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February 12, 1998

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FPSC - Records/Reporting

Mrs. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Dear Mrs. Bayo:

Re: Docket No. 971399-TP

You will find enclosed an original and fifteen (15) copies of AT&T's Petition to Intervene for filing in the above-referenced docket.

Copies of the foregoing are being served on the parties of record in accordance with the attached certificate of service.

Yours truly,

Marsha E. Rule

ACK \_\_\_\_\_  
 AFA \_\_\_\_\_  
 APP \_\_\_\_\_  
 CAF \_\_\_\_\_  
 CMU \_\_\_\_\_ mr  
 CTR \_\_\_\_\_ Enclosures  
 EAG \_\_\_\_\_ cc: Parties of Record  
 LEG 1 \_\_\_\_\_  
 LIN 5 \_\_\_\_\_  
 OPC \_\_\_\_\_  
 RCH \_\_\_\_\_  
 SEC 1 \_\_\_\_\_  
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 OTH M.E. ✓

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FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE  
Docket No. 971399-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by  
U.S. Mail this 12<sup>TH</sup> day of February, 1998, to the following:

Nancy B. White  
c/o Ms. Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301-1556

William Cox  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
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123 South Calhoun Street  
P.O. Box 6526  
Tallahassee, FL 32314

Thomas K. Bond  
MCI Telecommunications Corporation  
780 Johnson Ferry Road, Suite 700  
Atlanta, GA 30346

Barbara D. Auger  
Peter Dunbar  
Pennington Moore Wilkinson  
& Dunbar, P.A.  
215 South Monroe Street  
Tallahassee, FL 32301

  
\_\_\_\_\_  
Marsha E. Rule

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of BellSouth	)	
Telecommunications, Inc. to Lift	)	Docket No. 971399-TP
Marketing Restrictions Imposed	)	
by Order No. PSC-96-1569-FOF-TP.	)	Filed: 02/12/98
	)	
	)	

AT&T'S PETITION TO INTERVENE

COMES NOW AT&T Communications of the Southern States, Inc. (hereinafter "AT&T") and, pursuant to Rule 25-22.039, Florida Administrative Code, files this Petition to Intervene with the Florida Public Service Commission (hereinafter the "Commission") in the above-referenced docket. AT&T respectfully requests that the Commission grant this petition, designating AT&T as a party of record and affording it all applicable rights under Florida law and the rules and regulations of this Commission. In support thereof, AT&T respectfully shows as follows:

1. Petitioner's full name and principal place of business are:

AT&T Communications of the  
Southern States, Inc.  
1200 Peachtree Street, N.E.  
Atlanta, Georgia 30309

2. All pleadings, orders, notices and other correspondence with respect to this docket should be addressed to:

Marsha Rule  
AT&T  
101 North Monroe Street, Suite 700  
Tallahassee, FL 32301  
(850)425-6365

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3. AT&T is a telecommunications company that has been duly certificated by the Commission as an interexchange company ("IXC") in Florida. As such, AT&T is subject to the rules, regulations and orders of the Commission, and such rules, regulations and orders impact AT&T's ability to provide intrastate interexchange telecommunications service.

**STATEMENT OF HOW SUBSTANTIAL  
INTERESTS WOULD BE AFFECTED**

4. On May 24, 1996, FCCA (Florida Competitive Carriers Association), MCI Telecommunications Corporation and AT&T filed a Joint Complaint against BellSouth Telecommunications, Inc.

5. Following an evidentiary hearing, the Commission issued Order No. PSC-96-1569-FOF-TP. Subsequently, the Commission denied BellSouth's Motion for Reconsideration and affirmed its decision in Order No. PSC-97-0518-FOF-TP.

6. In Order No. PSC-96-1569-FOF-TP, the Commission prohibited BellSouth from attempting to change the minds of BellSouth customers who have been won by the marketing efforts of BellSouth's intraLATA competitors and who contact BellSouth for the explicit purpose of changing intraLATA carriers. The Commission also prohibited BellSouth from marketing its intraLATA service to customers who call regarding any aspect of local exchange service unless the customer first introduces the subject of intraLATA service. The Commission imposed these restrictions for a period of 18 months.

7. In its petition that initiated this docket, BellSouth asks the Commission for premature lifting of the restrictions imposed in Order No. PSC-96-1569-FOF-TP. Removing these restrictions prematurely would affect AT&T's substantial interests by altering the outcome of its litigated complaint proceeding, by truncating the remedy afforded to AT&T and the other complainants, and by exposing AT&T to renewed unfair and anticompetitive practices.

#### **STATEMENT OF KNOWN DISPUTED FACTS**

8. AT&T's position is that BellSouth's petition is an improper attempt to file a second motion for reconsideration that should be summarily rejected. AT&T disputes that any factual or legal basis exists to support rescinding any aspect of Order No. 96-1569-FOF-TP prior to the expiration of the period prescribed by the Commission. Specifically, AT&T disputes the assertion that the restrictions are no longer needed to achieve the Commission's objectives. AT&T further disputes the assertion that BellSouth is being unfairly disadvantaged by the provisions of Order No. 96-1569-FOF-TP, and AT&T reserves the right to advocate restrictions longer than those imposed by the Commission in Order No. 96-1569-FOF-TP.

WHEREFORE, AT&T requests that it be permitted to intervene in this proceeding and that it be accorded full party status.



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Tallahassee, FL 32301  
850/425-6365

Attorney for AT&T  
Communications of the  
Southern States, Inc.