

ORIGINAL



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February 18, 2004

BY HAND DELIVERY

Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED FPSC
FEB 18 PM 4:33
COMMISSION
CLERK

Re: Docket No. 030851-TP

Dear Ms. Bayó:

Enclosed for filing are an original and 15 copies of Exhibits A – C, which were inadvertently omitted from AT&T Communications of the Southern States, LLC's Response to BellSouth's Motion to Compel filed Monday, February 16, 2004 in the above-referenced docket. Copies of the Exhibits were served on all parties of record. We apologize for any inconvenience.

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

Thank you for your assistance with this filing.

Sincerely yours,

Tracy W. Hatch

RECEIVED & FILED

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cc: Parties of Record

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Implementation of Requirements)

Arising From Federal Communications) Docket No.: 030851-TP

Commission Triennial UNE Review:)

Local Circuit Switching for Mass)

Market Customers)

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S SIXTH
REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 33-37)**

AT&T Communications of the Southern States, LLC (hereinafter "AT&T"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003, and *Second Order on Procedure*, Order No. PSC-03-1265-PCO-TP issued November 7, 2003 (hereinafter collectively "*Procedural Orders*"), by the Florida Public Service Commission (hereinafter "Commission"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.350 of the Florida Rules of Civil Procedure, objects generally to Bellsouth Telecommunications, Inc.'s (hereinafter "BellSouth") Sixth Request for Production of Documents to AT&T Communications of the Southern States, LLC.

OVERVIEW

AT&T files these objections for purposes of complying with the seven (7) day requirement set forth in the *Procedural Orders*. These objections are preliminary in nature. Should additional grounds for objection be discovered as AT&T prepares its responses to any discovery, or at any time prior to hearing, AT&T reserves the right to supplement, revise, and/or modify these objections.

GENERAL OBJECTIONS

AT&T makes the following general objections to the Request for Production of Documents which will be incorporated by reference into AT&T's specific responses when AT&T responds to the Request for Production of Documents.

1. Definitions

A. AT&T objects to the "Definitions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that such terms are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence pursuant to the *Procedural Orders*, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.350 of the Florida Rules of Civil Procedure. Furthermore, AT&T objects to the "Definitions" section to the extent that it utilizes terms that are subject to multiple interpretations, but are not properly defined or explained for purposes of this Request for Production of Documents.

B. AT&T objects to the "Definitions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the definitions operate to include the discovery of information protected by attorney/client privilege, the accountant/client privilege, the work product doctrine or any other applicable privilege.

C. AT&T objects to the "Definitions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the definitions operate to include the discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of AT&T concerning the subject of the proceeding and prepared and developed in anticipation of litigation pursuant to Rule 1.280(b)(3) of the Florida Rules of Civil Procedure without the requisite showing from BellSouth that it has substantial need of the requested information and materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means.

D. AT&T objects to the "Definitions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the definitions operate to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Orders* and other applicable Florida law.

E. AT&T objects to the "Definitions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the

definitions operate to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's (hereinafter "FCC") Triennial Review Order, Florida Administrative Code and Florida Statutes.

F. AT&T objects to the "Definitions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the definitions operate to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an appropriate Protective Order or Confidential Classification as outlined by the *Procedural Orders*, §364.183 of the Florida Statutes, §90.506 of the Florida Statutes and Rule 25-22.006.

G. AT&T objects to the terms "you," "your," "AT&T," and "person" to the extent that the definitions include natural persons or entities which are not parties to this proceeding, not subject to the jurisdiction of the Commission, and not subject to the applicable discovery rules. Subject to the foregoing, and without waiving any objection, general or specific, unless otherwise ordered, responses will be provided on behalf of AT&T Communications of the Southern States, LLC, which is a certificated carrier authorized to provide regulated communications services in Florida and which is a party to this proceeding.

