

ORIGINAL

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (214 32302)  
TALLAHASSEE, FLORIDA 32301  
850-224-9115 FAX 850-222-7660

September 11, 1998

FILED  
RECORDS  
SECTION  
SEP 11 1998

BY HAND DELIVERY

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

Re: Docket No. 980696-TP

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Sprint-Florida's Response in Support of BellSouth's Motion to Compel AT&T to Produce Documents.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

  
John P. Fons

- ACK \_\_\_\_\_
- AFA 2
- ATTN- Enclosures
- CAF cc: All parties of record
- CAF 1 - data: jpfoutd:980696 byu2.doc
- CTP \_\_\_\_\_
- ENG \_\_\_\_\_
- LEN 2
- 5
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 1
- \_\_\_\_\_
- DTH \_\_\_\_\_

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09966 SEP 11 98

FPSC-RECORDS/REPORTING

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the Cost of	)	DOCKET NO. 980696-TL
Local Telecommunications Service,	)	FILED: 9/11/98
pursuant to Section 364.025, Florida	)	
Statutes	)	
_____	)	

**SPRINT-FLORIDA'S RESPONSE IN SUPPORT OF BELL SOUTH'S  
MOTION TO COMPEL AT&T TO PRODUCE DOCUMENTS**

Sprint-Florida, Inc. ("Sprint-Florida") hereby joins in support of BellSouth Telecommunications, Inc.'s ("BellSouth") Motion for the entry of an Order compelling the production of documents by AT&T, ("BellSouth's Motion to Compel") stating as follows:

1. On September 4, 1998, BellSouth filed its Motion to Compel production of certain requested documents to which AT&T Communications of the Southern States, Inc. ("AT&T") had objected on the grounds that the requested documents are "the intellectual property of third party vendor and is only available from PNR."
2. On August 4, 1998, Sprint-Florida served its First Set of Interrogatories and First Request for Production of Documents which requested the same documents requested by BellSouth; namely, the production of the file of customer points supplied to AT&T by PNR. In addition, Sprint-Florida

DOCUMENT NUMBER-DATE

09966 SEP 11 8

FPSC-RECORDS/REPORTING

requested specific information which would be developed using the same file of customer points. AT&T objected to Sprint-Florida's discovery requests on the same basis that AT&T objected to BellSouth's Request.

3. On August 11, 1998, Sprint-Florida filed its Motion to Compel AT&T to Respond to Sprint-Florida's First Set of Interrogatories and First Request for Production of Documents ("Sprint-Florida's Motion to Compel"). Thereafter, Sprint-Florida and AT&T entered negotiations to obtain the requested documents and information. Because of the need to have the requested documents and information in time to prepare its rebuttal testimony, Sprint-Florida was forced to accept information provided by PNR, as dictated by AT&T, which information is inferior to what Sprint actually requires for its analysis of the HAI model.
4. As stated in Sprint-Florida's Motion to Compel, Sprint-Florida is entitled to the file of customer points maintained by PNR. AT&T's contention that the requested information is not required to be produced because it is the "intellectual property" of another is without merit. Indeed, the Washington Utilities and Transportation Commission recently issued an order requiring AT&T to provide US West and GTE access to PNF data:

"When a party elects to sponsor a model, that party must be prepared to provide the information requested by other parties. Only by providing such information can the

integrity of the model be tested. AT&T's position is not fair to the parties nor to the undertaking of this proceeding. Whether this information is admissible as evidence is another matter. Accordingly, the Commission again directs AT&T to provide US West access to the geocoding and clusters data GTE has requested on the same basis as it provides such access to GTE."

Docket No. UT-980311(a), Eighth Supplemental Order, September 4, 1998, at 3.

5. Sprint-Florida, therefore, joins with BellSouth in its Motion to Compel for the reasons stated in BellSouth's Motion to Compel, and urges the Commission to enter an Order requiring that AT&T provide the requested documents and information.

DATED this 11th day of September, 1998.

Respectfully submitted,



JOHN P. FONS  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(850) 224-9115

and

CHARLES REHWINKEL  
Sprint-Florida, Inc.  
Post Office Box 2214  
Tallahassee, Florida 32316  
(850) 847-0244

ATTORNEYS FOR SPRINT-FLORIDA, INC.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail or hand delivery (\*) this 11th day of September, 1998, to the following:

William P. Cox \*  
Division of Legal Services  
Florida Public Service Comm.  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Edward Paschall  
AARP  
1923 Atapha Nene  
Tallahassee, FL 32301

Tracy Hatch \*  
AT&T  
101 N. Monroe St., Suite 700  
Tallahassee, FL 32301

Robert Beatty/Nancy White  
c/o Nancy H. Sims  
BellSouth Telecommunications  
150 S. Monroe St., Suite 400  
Tallahassee, FL 32301

