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April 11, 1994

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

Re: Docket No. 921074-TP - Intermedia's Petition

Dear Mrs. Bayo:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion to Strike Response by Time Warner AxS of Florida, L.P., which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely yours,

*J. Phillip Carver*  
J. Phillip Carver (109)

1 w/m  
6  
Enclosures

cc: All Parties of Record  
A. M. Lombardo  
Harris R. Anthony  
R. Douglas Lackey

28

A BELLSOUTH Company

DOCUMENT NO. DATE

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REC-REC'D DIV REPORTING

**CERTIFICATE OF SERVICE**  
**Dockets No. 921074-TL, 930955-TL,**  
**940014-TL, 940020-TL, 931196-TL, 940190-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by U. S. Mail this 11 day of April 1994, to:

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Fla. Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0866

Charles Murphy  
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*J. Phillip Conner (03)*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expanded ) Docket No. 921074-TP  
interconnection for alternate )  
access vendors within local )  
exchange company central offices )  
by INTERMEDIA COMMUNICATIONS OF )  
FLORIDA, INC. )  
\_\_\_\_\_ ) Filed: April 11, 1994

**SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
MOTION TO STRIKE RESPONSE BY TIME WARNER AXS OF FLORIDA, L.P.**

BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), hereby respectfully requests, pursuant to Rule 25-22.037(2)(a), the entry of an order striking the Response by Time Warner AxS of Florida, L.P. to Florida Cable Television Association's Motion for Reconsideration and/or Clarification of Order No. PSC-94-0285-FOF-TP, and states as grounds in support thereof the following:

1. Rule 25-22.037(2)(b) provides that "other parties to a proceeding, may, within seven (7) days after service of a written motion, file written memoranda in opposition". Beyond this, there is no provision in the Rules of the Florida Public Service Commission ("Commission") that authorizes a response to a motion.

2. Nevertheless, Time Warner AxS of Florida, L.P. ("Time Warner"), filed on April 6, 1994 what it called a "Response by Time Warner AxS of Florida, L.P. to Florida Cable Television Association's Motion for Reconsideration and/or Clarification of Order No. PSC-94-0285-FOF-TP ("Response)". This pleading, however, is not a memorandum in opposition to the motion of the Florida Cable Television Association ("FCTA"). Instead, Time

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Warner states that it concurs with the Motion for Reconsideration of FCTA then goes on to attempt to buttress the legal argument of FCTA.

3. This type of concurring pleading is not authorized by this Commission's rules or by the Florida Rules of Civil Procedure. Time Warner is simply abusing the rules of this Commission by arguing for reconsideration without filing a timely motion for that purpose. Accordingly, this unauthorized "response" should be stricken.

WHEREFORE, Southern Bell Telephone and Telegraph Company respectfully requests the entry of an Order striking the Response by Time Warner AxS of Florida, L.P. to Florida Cable Television Association's Motion for Reconsideration and/or Clarification of Order No. PSC-94-0285-FOF-TP, for the reasons set forth above.

Respectfully submitted this 11th day of April, 1994.

ATTORNEYS FOR SOUTHERN BELL  
TELEPHONE AND TELEGRAPH COMPANY

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