2. Instructions

A. AT&T objects to the "General Instructions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the "instructions" operate to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Orders* and the applicable Florida Rules of Civil Procedure. Subject to the foregoing, and without waiving any objections, responses will be provided in accordance with the *Procedural Orders* and the applicable Florida Rules of Civil Procedure.

B. AT&T objects to the "General Instructions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the "instructions" operate to seek disclosure of the mental impressions, conclusions, opinions, or legal theories of any attorney or other representative of AT&T concerning the subject of litigation without the requisite showing under Rule 1.280(b)(3) of the Florida Rules of Civil Procedure.

C. AT&T objects to the "General Instructions" section of BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the "instructions" operate to seek disclosure of "all" information in AT&T's "possession, custody or control" and to the extent that said

"instruction" requires AT&T to provide information or materials beyond its present knowledge, recollection or possession. With respect thereto, AT&T has employees located in many different locations in Florida and other states. In the course of conducting business on a nationwide basis, AT&T creates numerous documents that are not subject to either the Commission or FCC record retention requirements. These documents are kept in numerous locations and frequently are moved from location to location as employees change jobs or as business objectives change. Therefore, it is impossible for AT&T to affirm that every responsive document in existence has been provided in response to those Requests for Production of Documents. Instead, where provided, AT&T's responses will provide all information obtained by AT&T after a reasonable and diligent search conducted in connection with those Requests for Production of Documents. Such search will include only a review of those files that are reasonably expected to contain the requested information. To the extent that the instructions require more, AT&T objects on the grounds that compliance would be unduly burdensome, expensive, oppressive, or excessively time consuming to provide such responsive information.

3. General Objections to Request for Production of Documents

A. AT&T objects to BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the Request for Production of Documents is overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence pursuant to the *Procedural Orders*, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.350 of the Florida Rules of Civil Procedure.

B. AT&T objects to BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the Request for Production of Documents purports to seek discovery of information protected by attorney/client privilege, the accountant/client privilege, the work product doctrine or any other applicable privilege.

C. AT&T objects to BellSouth's Sixth for Production of Documents to AT&T to the extent that the Request for Production of Documents purports to seek discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of AT&T concerning the subject of the proceeding and prepared and developed in anticipation of litigation pursuant to Rule 1.280(b)(3) of the Florida Rules of Civil Procedure without the requisite showing from BellSouth that it has substantial need of the requested information and materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means.

D. AT&T objects to BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the Request for Production of Documents purports to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Orders* and the applicable Florida Rules of Civil Procedure.

E. AT&T objects to BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the Request for Production of Documents purports to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the FCC's Triennial Review Order, Florida Administrative Code and Florida Statutes.

F. AT&T objects to BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the Request for Production of Documents purports to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an appropriate Protective Order or Confidential Classification as outlined by the *Procedural Orders*, §364.183 of the Florida Statutes, §90-506 of the Florida Statutes, and Rule 25-22.006.

G. AT&T objects to all Requests for Production of Documents which require the disclosure of information which already is in the public domain or otherwise on record with the Commission or the FCC.

H. AT&T objects to BellSouth's Sixth Request for Production of Documents to AT&T to the extent that the Request for Production of Documents seeks information and discovery of facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information pursuant to Rule 1.280(4) of the Florida Rules of Civil Procedure.

I. Pursuant to the *Procedural Orders*, the Triennial Review Order, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.350 of the Florida Rules of Civil Procedure, to the extent that BellSouth's Sixth Request for Production of Documents requests specific financial, business or proprietary information regarding AT&T's economic business model, AT&T objects to providing or producing any such information on the grounds that the Request for Production of Documents presumes that the market entry analysis is contingent upon AT&T's economic business model instead of the hypothetical business model contemplated by the Triennial Review Order.

Respectfully submitted, this the 21st day of January, 2004.

