM RULES OF PROCEDURE FOR HEARING  
CONTESTED CASES BEFORE STATE ADMINISTRATIVE AGENCIES  
PROMULGATED BY THE SECRETARY OF STATE**

AT&T Communications of the South Central States, Inc. respectfully urges the Authority to deny the motion of Consumer Advocate; and for grounds states that:

1. Rules can only be adopted by following rule-making procedures and cannot be adopted in a contested case proceeding. Tenn. Cable Television Ass'n v. Tenn. Public Serv. Comm'n, 844 S.W.2d 151 (Tenn. App. 1992).
2. The governing statutes do not make the rules adopted by the Secretary of State applicable. Each agency must adopt procedural rules in a rule-making proceeding; and in so doing must consider whether and to what extent the Secretary of State's rules should be adopted for that agency.
3. In any event the Consumer Advocate's motion comes too late; and by waiting until just prior to the hearing to raise the issue the Consumer Advocate has waived any rights to complain about prior procedures.

4. In deciding specific procedural issues the Authority may refer to the Secretary of State's rules, where pertinent, as authority; but the Authority is not bound to follow them.

5. The Authority has under consideration the adoption of comprehensive procedural rules. The Consumer Advocate's motion does illustrate the need to proceed expeditiously with an appropriate rule-making proceeding to adopt comprehensive procedural rules.



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## CERTIFICATE OF SERVICE

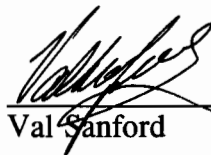
I, Val Sanford, hereby certify that I have served a copy of the foregoing Reply on counsel of record either by facsimile or by depositing a copy of the same in the U.S. Mail, postage prepaid as listed below this 7th day of March, 1997:

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