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June 1, 1998

**HAND DELIVERY**

**ORIGINAL**

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

Re: Consolidated Docket Nos. 971478-TP; 980184-TP; 980495-TP and 980499-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Teleport Communications Group Inc./TCG South Florida ("TCG") are the original and fifteen copies of TCG's Response in Opposition to GTE's Petition for Permission to Submit a Brief.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

*John R. Ellis*  
John R. Ellis

- ACK
- AFB \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG *Pellegrin* \_\_\_\_\_
- LIN *5* \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC *1* \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

JRE/rl

Enclosures

Trib.3n

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
**05889 JUN-1 88**  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of WorldCom Technologies, )  
Inc., against BellSouth Telecommunications, )  
Inc., for breach of terms of Florida Partial )  
Interconnection Agreement under Sections 251 )  
and 252 of the Telecommunications Act of 1996 )  
and request for relief. )

Docket No. 971478-TP

ORIGINAL

In re: Complaint of Teleport Communications )  
Group Inc./TCG South Florida for Enforce- )  
ment of Section IV.C of its Interconnection )  
Agreement with BellSouth Telecommunications, )  
Inc. and Request for Relief. )

Docket No. 980184-TP

In re: Complaint of Intermedia Communica- )  
tions, Inc. against BellSouth Telecommunica- )  
tions, Inc., for breach of terms of Florida )  
Partial Interconnection Agreement under )  
Sections 251 and 252 of the Telecommuni- )  
cations Act of 1996 and request for relief. )

Docket No. 980495-TP

In re: Complaint of MCImetro Access Trans- )  
mission Services, Inc., against BellSouth )  
Telecommunications, Inc., for breach of terms )  
of interconnection agreement under Section 252 )  
of the Telecommunications Act of 1996 and )  
request for relief. )

Docket No. 980499-TP

Filed: June 1, 1998

**TELEPORT COMMUNICATIONS GROUP, INC./TCG SOUTH FLORIDA'S  
RESPONSE IN OPPOSITION TO  
GTE'S PETITION FOR PERMISSION TO SUBMIT A BRIEF**

Teleport Communications Group, Inc./TCG South Florida ("TCG"), by and through its undersigned counsel, files this response in opposition to the petition of GTE Florida Incorporated ("GTE") for permission to submit a brief in this matter. In support of its response, TCG states:

DOCUMENT NUMBER-DATE

05889 JUN-18

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FPSC-RECORDS/REPORTING

1. These four consolidated dockets will resolve contractual disputes between BellSouth Telecommunications, Inc. ("BellSouth") and four alternative local exchange carriers with whom BellSouth has entered into interconnection agreements, concerning the interpretation of the term "local traffic" common to the four agreements, and whether for the purpose of payment of reciprocal compensation that term includes traffic transported and terminated to Internet Service Providers ("ISP").

2. This is not a generic proceeding intended to resolve the issue of the jurisdictional nature of ISP traffic, which is the issue GTE seeks permission to address in a brief. Even if the Commission were to open a docket for the purpose of addressing the generic issue proposed by GTE, the Commission's decision on that generic issue would have no bearing on the outcome of these contractual disputes. The resolution of these contractual disputes is limited to the meaning of certain contractual terms at the time the parties entered into their respective interconnection agreements, as the Commission stated in the March 31, 1998 Order Denying Intervention, Requiring Placement of Disputed Payments in Escrow and Setting Dispute for Hearing in the WorldCom proceeding: "Moreover, we believe that we must resolve the dispute between the parties by determining the state of the law concerning the jurisdictional nature of ISP traffic at the time the parties executed their agreement and by applying principles of contract construction."<sup>1</sup>

3. Amicus curiae should be allowed "only sparingly, unless the amicus has a special interest, or unless the Court feels that existing counsel need assistance." *News and Sun-Sentinel Co. v. Cox*, 700 F.Supp. 30, 31 (S.D. Fla. 1988). GTE has failed to allege much less meet its burden of

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<sup>1</sup>See Docket No. 971478-TP, Order No. PSC-98-0454-PCO-TP issued March 31, 1998, at page 7.

demonstrating that it has a special interest or that BellSouth is in need of assistance. In Ciba-Geigy Limited, BASF A.G. v. The Fish Peddler, 683 So.2d 522, 523 (Fla. 4<sup>th</sup> DCA 1996), the court denied a request to file an amicus brief which offered "nothing more than an attempt to present a fact specific argument of the same type as is contained in the appellant's 50 page brief." Here, because these proceedings are not generic, policy-oriented proceedings but focus only on the facts and law relevant to the interpretation of the BellSouth agreements at issue, there is nothing for GTE to add to this proceeding.

For these reasons, TCG requests that GTE's petition for permission to file a brief be denied.

Respectfully submitted,

  
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Attorneys for Teleport Communications Group Inc./TCG South  
Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Teleport Communications Group Inc./TCG South Florida's Response In Opposition to GTE's Petition for Permission to Submit a Brief was furnished by U. S. Mail to the following this 1<sup>st</sup> day of June, 1998:

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