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99 DEC 2 5 17

November 29, 1999

EXECUTIVE SECRETARY

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

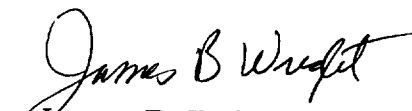
RE: Docket No. 99-00798  
UTSE Response to CAD Complaint

Dear Mr. Waddell:

Enclosed for filing are the original and thirteen copies of the Response of United Telephone-Southeast, Inc. to the "Complaint or Petition to Intervene" filed by the Consumer Advocate in the above case.

Please contact me if you have any questions.

Very truly yours,

  
James B. Wright

JBW:sm  
Enclosure  
CC: Vincent Williams (with enclosure)  
Dennis Wagner  
Laura Sykora  
Steve Parrott

#18173

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BEFORE THE  
TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

REC'D IN  
REGULATORY DIVISION  
'99 DEC 2 PM 1 19

IN RE: UNITED TELEPHONE-SOUTHEAST, INC. )  
1999 FILING UNDER PRICE REGULATION PLAN )

EXECUTIVE SECRETARY  
DOCKET NO. 99-00798

**UNITED TELEPHONE-SOUTHEAST, INC.**  
**RESPONSE TO CAD'S COMPLAINT OR PETITION TO INTERVENE**

United Telephone-Southeast, Inc. ("United") files this Response to the "Complaint or Petition to Intervene" filed in this Docket by the Consumer Advocate Division of the Attorney General ("CAD") on November 19, 1999.

**ANSWER TO COMPLAINT**

To the extent the CAD's filing is considered a Complaint, United answers the Complaint as follows:

1. With respect to the references to sections of the Tennessee Code Annotated contained in paragraph Nos. 1, 2, 3, 4, 5, 7, 8, 10, 11 and 13 of the Complaint, United states that the referenced sections of the statutes speak for themselves. As to all other matters contained in said paragraphs, said matters are denied unless specifically addressed below.

2. As to paragraph No. 2, United admits that Mr. James B. Wright is corporate legal counsel for United with his office at the address indicated in the Complaint. United states that its address for service of process is 112 Sixth Street, Bristol, Tennessee 37620.

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3. As to paragraph Nos. 5, 6, 9, 10, 11, 15, and 16 United further denies the CAD's assertions that either United or the Authority seeks or is fixing rates in this proceeding, denies that United's current or proposed rates or tariffs are in excess of those allowed by statute, and denies that this is a contested case.

4. As to paragraph No. 7, to the extent the CAD contends T.C.A. Section 65-5-210(a) grants the CAD the right to bring a contested case, such contention is denied since such section expressly addresses only the jurisdiction of the Authority.

5. As to paragraph's 9, 10, 11, 12, and 16, with respect to the CAD's contentions that United's rates and tariffs are excessive because they failed to include an imputation from directory assistance [sic] operations or because they continue to include rates approved by the Authority but which have been appealed to Court, such contentions amount to nothing more than an untimely petition to reconsider prior Authority orders and should be rejected as such. In addition, the CAD failed to seek a stay of any of the rates under appeal, either from the Authority or from the Court. The CAD's request for a suspension of a tariffs is similarly an untimely attempt to ask this Authority to approve a request for a stay of previously approved rates that should have been done at the appropriate time and in the appropriate manner and the Authority should not now consider such an improper request.

6. In paragraph 10 of the Complaint, the CAD alleges that United failed to impute revenues from its directory assistance [sic] operations as required by “existing policy...”. United would note the Authority’s October 13, 1999 Order in the 1998 case clearly indicates existing policy does not require imputation of earnings from directory publishing operations.

7. As to the remainder of the allegations in the Complaint, the allegations are denied.

### **RESPONSE TO PETITION TO INTERVENE**

To the extent the CAD’s filing is a Petition to Intervene, United would note that the statute regarding intervention (T.C.A. Section 4-5-310), in subsection b, requires the Authority to make a specific determination with respect to all intervenors, such determination being that the grant of intervention will not impair the orderly and prompt conduct of the proceeding. In view of the actions of the CAD in prior proceedings involving United’s annual price regulation filings and the absence of a demonstrated need for a contested case in this docket, intervention by the CAD will only result in needless delay from unnecessary incidental or ancillary motions, allegations, petitions and other procedural actions, and thus should be denied.

United believes that the CAD nowhere shows a demonstrated need for its participation in this proceeding. While the CAD asserts on page 1 of its Petition that its major purpose for filing this intervention is to ensure it does not waive any rights or issues with respect to United’s 1998 filing, such rights or issues

were addressed by the Authority in the 1998 case. The CAD had full opportunity to present his issues and protect his rights in the 1998 case. If the CAD has some rights or issues in the 1998 case he wishes to preserve, his recourse is to ask the court for such relief, not to seek some improper form of reconsideration by the Authority in this 1999 filing.

For all of the above stated reasons, United recommends the CAD's Petition to Intervene be denied.

Respectfully submitted,  
UNITED TELEPHONE-SOUTHEAST, INC.

By James B. Wright  
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