



**James B. Wright**  
Senior Attorney

REC'D TN  
REG. SECRETARY AUTH.

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

EXECUTIVE SECRETARY  
April 7, 1997

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

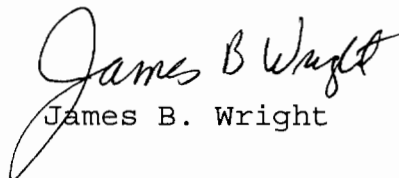
RE: Docket No. 96-01423

Dear Mr. Waddell:

Enclosed for filing in the above case are the original and fourteen copies of United Telephone-Southeast, Inc.'s Motion to Strike the Consumer Advocate's Post Hearing Briefs.

A copy is being furnished to counsel of record.

Very truly yours,

  
James B. Wright

JBW:mhh

Enclosures

CC: Steve Parrott  
Counsel of Record (with enclosure)  
Bob Wallace (with enclosure)

#10276

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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

UNITED TELEPHONE-SOUTHEAST, INC.'S MOTION TO STRIKE  
THE CONSUMER ADVOCATE'S POST HEARING BRIEFS

The Consumer Advocate, having failed to comply with the deadline established by the Tennessee Regulatory Authority ("Authority") for filing Post Hearing Briefs in this Case, filed a Motion for Extension of Time or Continuance. United Telephone-Southeast, Inc. filed an Objection to said Motion, principally on the grounds of timeliness.

Since that time, the CA has filed two documents, both called "Brief on Statutory Construction", one dated April 1, 1997 and one dated April 4, 1997.

United believes its previous Objection to the CA's Motion constitutes an implicit objection to any subsequent Brief filed by the CA without approval by the Authority. However, in an abundance of caution and to ensure that United is not considered to have acquiesced in the CA's action, United files this Motion to Strike the two Briefs subsequently filed by the CA. Both of the CA's Briefs are untimely filed, made without authorization from the Authority, and should be stricken from the record.

If the Authority does allow either of the Briefs to be considered, United believes portions thereof are objectionable. The CA's Briefs contain extensive argument and references to

matters far outside the scope of the "one issue" to which the post hearing brief was to address, which issue was the legislative history of TCA Section 65-5-208 (see March 11, 1997 Hearing Transcript, pages 233 and 277).

In addition, both of the CA's Briefs contain many statements or conclusions based on matters not of record in this case. For example, in the April 1 Brief, the CA expresses a number of opinions, and then admits that confirming or denying the validity of his "perceptions" is beyond the scope of his brief (CA's April 1 Brief, page 8). His admission merely serves to highlight how improper it was to include the statements to begin with.

The CA's April 4 Brief is in the nature of a reply brief, a filing not directed by the Authority. Almost the entirety of this Brief is an attempt by the CA to enter personal, unsworn testimony into the record. This document is filled with statements offered as facts but not presented at the hearing. The CA's attempts to introduce testimony as "additional history" or by quoting himself with no reference to a citation, or by referring to negotiations with another company in a different proceeding show a blatant disregard for due process. All such matters should be totally disregarded.

For the above reasons the CA's Post Hearing Briefs should be stricken, or in the alternative, only the portions addressing the one issue requested by the Authority should be considered.

Respectfully submitted,  
UNITED TELEPHONE-SOUTHEAST, INC.

By James B. Wright  
James B. Wright

CERTIFICATE OF SERVICE  
(UTSE Annual Price Cap Adjustment)

The undersigned hereby certifies that United Telephone-Southeast, Inc.'s Motion to Strike Consumer Advocate's Post Hearing Briefs has served upon the following counsel of record in Docket No. 96-01423 this 7th day of April, 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:

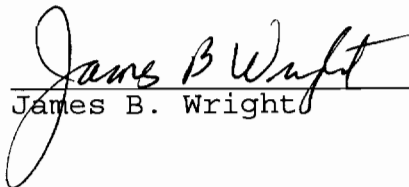
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