

96-1423



BellSouth Telecommunications, Inc.  
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333 Commerce Street  
Nashville, Tennessee 37201-3300

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Guy M. Hicks  
General Counsel

EXECUTIVE SECRETARY

March 21, 1997

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

Re: *Tariff Filing by BellSouth Telecommunications, Inc. to Limit the Number of  
Residence Service Lines Per Location to Ten (Tariff No. 96-177)*  
~~Docket No. 96-01422~~

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth Telecommunications, Inc.'s Response to the Consumer Advocate Division's Motion for Extension of Time or Continuance in the above referenced matter. A copy has been provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH:ch

FILE  
SEARCHED  
NOT REMOVE

BEFORE THE TENNESSEE REGULATORY AUTHORITY<sup>1</sup>

Nashville, Tennessee REGULATORY AUTH.

'97 MAR 21 PM 4 20

In Re: *United Telephone-Southeast, Inc. Tariff No. 96-201 To Reflect Annual Price Cap Adjustment*

EXECUTIVE SECRETARY

Docket No. 96-01423

BELLSOUTH TELECOMMUNICATIONS, INC.'S  
RESPONSE TO THE CONSUMER ADVOCATE DIVISION'S  
MOTION FOR EXTENSION OF TIME OR CONTINUANCE

During the March 11, 1997 hearing in this docket, the Directors requested the parties to submit briefs on the statutory construction of section 65-5-208 by noon on March 21, 1997. At 3:11 p.m. on March 21, 1997, the Consumer Advocate Division ("CAD") faxed BellSouth a copy of its Motion for Extension of Time or Continuance. No representative of the CAD contacted BellSouth to discuss this matter, and the first notice BellSouth had that the CAD would be requesting an extension of time was this fax. Moreover, nothing in the CAD's motion explains why the CAD could not have alerted the parties and the Tennessee Regulatory Authority ("TRA") of its request for an extension prior to the day the its brief was due, thereby allowing all parties to benefit from any extension of time the TRA might have allowed. BellSouth, therefore, opposes the CAD's motion. Moreover, because the CAD made this motion after the deadline for filing its brief,<sup>1</sup> the TRA may grant the motion only upon a finding that the CAD's failure to file the requested brief "was the result of excusable neglect." See Rule 1360-4-1-.04 of

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<sup>1</sup> BellSouth assumes that the CAD would not have made such a motion without informing the other parties that it had done so. Accordingly, BellSouth assumes that the CAD did not file its motion until after the deadline for filing briefs had passed.

the Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies (emphasis added). The CAD's motion does not support such a finding.

Respectfully submitted,

BellSouth Telecommunications, Inc.



Guy M. Hicks  
Patrick W. Turner  
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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 1997, a copy of the foregoing document was served on the parties of record, via U. S. Mail, postage pre-paid, addressed as follows:

Ed Phillips, Esquire  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
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Vincent Williams, Esquire  
Consumer Advocate Division  
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