

MICHAEL P. GOGGIN  
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October 7, 1999

ORIGINAL

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. 991405-TP (Bluestar Complaint)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc. Answer and Response to Bluestar Network's Complaint, 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,

*Michael P. Goggin*  
Michael P. Goggin

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

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**CERTIFICATE OF SERVICE**  
**Docket No. 991405-TP**

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

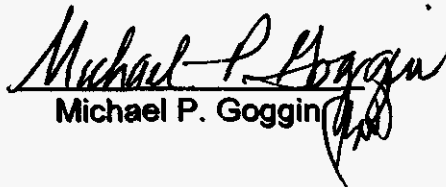
U.S. Mail this 7th day of October, 1999 to the following:

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Florida Public Service  
Commission  
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Atty. for Bluestar Networks

  
Michael P. Goggin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Bluestar Networks against BellSouth Telecommunications, Inc. ) Docket No. 991405-TP  
)  
)  
) Filed: October 7, 1999

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**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
ANSWER AND RESPONSE TO COMPLAINT  
OF BLUESTAR NETWORKS**

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 Bluestar Networks ("Bluestar") (the "Complaint") and states the following:

1. BellSouth is without sufficient knowledge to admit or deny, and therefore denies, the allegations in Paragraph 1 of the Complaint.
2. BellSouth is without sufficient knowledge to admit or deny, and therefore denies, the allegations in Paragraph 2 of the Complaint.
3. BellSouth is without sufficient knowledge to admit or deny, and therefore denies, the allegations in Paragraph 3 of the Complaint.
4. BellSouth admits the allegations in Paragraph 4 of the Complaint.
5. BellSouth is without sufficient knowledge to admit or deny, and therefore denies, the allegations in Paragraph 5 regarding the relief Bluestar seeks. BellSouth admits that it has received numerous applications from Bluestar for collocation; that it received 7 initial applications on May 28, 1999, which were subsequently revised on June 17, 1999, which, upon information and

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belief, are the subject of Bluestar's allegations in this Paragraph; that it delivered estimates to Bluestar on 4 of the 7 applications on August 3, 1999, on 1 of these 7 applications on August 4, 1999, and on the remaining 2 applications on August 6, 1999; and that it received firm order commitments from Bluestar on August 13, 1999 for 5 of the applications, and on August 19, 1999 for the remaining 2 applications. BellSouth further admits that it informed Bluestar in its estimates that the standard provisioning interval was 90 days, not including any time required for permitting. BellSouth denies the remaining allegations in Paragraph 5 of the Complaint.

6. BellSouth admits that the Commission's Proposed Agency Action, Order No. PSC-99-1744-PAA-TP, speaks for itself. The remaining allegations of Paragraph 6 are denied.

7. Paragraph 7 of the Complaint includes argument to which no response is required. To the extent that Paragraph 7 includes any factual allegations, they are denied.

8. BellSouth is without knowledge to admit or deny, and therefore denies, the allegations in Paragraph 8 that Bluestar directly competes with BellSouth. BellSouth admits that the spaces for which Bluestar has applied are owned and/or controlled by BellSouth. BellSouth denies the remaining allegations in Paragraph 8 of the Complaint.

9. BellSouth is without knowledge to admit or deny, and therefore denies, the allegations in 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.

11. BellSouth denies the allegations in Paragraph 11 of the Complaint.

12. BellSouth admits that it has sent and received numerous communications regarding the 7 applications and that its representative spoke with Bluestar's representative on or about September 10, 1999. BellSouth further admits that Bluestar belatedly noted that it would require only 3 bays per site rather than the 12 applied for, that it offered to file new applications, and that it was told that this would delay provisioning. BellSouth denies the remaining allegations in Paragraph 12 of the Complaint.

13. BellSouth is without knowledge to admit or deny, and therefore denies the allegations in Paragraph 13 that Bluestar has leased office space in Jacksonville, has hired a sales force, or that its sales force is "useless." BellSouth admits that the collocation applications which, upon information and belief, are the subject of the allegations in Paragraph 13, were filed on June 17, 1999; that Bluestar has paid an application fee and one half of the cost of each such collocation site; and that BellSouth offers DSL services in the Jacksonville area. The remaining allegations in Paragraph 13 of the Complaint are denied.

14. BellSouth admits that the 1996 Telecommunications Act, Florida Law, and the orders of the Federal Communications Commission speak for themselves. To the extent Paragraph 14 includes any allegations to which a response is required, they are denied.

15. The Commission's Proposed Agency Action, Order No. PSC-99-1744-PAA-TP, speaks for itself. Moreover, BellSouth filed a protest to this PAA on September 28, 1999. To the extent Paragraph 15 includes any allegations to which a response is required, they are denied.

16. To the extent Paragraph 16 includes any allegations to which a response is required, they are denied.

17. BellSouth admits that Bluestar belatedly noted that it does not need all the space it requested in the collocation applications which, upon information and belief, are the subject of this Complaint. BellSouth further admits that it has engaged in discussions with Bluestar intended to speed up the provisioning of collocation space. BellSouth further admits that it has received numerous collocation applications from Bluestar in Florida and that Bluestar has paid applications fees and costs to BellSouth in connection with such applications. BellSouth denies the remaining allegations in Paragraph 17 of the Complaint.

18. To the extent Paragraph 18 includes any factual allegations to which a response is required, they are denied.

WHEREFORE, having fully answered the allegations raised in the Complaint, BellSouth respectfully requests that the Complaint of Bluestar Networks be dismissed as Bluestar is not entitled to the relief sought.

Respectfully submitted this 7th day of October, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Nancy B. White*

NANCY B. WHITE (M)  
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c/o Nancy H. Sims  
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