Everett Boyd  
Ervin Law Firm  
P. O. Drawer 1170  
Tallahassee, FL 32302

David B. Erwin  
127 Riversink Road  
Crawfordville, FL 32327

Laura Gallagher  
FCTA  
310 N. Monroe Street  
Tallahassee, FL 32301

Benjamin Ochshorn  
Florida Legal Services, Inc.  
2121 Delta Blvd.  
Tallahassee, FL 32303

Angela Green  
FPTA  
125 S. Gadsden St., #200  
Tallahassee, FL 32301

Susan Langston  
FTIA  
P. O. Box 1776  
Tallahassee, FL 32302

Kelly Goodnight  
Frontier Communications  
180 S. Clinton Avenue  
Rochester, NY 14646

Mark Ellmer  
P. O. Bo. 220  
Port St. Joe, FL 32456

Kimberly Caswell  
GTE Florida  
P. O. Box 100, FLTC0007  
Tampa, FL 33601  
Patricia Greene

Holland Law Firm  
315 S. Calhoun St., Suite 600  
Tallahassee, FL 32301

Richard Melson  
Hopping Law Firm  
P. O. Box 6526  
Tallahassee, FL 32314

Charlie Murphy/Booter Imhof  
House Committee on Utilities  
and Communications  
428 House Office Building  
Tallahassee, FL 32399-1300

David Daniel  
House Democratic Office  
316, The Capitol  
402 S. Monroe St.  
Tallahassee, FL 32399-1300

Steven Brown  
Intermedia Communications  
3625 Queen Palm Drive  
Tampa, FL 33619

Robert N. Post, Jr.  
P. O. Box 277  
Indiantown, FL 34956

Thomas K. Bond  
MCI Telecommunications Corp.  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342

Joseph McGlothlin  
Vicki Gordon Kaufman  
McWhirter Law Firm  
117 S. Gadsden Street  
Tallahassee, FL 32301

Norman H. Horton  
Messer Law Firm  
215 S. Monroe St., Suite 701  
Tallahassee, FL 32301

James C. Falvey  
e.spire Communications, Inc.  
133 National Business Parkway  
Suite 200  
Annapolis Junction, MD 20701

Jack Shreve/Charles Beck  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., #812  
Tallahassee, FL 32399-1400

Michael Gross  
Assistant Attorney General  
Office of Attorney General  
PL-01 The Capitol  
Tallahassee, FL 32399-1050

Peter M. Dunbar  
Barbara D. Auger  
Pennington Law Firm  
P. O. Box 10095  
Tallahassee, FL 32307

Carolyn Marek  
Time Warner Communications  
P. O. Box 210706  
Nashville, TN 37221

John Guthrie/Susan Masterton  
Senate Committee on Reg. Ind.  
418 Senate Office Building  
Tallahassee, FL 32399

Julie S. Myers  
Smith, Bryan & Myers  
311 E. Park Avenue  
Tallahassee, FL 32301

Richard L. Spears  
Community Assoc. Institute  
9132 Ridge Pine Trail  
Orlando, FL 32819

Jennifer Uhal  
1911 N. Ft. Myer Dr., Suite 702  
Arlington, VA 22209

Thomas M. McCabe  
P. O. Box 189  
Quincy, FL 32353

Michael Twomey  
8903 Crawfordville Road  
Tallahassee, FL 32310

Patrick Wiggins/Donna Canzano  
Wiggins Law Firm  
P. O. Drawer 1657  
Tallahassee, FL 32302

Floyd R. Self  
Messer Law Firm  
215 S. Monroe St., Suite 701  
Tallahassee, FL 32301

Brian Sulmonetti  
WorldCom Technologies  
1515 S. Federal Hwy.  
Suite 400  
Boca Raton, FL 33432

Kenneth A. Hoffman  
John R. Ellis  
Rutledge Law Firm  
P. O. Box 551  
Tallahassee, FL 32301

Paul Kouroupas/Michael McRae  
Teleport Communications Group  
21 Lafayette Centre, Suite 400  
1113 Twenty-First St., N.W.  
Washington, DC 20036

Suzanne F. Summerlin  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, FL 32301


Lynn G. Brewer  
Northeast Florida Telephone  
P. O. Box 485  
Macclenny, FL 32063

Lynn B. Hall  
Vista-United Telecommunications  
P. O. Box 10180  
Lake Buena Vista, FL 32830



Harriet Eudy  
ALLTEL Florida, Inc.  
P. O. Box 550  
Live Oak, FL 32060

J. Jeffrey Wahlen  
Ausley & McMullen  
P. O. Box 391  
Tallahassee, FL 32302



A handwritten signature in black ink, appearing to read "J. Jeffrey Wahlen", is written over a horizontal line. Below the line, the word "ATTORNEY" is printed in a bold, sans-serif font.

h:\data\pf\utd\980696 response mtc.doc