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Legal Department

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SEP 16 PM 4:35

BellSouth Telecommunications, Inc.
150 South Monroe Street
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Tallahassee, Florida 32301
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RECORDS AND
REPORTING

September 16, 1999

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

Re: Docket No. 991237-TP (AT&T Complaint)

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth Telecommunications, Inc.'s Answer and Response to the Complaint of AT&T Communications of the Southern States, Inc., which we ask that you file in the above-referenced matter.

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,

Michael P. Goggin
Michael P. Goggin

AFA _____
APP _____
CAF 1
CMU 1
CTR _____
EAG _____
LEG 1
MAS 5
OPC _____
PAI _____
SEC 1
WAW _____
OTH _____

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

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FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 991237-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 16th day of September, 1999 to the following:

Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Tracy Hatch, Esq.
AT&T Communications of the
Southern States, Inc.
101 North Monroe Street
Suite 700
Tallahassee, FL 32301
Tel. No. (850) 425-6364


Michael P. Goggin

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of AT&T)	Docket No. 991237-TP
Communications of the Southern)	
States, Inc. against BellSouth)	
Telecommunications, Inc. for)	
improper application of)	
switched access charges.)	
<hr/>		Filed: September 16, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
ANSWER AND RESPONSE TO COMPLAINT
OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.**

BellSouth Telecommunications, Inc., ("BellSouth"), hereby files its Answer and Response, pursuant to Rules 1.100, 1.110 and 1.140 of the Florida Rules of Civil Procedure and Rule 28-106.203 of the Florida Administrative Code, to the Complaint of AT&T Communications of the Southern States, Inc. ("AT&T") (the "Complaint") and states as follows:

First Defense

The Complaint is barred by the applicable statute of limitations.

Second Defense

The Complaint is barred under the doctrine of laches.

Third Defense

The Complaint fails to state a claim for which relief may be granted.

Fourth Defense

The Complaint should be dismissed because the remedy sought would violate Section 365.08 of the Florida Statutes.

1. BellSouth is without sufficient information to admit or deny, and therefore denies, the allegations in Paragraph 1 of the Complaint.

2. BellSouth admits the allegations in Paragraph 2 of the Complaint.

3. BellSouth denies that the isolated portions of its tariff quoted by AT&T in Paragraph 3 necessarily relate to or are dispositive of the allegations AT&T has made in its Complaint. The provisions of BellSouth's tariff speak for themselves. BellSouth admits the remaining allegations of Paragraph 3 of the Complaint.

4. BellSouth admits that it offers a number of optional services to its customers which provide features or functions that are not otherwise available over a plain old telephone service ("POTS") line. These services are defined in BellSouth's tariff, which speaks for itself. BellSouth denies the remaining allegations in Paragraph 4 of the Complaint.

5. BellSouth admits that it provides voice messaging and paging services. BellSouth admits that other entities may provide similar services. BellSouth is without knowledge to admit or deny, and therefore denies, the remaining allegations in Paragraph 5 of the Complaint.

6. BellSouth denies the allegations in Paragraph 6 of the Complaint that it overcharges AT&T for carrier common line ("CCL") charges. BellSouth admits that it provides call forwarding, call waiting, three way calling, foreign exchange service, messaging, and paging services. BellSouth admits that it imposes CCL charges in accordance with its tariff, which speaks for itself. BellSouth denies the remaining allegations in Paragraph 6 of the Complaint.

7. The provisions of Section 364.08 of the Florida Statutes and BellSouth's tariff speak for themselves. BellSouth denies the remaining allegations in Paragraph 7 of the Complaint.

8. BellSouth denies the allegation in Paragraph 8 of the Complaint that it "has not disputed AT&T's assertion that it is being billed multiple CCL charges for use of a single carrier common line and CCL charges where no common line has been used." The statements that BellSouth has made in documents it has filed with the Federal Communications Commission regarding similar complaints with respect to the imposition of CCL charges, speak for themselves. BellSouth denies any remaining allegations in Paragraph 8 of the Complaint.

9. BellSouth admits that AT&T prepared a study of its records from a short period of time many years ago and that AT&T alleges, based on this study, that BellSouth has overcharged it with respect to CCL charges. BellSouth admits that AT&T has communicated these allegations to BellSouth. BellSouth denies the remaining allegations of Paragraph 9 of the Complaint.

10. BellSouth is without knowledge to admit or deny, and therefore denies, the allegations in Paragraph 10 of the Complaint that AT&T lacks documents that relate to the allegations it has raised in this Complaint, including any documents that would tend to show the overcharges that it has alleged. BellSouth is without knowledge to admit or deny, and therefore denies, that any documents that AT&T might seek to corroborate

the allegations it has raised in this Complaint are within the possession, custody or control of BellSouth.

11. BellSouth admits that it has attempted to resolve AT&T's complaints about CCL charges through negotiation with AT&T. BellSouth denies the remaining allegations of Paragraph 11 of the Complaint.

12. The provisions of BellSouth's tariff and Section 364.08 of the Florida Statutes speak for themselves. BellSouth denies the remaining allegations of Paragraph 12 of the Complaint.

13. The provisions of Section 364.01(4)(g) of the Florida Statutes speak for themselves. BellSouth denies the remaining allegations of Paragraph 13 of the Complaint.

WHEREFORE, having fully answered the allegations raised in the Complaint, BellSouth respectfully requests that the Complaint of AT&T Communications of the Southern States, Inc. be dismissed as AT&T is not entitled to the relief sought.

Respectfully submitted this 16th day of September, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE *(paw)*

MICHAEL P. GOGGIN

c/o Nancy H. Sims

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