Tracy Hatch
AT&T Communications of the
Southern States, LLC
101 North Monroe Street,
Suite 700
Tallahassee, FL 32301
(850) 425-6360

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Implementation of Requirements)

Arising From Federal Communications) Docket No.: 030851-TP

Commission Triennial UNE Review:)

Local Circuit Switching for Mass)

Market Customers)

AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST
REQUEST FOR ADMISSIONS AND SIXTH SET OF INTERROGATORIES
(Nos. 183-241)

AT&T Communications of the Southern States, LLC (hereinafter "AT&T"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003, and *Second Order on Procedure*, Order No. PSC-03-1265-PCO-TP issued November 7, 2003 (hereinafter collectively "*Procedural Orders*"), by the Florida Public Service Commission (hereinafter "Commission"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, objects generally to Bellsouth Telecommunications, Inc.'s (hereinafter "BellSouth") First Request for Admissions and Sixth Set of Interrogatories to AT&T Communications of the Southern States, LLC.

OVERVIEW

AT&T files these objections for purposes of complying with the seven (7) day requirement set forth in the *Procedural Orders*. These objections are preliminary in nature. Should additional grounds for objection be discovered as AT&T prepares its responses to any discovery, or at any time prior to hearing, AT&T reserves the right to supplement, revise, and/or modify these objections.

GENERAL OBJECTIONS

AT&T makes the following general objections to BellSouth's Request for Admission and Interrogatories which will be incorporated by reference into AT&T's specific responses when AT&T responds to BellSouth's the Request for Admission and Interrogatories.

1. Definitions

A. AT&T objects to the "Definitions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that such terms are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence pursuant to the *Procedural Orders*, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure. Furthermore, AT&T objects to the "Definitions" section to the extent that it utilizes terms that are subject to multiple interpretations, but are not properly defined or explained for purposes of these Interrogatories.

B. AT&T objects to the "Definitions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the definitions operate to include the discovery of information protected by attorney/client privilege, the accountant/client privilege, the work product doctrine or any other applicable privilege.

C. AT&T objects to the "Definitions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the definitions operate to include the discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of AT&T concerning the subject of the proceeding and prepared and developed in anticipation of litigation pursuant to Rule 1.280(b)(3) of the Florida Rules of Civil Procedure without the requisite showing from BellSouth that it has substantial need of the requested information and materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means.

D. AT&T objects to the "Definitions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the definitions operate to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Orders* and other applicable Florida law.

E. AT&T objects to the "Definitions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the definitions operate to seek discovery of matters other than

those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's (hereinafter "FCC") Triennial Review Order, Florida Administrative Code and Florida Statutes.

F. AT&T objects to the "Definitions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the definitions operate to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an appropriate Protective Order or Confidential Classification as outlined by the *Procedural Orders*, §364.183 of the Florida Statutes, §90.506 of the Florida Statutes and Rule 25-22.006.

G. AT&T objects to the terms "you," "your," "AT&T," and "person" to the extent that the definitions include natural persons or entities which are not parties to this proceeding, not subject to the jurisdiction of the Commission, and not subject to the applicable discovery rules. Subject to the foregoing, and without waiving any objection, general or specific, unless otherwise ordered, responses will be provided on behalf of AT&T Communications of the Southern States, LLC, which is a certificated carrier authorized to provide regulated communications services in Florida and which is a party to this proceeding.

2. Instructions

A. AT&T objects to the "General Instructions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the "instructions" operate to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Orders* and the applicable Florida Rules of Civil Procedure. Subject to the foregoing, and without waiving any objections, responses will be provided in accordance with the *Procedural Orders* and the applicable Florida Rules of Civil Procedure.

B. AT&T objects to the "General Instructions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the "instructions" operate to seek disclosure of the mental impressions, conclusions, opinions, or legal theories of any attorney or other representative of AT&T concerning the subject of litigation without the requisite showing under Rule 1.280(b)(3) of the Florida Rules of Civil Procedure.

