



James B. Wright
Senior Attorney

April 23, 1997

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

RE: Docket No. 96-01423 (UTSE Annual Price Cap Adjustment)
Motion to Strike

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 Unsworn Testimony Contained in the Brief of the Consumer Advocate Division Regarding Directory Assistance.

A copy of this Motion is being furnished to counsel of record.

Sincerely yours,

James B. Wright
James B. Wright

JBW:er

Enclosures

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

PLEASE

DO NOT REMOVE

#10443

REC'D TN
Carolina Telephone
Centel-North Carolina
Centel-Virginia
United Telephone-Southeast
'97 APR 23 1 52
EXECUTIVE SECRETARY

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: DOCKET NO. 96-10423; UTSE ANNUAL PRICE CAP ADJUSTMENT

UNITED TELEPHONE-SOUTHEAST, INC.'S MOTION TO STRIKE UNSWORN
TESTIMONY CONTAINED IN THE CONSUMER ADVOCATE'S POST HEARING BRIEF

The Consumer Advocate, after being admonished twice by the Authority not to testify during the March 11, 1997 hearing in this case (Hearing Transcript, pages 232, 251), and after having his two previous briefs stricken in their entirety in part because of his inappropriate testimony contained therein (April 15 Conference Transcript, pages 15 and 16), now uses his April 18, 1997 Brief to attempt once again to insert unsworn testimony and non-record evidence into the record.

United Telephone-Southeast, Inc. ("United") asks that the following portions of the Consumer Advocate's Brief be stricken:

Page 8, line 6 beginning "In this regard..." through
page 9, line 8 ending "...headed the committee."
Page 18, line 6 beginning "At or near..." through page
19, line 3 ending "...as a free usage."
Footnotes 5, 6, 7, 9, 10, 12, 13 and 14.

The above statements are not based on matters which appear in the hearing transcript, are not based on matters contained in documents attached to the CA's Brief and do not appear to be matters suitable for official notice. Instead, the statements (presented as facts) appear to be new, unsworn testimony based on personal recall or some other unknown source. As such, United asks the above listed statements be stricken from the CA's Brief.

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 has served upon the following counsel of record in Docket No. 96-01423 this 23rd 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:

H. Edward Phillips
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
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300
FAX 615-214-7406

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



James B. Wright