

OFFICIAL FILE

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

PLEASE

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

)
)
)
)

DOCKET NO. 96-01423

DO NOT REMOVE

RESPONSE IN OPPOSITION TO MOTION TO STRIKE
REPLY BRIEF

BellSouth moves to strike the Consumer Advocate Division's Reply Brief. Its motion should be overruled. At the April 15, 1997 hearing the TRA granted the Subsidiaries Motion to Strike the Consumer Advocate's Briefs. The TRA then decided to require that the initial briefs including any supplement by the Subsidiaries be filed on April 18, 1997. Five page reply brief to initial briefs would be filed on April 24, 1997.

During conversations on other aspects of the Order, BellSouth at first alledged that the Consumer Advocate that the Division would not be permitted a reply brief. The Consumer Advocate informed BellSouth that its allegation was material because the date of April 15, 1997 which the Consumer Advocate Division advised the TRA that it could file the substitute brief was based largely upon extracting from the Consumer Advocate Division's initial brief. A brief incorporating a reply to both UTSE and BellSouth's arguments would take additional time and a request for an extension of time would have been required.

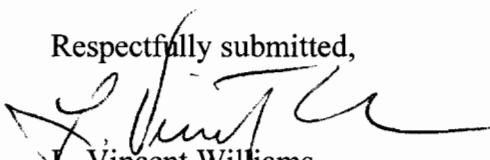
Mr. Guy Hicks, on behalf of BellSouth, subsequently called and left a message for the Consumer Advocate Division. A copy of the original message is attached hereto as exhibit A. The message confirmed that the Division could file a reply brief. The Consumer Advocate

subsequently submitted an initial brief which did not respond to the arguments of UTSE and BellSouth.

The Division then filed a response to UTSE and BellSouth's briefs on April 24, 1997. BellSouth now argues that no reply brief was permitted even though the Order permits a response.

The decision regarding this motion is controlled by Tenn. Code Ann. § 4-5-312(b) which affords all parties an opportunity to respond and argue. The opportunity to respond is also afforded by due process. The motion to strike presents no valid argument, is without merit and should be overruled.

Respectfully submitted,



L. Vincent Williams

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been faxed and mailed postage prepaid to the parties listed below this 5th day of May, 1997.

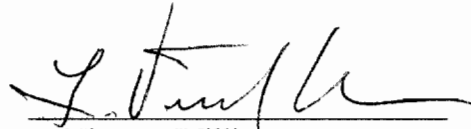
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L. Vincent Williams

Exhibit A

To Vince
Date 4/16 Time 1:00 ☐ AM ☒ PM

WHILE YOU WERE OUT

M Guy Hicks
of Bellport

Phone ()
Area Code Number Extension

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

RETURNED YOUR CALL ☐

Message he checked the trans.
from yesterday & thinks you
are right that you can
file a reply brief.
Call if you have any
questions.

Operator B



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REORDER
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