C. AT&T objects to the "General Instructions" section of BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the "instructions" operate to seek disclosure of "all" information in AT&T's "possession, custody or control" and to the extent that said "instruction" requires AT&T to provide information or materials

beyond its present knowledge, recollection or possession. With respect thereto, AT&T has employees located in many different locations in Florida and other states. In the course of conducting business on a nationwide basis, AT&T creates numerous documents that are not subject to either the Commission or FCC record retention requirements. These documents are kept in numerous locations and frequently are moved from location to location as employees change jobs or as business objectives change. Therefore, it is impossible for AT&T to affirm that every responsive document in existence has been provided in response to those Interrogatories. Instead, where provided, AT&T's responses will provide all information obtained by AT&T after a reasonable and diligent search conducted in connection with those Interrogatories. Such search will include only a review of those files that are reasonably expected to contain the requested information. To the extent that the instructions require more, AT&T objects on the grounds that compliance would be unduly burdensome, expensive, oppressive, or excessively time consuming to provide such responsive information.

3. General Objections to Set of Interrogatories

A. AT&T objects to BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the Interrogatories are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence pursuant to the *Procedural Orders*, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure.

B. AT&T objects to BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the Interrogatories purport to seek discovery of information protected by attorney/client privilege, the accountant/client privilege, the work product doctrine or any other applicable privilege.

C. AT&T objects to BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the Interrogatories purport to seek discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of AT&T concerning the subject of the proceeding and prepared and developed in anticipation of litigation pursuant to Rule 1.280(b)(3) of the Florida Rules of Civil Procedure without the requisite showing from BellSouth that it has substantial need of the requested information and materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means.

D. AT&T objects to BellSouth's First Request for Admissions and

Sixth Set of Interrogatories to AT&T to the extent that the Interrogatories purport to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Orders* and the applicable Florida Rules of Civil Procedure.

E. AT&T objects to BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the Interrogatories purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the FCC's Triennial Review Order, Florida Administrative Code and Florida Statutes.

F. AT&T objects to BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the Interrogatories purport to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an appropriate Protective Order or Confidential Classification as outlined by the *Procedural Orders*, §364.183 of the Florida Statutes, §90-506 of the Florida Statutes, and Rule 25-22.006.

G. AT&T objects to all Interrogatories which require the disclosure of information which already is in the public domain or otherwise on record with the Commission or the FCC.

H. AT&T objects to BellSouth's First Request for Admissions and Sixth Set of Interrogatories to AT&T to the extent that the Interrogatories seek information and discovery of facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information pursuant to Rule 1.280(4) of the Florida Rules of Civil Procedure.

I. Pursuant to the *Procedural Orders*, the Triennial Review Order, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, to the extent that BellSouth's First Request for Admissions and Sixth Set of Interrogatories requests specific financial, business or proprietary information regarding AT&T's economic business model, AT&T objects to providing or producing any such information on the grounds that the Interrogatories presume that the market entry analysis is contingent upon AT&T's economic business model instead of the hypothetical business model contemplated by the Triennial Review Order.

Respectfully submitted, this the 21st day of January, 2004.

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101 N. Monroe Street
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Tallahassee, Florida 32301
(850) 425-6360

Attorney for AT&T Communications of
the Southern States, LLC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)	
from Federal Communications Commission)	Docket No. 030851-TP
triennial UNE review: Local Circuit Switching)	
for Mass Market Customers.)	Filed: February 4, 2004
)	

AT&T'S RESPONSES TO BELL SOUTH'S
SIXTH SET OF INTERROGATORIES

Subject to the General Objections filed with the Florida Public Service Commission on or about January 21, 2004, AT&T Communications of the Southern States, LLC and TCG South Florida (hereinafter "AT&T"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 (hereinafter "*Procedural Order*"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, submits the following responses to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") Sixth Set of Interrogatories to AT&T Communication of the Southern States, LLC, served on January 16, 2004, as follows:

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 183: Referring to page 4 of the Rebuttal Testimony of Jay M. Bradbury, admit that for a carrier to qualify as a self-provisioning provider for purposes of the FCC's self-provisioning trigger the TRO requires, in part, that the carrier be serving mass market customers in the particular geographic market in question using its own local circuit switches.

