

File

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Complaint of)
ICG Telecom Group, Inc.,)
Complainant,)
v.)
Ameritech Ohio,)
Respondent.)

PUCO

Case No.97-1557-TP-CSS

ICG TELECOM GROUP, INC.'S REPLY TO
GTE NORTH'S MOTION TO BE GRANTED AMICUS CURIAE STATUS

COMES NOW, ICG Telecom Group, Inc. ("ICG"), by its attorneys, pursuant to the provisions of Sections 4901-1-11 and 4901-1-12, O.A.C., and respectfully submits its Reply to the Motion of GTE North ("GTE") to be Granted Amicus Curiae Status in the instant proceeding, and respectfully submits the Commission should deny the Motion of GTE North in its entirety. In support thereof, ICG further states:

1. The Motion of GTE seeking approval of Amicus Curiae Status in this proceeding is dated February 13, 1998. Although the notice indicates it was served to the Commission via facsimile on that date, ICG did not receive notice of the filing until a copy was received in the mail February 17, 1998. Accordingly, pursuant to the Commission rule regarding facsimile filings, the Motion of GTE must be considered filed February 17, 1998.

2. The hearing on the merits of the Complaint in this proceeding occurred at the Commission offices February 17, 1998, the same date GTE filed its Motion.

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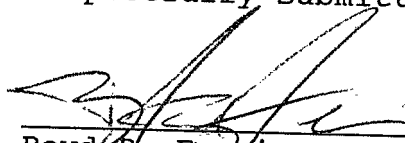
3. The Motion of GTE is untimely under the provisions of the Ohio Administrative Code, which require filings at least five (5) days prior to the hearing; and is specifically in non-compliance with the Entry of the Attorney Examiner dated January 8, 1998, requiring that all requests for intervention be filed on or before January 16, 1998.

4. Significantly, GTE offers no explanation of why it could not have sought intervention or Amicus Curiae Status on or before January 16, 1998, the date established by the Commission; nor does it offer any suggestion that there is any manner in which it might be directly affected by the outcome of this particular proceeding.

5. On the other hand, allowing GTE to utilize this type of late filing strategy, which appears designed to preclude ICG's knowledge of the filing until after testimony was presented, imposes a distinct disadvantage upon ICG which otherwise could have addressed, in its testimony, differences between this proceeding and any similar proceeding in which GTE and ICG might be involved.

WHEREFORE, ICG respectfully submits the Motion of GTE North should be denied in its entirety as untimely.

Respectfully submitted,




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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Reply of ICG Telecom Group, Inc. has been served this 23rd day of February, 1998, via first class, United States mail, postage prepaid, upon the following party:

Joseph R. Stewart
Associate General Counsel
GTE Service Corporation
OHODALA
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Marion, OH 43302


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