

Marsha E. Rule
Attorney

Suite 700
101 N. Monroe St.
Tallahassee, FL 32301
904 425-6365
FAX: 904 425-6361

March 7, 1997

Mrs. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: Docket No. 920260-TL - Comprehensive Review of
the Revenue Requirements and Rate Stabilization
Plan of Southern Bell Telephone and Telegraph
Company

Dear Mrs. Bayo:

Enclosed for filing in the above-referenced docket is AT&T Communications
of the Southern States, Inc.'s Response in Opposition to BellSouth's
Telecommunications, Inc.'s Motion for Reconsideration and Clarification.

Copies of the foregoing are being served on all parties of record in
accordance with the attached Certificate of Service. Thank you for your
assistance in this matter.

ACK _____
AFA 3 _____
APP _____
CAF _____
CMU 1 _____
CTR _____
EAG _____
LEG 1 _____
LIN 5 _____
OPC _____
RCH _____
SEC 1 _____
WAS _____
OTH _____

Sincerely,



Marsha Rule

Enclosure

DOCUMENT NUMBER-DATE

02529 MAR 10 5

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of)
the revenue requirements and)
rate stabilization plan of)
Southern Bell Telephone and)
Telegraph Company.)
_____)

Docket No. 920260-TL

Filed: March 10, 1997

**AT&T Communications of the Southern States, Inc.'s
Response in Opposition to
BellSouth Telecommunications, Inc.'s Motion for Reconsideration/Clarification**

Pursuant to Rule 25-22.060, Florida Administrative Code, AT&T Communications of the Southern States, Inc. (AT&T), files this response in opposition to BellSouth Telecommunications, Inc.'s (BellSouth) motion for reconsideration. In support, AT&T states:

1. BellSouth seeks reconsideration or clarification of the Commission's decision in Order No. PSC-97-0128-FOF-TL. In that order, the Commission determined the allocation of a rate reduction previously required by the terms of Order No. PSC-94-0172-FOF-TL.

2. The well-established standard for reconsideration is that it must bring to the attention of the tribunal some point of fact or law which it overlooked or failed to consider when it rendered its decision. Pingree v. Quaintance, 394 So.2d 161 (Fla. 1st DCA 1981); Diamond Cab Co. of Miami v. King, 146 So.2d 889 (Fla. 1962). BellSouth's motion points to no mistake or failure to consider facts or law; rather, it argues that its request "is fair and reasonable and will not prejudice any of the parties to this docket." BellSouth's request fails to meet the legal standard for reconsideration and is, therefore, neither fair nor reasonable.

3. BellSouth posits that the Commission should reconsider its order based on BellSouth's "updated forecast" of the revenue impact of the RIC. This "updated forecast" is not in the record of this proceeding and, in fact, was prepared after the Commission issued its refund order. The Commission's rules do not provide parties an opportunity to supplement the record with additional post-hearing evidence, and the Commission may not rely upon such non-record evidence for purposes of reconsideration. A newly-hatched forecast does not constitute a point of fact or law which the Commission overlooked or failed to consider when determining the refund amount.

4. BellSouth also asks the Commission to change its decision because "BellSouth feels that the refund amount should be reduced by the portion of the \$1.1 million ECS credit that was already in effect by 10/1/96." This request wholly fails to meet the requisite legal standard for reconsideration and also must be rejected.

5. BellSouth can point to no error or failure to consider record evidence. The Commission's Order is supported by competent substantial evidence and the Commission may not reconsider its decision based upon non-record evidence.

WHEREFORE, BellSouth's motion should be denied.

A handwritten signature in black ink, reading "Marsha E. Rule". The signature is written in a cursive style with a horizontal line underneath it.

Marsha E. Rule
101 North Monroe
Suite 700
Tallahassee, Florida 32301
(904) 425-6365 (phone)
(904) 425-6343 (fax)

ATTORNEY FOR AT&T
COMMUNICATIONS OF THE
SOUTHERN STATES, INC.

CERTIFICATE OF SERVICE

DOCKET NO. 920260-TL

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail or hand-delivery to the following parties of record this 7TH day of March, 1997:

Bob Elias, Esq.
Division of Legal Services
FL Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Charles J. Beck, Esq.
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Rm. 812
Tallahassee, FL 32399-1400

Harris R. Anthony, Esq.
Nancy B. White, Esq.
c/o Nancy H. Sims
Southern Bell Telephone
150 S. Monroe Street
Tallahassee, FL 32301

Martha McMillin, Esq.
MCI Telecommunications Corp.
Suite 700
780 Johnson Ferry Road
Atlanta, GA 30346

Richard D. Melson, Esq.
Hopping Green Sams & Smith
P. O. Box 6526
Tallahassee, FL 32314

Tony Key
Sprint Communications Co.
3100 Cumberland Circle
Atlanta, GA 30339

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
Florida Competitive Carriers
P. O. Box 10967
Tallahassee, FL 32302

Floyd R. Self, Esq.
Messer, Vickers, Caparello,
Lewis, Goldman & Metz
P. O. Box 1876
Tallahassee, FL 32302-1876

Douglas S. Metcalf
Communications Consultants, Inc.
P. O. Box 1148
Winter Park, FL 32790-1148

Kenneth Hoffman, Esq.
Rutledge, Ecenia, Underwood,
Purnell & Hoffman
P. O. Box 551
Tallahassee, FL 32302

Joseph P. Gillan
Gillan & Associates
P. O. Box 541038
Orlando, FL 32854-1038

Michael Gross, Esq.
Assistant Attorney General
Department of Legal Affairs
Room 1603, The Capitol
Tallahassee, FL 32399-1050

Monte Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd., #128
Tampa, FL 33609

Benjamin H. Dickens, Jr., Esq.
Blooston, Mordkofsky,
Jackson & Dickens
2120 L Street, N.W.
Washington, D C 20037

Cecil O. Simpson, Jr.
Peter Q. Nyce, Jr.
Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

Dan B. Henrickson
P. O. Box 1201
Tallahassee, FL 32302

Susan K. Weinstock
Utility Issues Team Leader
State Legislation Dept.
AARP
601 E Street, NW
Washington, DC 20049

Angela B. Green, Esq.
FL Public Telecommunications
125 S. Gadsden St., Ste. 200
Tallahassee, FL 32301

Donald L. Bell, Esq.
104 East Third Avenue
Tallahassee, FL 32303

C. Everett Boyd, Jr., Esq.
Ervin, Varn, Jacobs, Odom
P. O. Drawer 1170
Tallahassee, FL 32302

Laura L. Wilson, Esq.
FL Cable Telecommunications
310 North Monroe Street
Tallahassee, FL 32301

Mark Richard, Esq.
304 Palermo Avenue
Coral Gables, FL 33134

David M. Wells, Esq.
Robert J. Winicki,, Esq.
William. S. Graessle, Esq.
Mahoney, Adams & Criser
P. O. Box 4099
Jacksonville, FL 32201



Marsha Rule