Response: AT&T states that one "part" of the criteria for a carrier to qualify as a self-provisioning provider for purposes of the FCC's self-provisioning trigger the TRO is that the carrier be serving mass market market customers in the particular geographic area using its own local circuit switches. Thus, AT&T admits "in part" the statement for which BellSouth seeks an Admission. The other criteria for a carrier to qualify as a self-provisioning provider for purposes of the FCC's self-provisioning trigger the TRO are enumerated in the Direct (pages 36-52) and Rebuttal testimony of FCCA's witness Joe Gillan. AT&T is a member of FCCA and concurs in FCCA's position.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 184: If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support such denial.

Response: Not applicable, see response to the foregoing Request for Admission.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 185: Referring to page 4 of the Rebuttal Testimony of Jay M. Bradbury, admit that for the purposes of the FCC's switching impairment analysis, the TRO defines mass market customers as analog voice customers that purchase only a limited number of POTS lines and can only be served via DS0 loops.

Response: AT&T states that the TRO provides many criteria in its definition of the mass market. One of those criteria are analog voice customers that purchase only a limited number of POTS lines and can be served via DS0 loops. Thus, AT&T admits "in part" the statement for which BellSouth seeks an Admission. There are multiple other criteria for the mass market listed in the TRO, such as:

- are residential and very small business customers; TRO ¶ 459
- do not require high bandwidth digital connectivity (i.e., DS1 and above) unlike enterprise customers; TRO ¶ 459
- the accounts tend to be smaller, lower revenue accounts characterized by low margins and are often serviced on a month to month basis and not pursuant to annual contracts; TRO ¶ 459
- are consumers of analog plain old telephone service or "POTS"; TRO ¶ 459
- purchase a limited number of POTS lines can only economically be served via analog loops; TRO ¶ 497
- move freely from carrier to carrier which can cause a significant amount of churn and; TRO ¶ 474
- have come to expect the ability to change local service providers in a seamless and rapid manner. TRO ¶ 474

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 186: If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support such denial.

Response: Not applicable, see response to the foregoing Request for Admission.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 187: Referring to page 6 of the Rebuttal Testimony of Jay M. Bradbury, admit that the TRO does not expressly require that, when determining whether a competing carrier is serving mass market customers, the group of mass market customers has to include only residential customers or a combination of residential and business customers, as opposed to business customers alone.

Response: AT&T is unsure of the meaning of this request and therefore cannot admit or deny without further clarification.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 188: If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support such denial.

Response: Further clarification is needed before AT&T can admit or deny the foregoing request.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 189: Does AT&T contend that in order for a carrier to qualify as a self-provisioning provider for purposes of the FCC's self-provisioning trigger test the carrier must be serving residential customers? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support this contention.

Response: AT&T does contend that in order for a carrier to qualify as a self-provisioning provider for purposes of the FCC's self-provisioning trigger test the carrier must be serving residential customers. There are several criteria for the term mass market and mass market customers. One of these criteria is that the mass market is comprised of residential and very small business customers; TRO ¶ 459. This statement in the TRO is stated in the conjunctive "and" rather than the disjunctive "or". Thus, the FCC recognized that the mass market is thus made up of both residential and small business customers. As discussed in response to Interrogatory No. 185, mass market customers are analog voice customers. While the precise percentages may vary, approximately 80% of BellSouth's analog phone lines are used by residential customers. Thus, any carrier that does not serve residential as well as small business customers would be ignoring approximately 80% of the mass market

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 190: Referring to the six trigger criteria discussed on pages 5-6 of the Rebuttal Testimony of Jay M. Bradbury, provide specific references to any and all language in the TRO that support your position that a carrier must meet each of these six criteria in order to “qualify as one of the three self-provisioning providers necessary to satisfy the FCC’s self-provisioning trigger.”

