

MOTION
BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

'97 MAY 23 PM 3 13

IN RE: BELL SOUTH TARIFF TO LIMIT
THE NUMBER OF RESIDENCE
SERVICE LINES PER LOCATION TO
TEN

AND

IN RE: UNITED TELEPHONE-
SOUTHEAST TARIFF TO REFLECT
THE ANNUAL PRICE CAP

Docket No. 96-01422

Docket No. 96-01423

EXECUTIVE SECRETARY
OFFICIAL FILE

PLEASE

DO NOT REMOVE

Petitioner would respectfully show:

I.

1. That the Consumer Advocate Division of the Office of the Attorney General, 425
5th Avenue North, 2nd Floor Cordell Hull Building, Nashville, Tennessee, 37243, represents the
interests of Tennessee consumers pursuant to Tenn. Code Ann. § 65-4-118.

II.

2. That BellSouth Communications, Inc. ("BellSouth"), 333 Commerce St., Suite
2101, Nashville, Tennessee, 37201, is a publicly held utility and is subject to the jurisdiction of
the Tennessee Regulatory Authority ("Authority") pursuant to Tenn. Code Ann. § 65-4-101.

3. That United Telephone-Southeast, Inc. ("UTSE"), 14111 Capital Blvd., Wake
Forest, NC, 27587, is a publicly held utility and is subject to the jurisdiction of the Authority
pursuant to Tenn. Code Ann. § 65-4-101.

III.

4. That BellSouth applied to the Authority for approval of Tariff No. 96-177, which changes the terms and conditions of basic residential service as it existed on June 6, 1995 and increases the rate for residential service lines in excess of ten.

5. That approval of Tariff 96-177 would result in the reclassification of residence service lines to business lines in contravention of Tenn. Code Ann. § 65-5-208 and is an unjust practice prohibited by Tenn. Code Ann. § 65-4-115. Moreover, approval of the tariff is in excess of BellSouth's authority and the Authority's jurisdiction and authority since the General Assembly expressly or necessarily implicitly deemed the classifications on June 6, 1995 just and reasonable.

6. That any Authority decision on Tariff No. 96-177 may have a direct and material effect upon the legal rights, privileges, immunities, or other legal interests of Tennessee customers of utility services.

7. That the Consumer Advocate Division raised the issue in a contested case proceeding with the Authority to determine if Tariff 96-177 violates Tenn. Code Ann. §§ 65-5-208, 65-4-115, 65-4-122 and other statutes and exceeds the jurisdiction of the Authority.

IV.

8. That UTSE applied to the Authority for approval of Tariff 96-201, to reflect the annual price cap adjustment.

9. That Tariff 96-201 includes a provision that changes the terms and conditions of basic residential service as it existed on June 6, 1995 and increases the rate for residential service lines in excess of five.

10. That approval of Tariff 96-201 would result in the reclassification of residence service lines to business lines in contravention of Tenn. Code Ann. § 65-5-208 and is an unjust practice prohibited by Tenn. Code Ann. § 65-4-115. Moreover, approval of the tariff is in excess of UTSE's authority and the Authority's jurisdiction and authority since the General Assembly expressly or necessarily implicitly deemed the classifications on June 6, 1995 just and reasonable.

11. That any Authority decision on Tariff No. 96-201 may have a direct and material effect upon the legal rights, privileges, immunities, or other legal interests of Tennessee customers of utility services.

12. That the Consumer Advocate Division raised the issue in a contested case proceeding with the Authority to determine if Tariff 96-201 violates Tenn. Code Ann. §§ 65-5-208, 65-4-115, 65-4-122 and other statutes and exceeds the jurisdiction of the Authority.

V.

13. That on May 20, 1997, the Authority decided that the Consumer Advocate Division's challenge of the provision of Tariff 96-201 and any alleged Tennessee Public Service Commission or Authority Order of tariff approval that limits the number of residence service lines to five could be consolidated with Docket No. 96-01422.

14. That the Authority granted the Consumer Advocate Division leave to file a separate complaint challenging the provision of Tariff 96-201 that limits the number of residence service lines to five or to pursue its challenge to the tariff and any Orders approving said tariff along with its challenge of BellSouth's Tariff 96-177, Docket No. 96-01422 by consolidation.

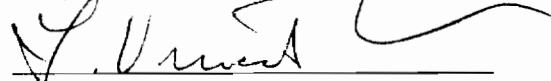
15. That the Consumer Advocate Division's challenges to BellSouth's Tariff 96-177 and the provision of UTSE's Tariff 96-201 limiting the number of residence service lines involve

common questions of law and fact so that consolidation of these challenges into one contested case would be efficient and in the interest of justice and that the orderly and prompt conduct of these proceedings will not be impaired by allowing this consolidation.

VI.

Wherefore the Tennessee consumers pray the Authority consolidate the Consumer Advocate Division's challenges to BellSouth's Tariff 96-177 and the provision of UTSE's Tariff 96-201 limiting the number of residence service lines into one action, convene a contested case hearing, and suspend Tariff 96-177 and Tariff 96-201 until such time as the companies shall prove that such tariffs do not violate Tenn Code Ann. §§ 65-5-208 and 65-4-115 and that such tariffs and any Orders approving them do not exceed the statutory authority of the utilities and the Authority.

Respectfully Submitted,



L. Vincent Williams

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Consolidate was served on the parties listed below by mail on this 23rd day of May 1997.

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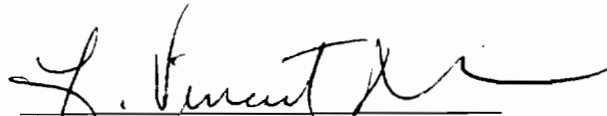
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