

RECEIVED
IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

97 APR 18 PM 12 01

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

EX-100 DOCKET NO. 96-01423

OFFICIAL FILE

PLEASE

MOTION TO STRIKE BRIEFS OF UTSE AND BELL SOUTH

DO NOT REMOVE

Comes the Consumer Advocate Division (ConAd) to respectfully moves the Tennessee
Regulatory Authority to Strike UTSE's "Post Hearing Brief" and BellSouth's "Brief Regarding
Statutory Construction". For cause the Consumer Advocate Division would show:

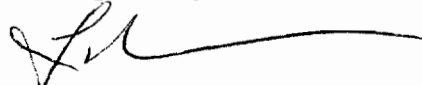
1. That UTSE exceeded the scope of the TRA's stated directive regarding the filing of post hearing briefs in this case by briefing issues other than directory assistance.
2. That the TRA in striking the brief of the Consumer Advocate Division stated that the brief should not have considered other issues in the case and UTSE's brief considers other issues.
3. That both UTSE and BellSouth rely upon proposed legislation, not enacted and is therefore not relevant. In *Blake v. Abbott*, C.A. No. 03A01-9509-CV-00307, (Tenn. App. filed, April 24, 1996) Petition to Rehear denied some companies relied upon proposed legislation, not enacted and the Court of Appeals held:

We simply note that proposed legislation, not enacted, has no consequence whatever upon the interpretation of an existing statute. While such proposed legislation may indicate to some extent some of the individual legislators' interpretation of an existing statute, it is in no way controlling or, for that matter, relevant, to the Court's duty to properly construe statutes.

4. UTSE and BellSouth rely on proposed legislation, not enacted which is in no way controlling or relevant to the TRA's duty to properly construe statutes and therefore their briefs should be stricken.

Wherefore the Consumer Advocate Division prays that the Tennessee Regulatory Authority Strike the brief of Post Hearing Brief of UTSE and the Brief Regarding Statutory Construction of BellSouth.

Respectfully submitted,



L. Vincent Williams

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Motion has been mailed postage prepaid to the parties listed below this ____ day of April, 1997.




L. Vincent Williams

Val Sanford, Esq.
230 4th Ave., North, 3rd Floor
P.O. Box 198888
Nashville, TN 37219-8888

Richard Tettlebaum
P.O. Box 770
300 Bland Street
Bluefield, WV 24701

Guy M. Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300

Jim Wright, Esq.
United Telephone-Southeast, Inc.
14111 Capital Blvd.
Wake Forest, NC 27587



L. Vincent Williams