Response: The six trigger criteria discussed on pages 5-6 of the Rebuttal Testimony of Jay M. Bradbury is an extract of the direct testimony of FCCA’s witness Joseph Gillan. The references in the TRO and support for Mr. Gillan’s six trigger criteria are found at pages 36-52 of Mr. Gillan’s Direct Testimony filed in this case on December 4, 2003. AT&T is a member of FCCA and concurs in FCCA’s position as expressed by Mr. Gillan in that testimony.

REQUEST: **Bellsouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 191: Referring to page 6 of the Rebuttal Testimony of Jay M. Bradbury, explain in detail each and every way a self-provisioning trigger candidate that provides an “intermodal service” that is “comparable to the ILEC service in cost, quality, and maturity” (Criteria 4) would ever “be relying on ILEC analog loops to connect the customer to its switch” (Criteria 3).

Response: The six trigger criteria discussed on pages 5-6 of the Rebuttal Testimony of Jay M. Bradbury is an extract of the direct testimony of FCCA’s witness Joseph Gillan. The references in the TRO and support for Mr. Gillan’s six trigger criteria are found at pages 36-52 of Mr. Gillan’s Direct Testimony filed in this case on December 4, 2003. The discussion of Criteria 3 and 4 is contained at pages 44 thru 48 of that testimony. AT&T is a member of FCCA and concurs in FCCA’s position as expressed by Mr. Gillan in that testimony.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 192: Do you contend that a carrier providing an “intermodal service” must use an ILEC’s local loops to qualify as one of the three self-provisioning trigger candidates for purposes of the FCC’s self-provisioning trigger test? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents, including providing specific references to any and all language in the TRO, that support this contention. Include in your response an explanation of why the FCC only required that the service of “intermodal service” providers, as opposed to all other providers, be comparable to the ILEC service in cost, quality, and maturity.

Response: The TRO criteria for including an intermodal service provider as one of the three self-provisioning trigger candidates for purposes of the FCC’s self-provisioning trigger test is contained in the Direct Testimony of FCCA’s witness Joe Gillan filed in this case on December 4, 2003. AT&T is a member of FCCA and concurs in FCCA’s position as expressed by Mr. Gillan in that testimony.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **January 16, 2004**

Interrogatory 193: Referring to pages 7 through 9 of the Rebuttal Testimony of Jay M. Bradbury wherein he claims that AT&T does not provide service to residential customers using the local switches identified on page 7 and that all service being provided to small business customers is “an artifact of the old business plan” which is no longer being pursued, please:

- (a) Define with specificity the “very small businesses” that AT&T originally planned on serving using DS0 UNE-L loops, collocations, and your own local switches, including specifying the number of access lines that each such business customer would need or require from AT&T;
- (b) State the date or dates when the decision was made by AT&T to abandon its business plan to serve “very small businesses” using DS0 UNE-L loops, collocations, and your own local switches;
- (c) Identify each and every document in your possession, custody or control that refers or relates to AT&T’s decision to abandon its business plan to serve “very small businesses” using DS0 UNE-L loops, collocations, and your own local switches;
- (d) Does AT&T contend that its decision to abandon its business plan to serve “very small businesses” using DS0 UNE-L loops, collocations, and your own local switches was made based on AT&T’s experiences in Florida or any other state in the BellSouth region?; and
- (e) If the answer to the foregoing Interrogatory is in the affirmative, state all facts and identify all documents that support this contention, including identifying each and every document that mentions Florida or any other state in the BellSouth region in connection with AT&T’s decision to abandon its business plan to serve “very small businesses” using DS0 UNE-L loops, collocations, and your own local switches.

Response:

(a) AT&T's plans addressed customers having characteristics consistent with the TRO's definition of "mass market" and "very small business" that may be found, for example, in the TRO at para 127, FN 432, para 459, and FN 1402.

