

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

ORIGINAL

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
JOHN R. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

J. STEPHEN MENTON
R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE

November 17, 2000

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

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RECORDS AND REPORTING

Re: Docket No. 000907-TP

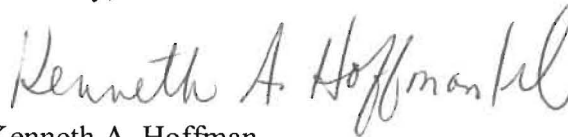
Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Level 3 Communications, LLC ("Level 3") are the original and fifteen copies of Level 3's Objections to Staff Interrogatory No. 1 and Motion for Protective Order.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

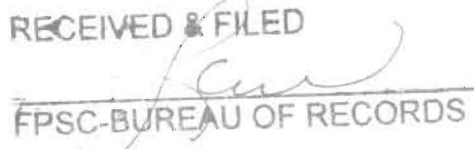
Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

APP _____ KAH/rl
CAF _____ Enclosures
CMP 1 cc: Parties of Record
COM 3
CTR _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of Level 3 Communications,)	
LLC for arbitration of certain terms and)	Docket No. 000907-TP
conditions of proposed agreement with)	
BellSouth Telecommunications, Inc.)	Filed: November 17, 2000
_____)	

**LEVEL 3 COMMUNICATIONS, LLC'S
 OBJECTIONS TO STAFF INTERROGATORY NO. 1
AND MOTION FOR PROTECTIVE ORDER**

Level 3 Communications, LLC ("Level 3"), by and through its undersigned counsel, and pursuant to Order No. PSC-00-1646-PCO-TP issued September 15, 2000, Rule 28-106.206, Florida Administrative Code and Rule 1.280(c), Florida Rules of Civil Procedure, and files its Objections to Staff Interrogatory No. 1 served on Level 3 on November 7, 2000, and requests the Prehearing Officer to issue a Protective Order determining that Level 3 is not required to respond to Staff Interrogatory No. 1. In the alternative, if the Prehearing Officer denies Level 3's objection, Level 3 requests that it be required to respond to Staff Interrogatory No. 1 only upon the issuance of an appropriate order that (1) expands the matters at issue in this proceeding to include the new issue which is the subject of Staff Interrogatory No. 1; and (2) reschedules the final hearing to allow Level 3 a reasonable amount of time to conduct discovery and develop surrebuttal testimony directed to this new issue. In support of these Objections and Motion for Protective Order, Level 3 states as follows:

1. On November 7, 2000, the Commission Staff served Interrogatory No. 1 on Level 3 which states as follows:

If the Commission determines that reciprocal compensation should be paid for ISP-bound traffic, what rates should apply, and why?

Staff served the same interrogatory on BellSouth Telecommunications, Inc. ("BellSouth").

2. Previously, on November 1, 2000, Cynthia K. Cox, on behalf of BellSouth, submitted Prefiled Rebuttal Testimony in this proceeding.

3. Ms. Cox's Prefiled Rebuttal Testimony proposes an alternative reciprocal compensation rate to be applied to ISP-bound traffic. [Rebuttal Testimony, page 18, line 3 through page 20, line 13, and Exhibit CKC-1.]

4. In its Petition for Arbitration, Level 3 requested that the Commission reject BellSouth's proposed definition of Local Traffic and determine that BellSouth must pay Level 3 reciprocal compensation for the transport and termination of calls originated by BellSouth end users to ISPs on Level 3's network just as BellSouth must pay Level 3 reciprocal compensation for all other local calls. [Petition for Arbitration, paragraphs 26-27, Issue 6.]

5. BellSouth did not raise the issue of a different reciprocal compensation rate for ISP-bound traffic in its Response to Level 3's Petition for Arbitration.

6. On November 8, 2000, Level 3 filed a Motion to Strike specific portions of the Prefiled Rebuttal Testimony of BellSouth witness Cox and witness Cox's Exhibit CKC-1 addressing the new issue of whether there should be an alternative reciprocal compensation rate for ISP-bound traffic. Level 3's Motion to Strike also requested that this Prehearing Officer strike those portions of BellSouth's Prehearing Statement addressing this same new issue. In sum, the Motion to Strike seeks to strike the above-referenced portions of the Rebuttal Testimony of Ms. Cox, Exhibit CKC-1 and the applicable portions of BellSouth's Prehearing Statement, on the grounds that:

a. the new issue concerning an alternative reciprocal compensation rate for ISP-bound traffic was not raised in Level 3's Petition for Arbitration or in BellSouth's response thereto;

b. the new issue was not raised by BellSouth in its proposed list of issues or at the Issue Identification Conference;

c. the new issue which is a proposal for an alternative reciprocal compensation rate for ISP-bound traffic was not raised in BellSouth's Prefiled Direct Testimony and was inserted only as part of Ms. Cox's Rebuttal Testimony;

d. the new issue raised in Ms. Cox's rebuttal concerning an alternative reciprocal compensation rate for ISP-bound traffic is not set forth in response to any of the prefiled direct testimony or exhibits filed by Level 3. In other words, the issue raised by BellSouth is not really rebuttal testimony, but an attempt to file supplemental direct testimony addressing a matter that has not been placed at issue; and

e. finally, that the issue of an alternative reciprocal compensation rate for the termination of ISP-bound traffic is a matter affecting the entire ILEC and ALEC industry and is appropriately addressed in the Commission's generic docket addressing issues, including an appropriate inter-carrier compensation mechanism, related to the transport and termination of ISP-bound traffic.

7. Level 3 is required to respond only to discovery that is relevant to the matters at issues in this proceeding or is at least reasonably calculated to lead to the discovery of admissible evidence. See Rule 1.280(b)(1), Florida Rules of Civil Procedure.

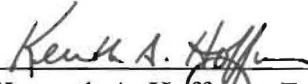
8. Staff Interrogatory No. 1 addresses the same new issue presented for the first time in Ms. Cox's Prefiled Rebuttal Testimony that Level 3 has moved to strike from this proceeding. Level 3 objects to responding to this interrogatory as it is directed to information which is outside the scope of this proceeding and is not reasonably calculated to lead to admissible evidence in this

proceeding. If the Prehearing Officer denies Level 3's objection, Level 3 maintains that due process requires that the final hearing be continued so that Level 3 has reasonable time to propound discovery to BellSouth concerning Ms. Cox's Prefiled Rebuttal Testimony and Exhibit CKC-1 addressing this issue, as well as concerning other information related to this issue, to examine the responses provided by BellSouth to Staff's discovery and to any discovery Level 3 may propound, and to allow Level 3 a reasonable amount of time to develop surrebuttal testimony addressing this new issue.

WHEREFORE, for the foregoing reasons, Level 3 respectfully requests that the Prehearing Officer enter an order sustaining its objections to Staff Interrogatory No. 1 stated herein. Alternatively, if the Prehearing Officer finds that the issue raised by Staff Interrogatory No. 1 is relevant and, therefore, denies Level 3's objections to Staff Interrogatory No. 1, Level 3 respectfully requests that the Prehearing Officer issue an order: (1) amending the issues for disposition at hearing to include the new issue raised by BellSouth witness Cox in her Rebuttal Testimony and Exhibit CKC-1 and by Staff in Staff Interrogatory No. 1; and (2) granting a continuance of the final hearing for a period of at least sixty days to allow Level 3 to conduct discovery and develop surrebuttal testimony concerning this new issue.¹

¹Level 3's lead counsel, Michael R. Romano, has previously scheduled arbitration hearings in other states and, due to such arbitration hearings, requests that a new final hearing be rescheduled after January 22, 2001.

Respectfully submitted this 17th day of November, 2000.



Kenneth A. Hoffman, Esq.
John R. Ellis, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302
(850) 681-6788 (Tel.)
(850) 681-6515 (Fax)

Russell M. Blau, Esq.
Tamar E. Finn, Esq.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
(202) 945-6917 (Tel.)
(202) 424-7645 (Fax)

Michael R. Romano
Level 3 Communications, LLC
1025 Eldorado Blvd
Broomfield, CO 80021
(720) 888-7015 (Tel.)
(720) 888-5134 (Fax)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by hand delivery (*) or telecopier (**) and United States Mail to the following this 17th day of November, 2000:

T. Michael Twomey, Esq.(*)
Patrick Turner, Esq., (*)
Douglas Lackey, Esq.(*
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, FL 32301

T. Michael Twomey, Esq.(**)
Patrick Turner, Esq., (**)
Douglas Lackey, Esq.(**)
BellSouth Telecommunications, Inc.
675 West Peachtree Street, N.E.
Suite 4300
Atlanta, GA 30375

Felicia R. Banks, Esq.(*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850



Kenneth A. Hoffman, Esq.