(b) AT&T has no records of the specific date or dates upon which the decisions to terminate active provisioning of service to customers having these characteristics via UNE-L arrangements were made.

(c) AT&T is attempting to locate documents responsive to this request and will provide as supplemental response.

(d) See AT&T's response to BST's Interrogatories 134 and 125.

(e) See response to c.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 194: Assuming that a switch is capable of providing and has sufficient capacity to provide qualifying service to both enterprise and mass market customers, does AT&T contend that there is a technical reason why that switch could only be used to provide qualifying service to enterprise customers? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents, including applicable technical references that support this contention.

Response: No, however, the technical ability to perform a certain function does not demonstrate that doing so is economically feasible.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 195: Assuming that a switch is capable of providing and has sufficient capacity to provide qualifying service to both enterprise and mass market customers, does AT&T contend that there is a technical reason why that switch could only be used to provide qualifying service to mass market customers? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents, including applicable technical references that support this contention.

Response: No. However, the technical ability to perform a certain function does not demonstrate that doing so is economically feasible or a prudent business decision.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 196: Has AT&T taken any steps to discontinue the use of its own switches to serve the "very small businesses" referenced on pages 8 through 12 of the Rebuttal Testimony of Jay M. Bradbury?

Response: No. As noted in the table on page 7 of Mr. Bradbury's rebuttal testimony these switches are serving thousands of enterprise customers and are on average, across the state, at least 87% enterprise, using BellSouth's and Verizon's own data.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 197: If the answer to Interrogatory No. 196 is in the affirmative, describe with specificity all efforts undertaken by AT&T to discontinue the use of its own switches to serve such customers and identify each and every document referring or relating to such efforts.

Response: Not applicable.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 198: If the answer to Interrogatory No. 196 is in the negative, explain with specificity each and every reason AT&T has not made any effort to discontinue the use of its own switches to serve such customers and identify each and every document referring or relating to AT&T decision not to made such efforts.

Response: See response to interrogatory 196. There are no related documents

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 199: When the business plan referenced on page 9 of the Rebuttal Testimony of Jay M. Bradbury was “active,” did AT&T ever forecast the number of “very small businesses” that AT&T expected to serve using DS0 UNE-L loops, collocations, and its own local switches”? If the answer to this Interrogatory is in the affirmative, identify each and every document referring or relating to such forecasts.

Objection: Objection. The answer to this Interrogatory is irrelevant to the issue of whether AT&T is “actively providing” analog services to mass market customers, which is a criteria set for in the TRO in order for a CLEC to be considered a trigger candidate. As Mr. Bradbury’s testimony indicates, AT&T is no longer “actively providing” analog services to small business utilizing DS0’s and any information about the time period 1999-2001, when AT&T had an active business plan, is not relevant nor likely to lead to the discovery of admissible evidence concerning whether AT&T is an appropriate trigger candidate in 2004 for purposes of this Docket.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 200: When the business plan referenced on page 9 of the Rebuttal Testimony of Jay M. Bradbury was “active,” did AT&T ever forecast the number of DS0s that AT&T expected to provide using DS0 UNE-L loops, collocations, and its own local switches”? If the answer to this Interrogatory is in the affirmative, identify each and every document referring or relating to such forecasts.

Objection: AT&T incorporates its Objection to Interrogatory No. 199 as if fully set forth herein.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: October 31, 2003

Interrogatory 201: Admit that in Docket 000731-TP before the Florida Public Service Commission, AT&T asserted that it offered local exchange service in Florida via 4ESS switches, which function primarily as long distance switches, and 5ESS switches, which act as adjuncts to the 4ESS switches.

Response: The issue in Docket 000731-TP involved the rate level for reciprocal compensation that would be due to AT&T for transport and termination of local calls originated by BellSouth customers. AT&T contended that its switches, out of which it provided local exchange services, served an area comparable to the area served by BellSouth's tandem switches. As a result, AT&T contended that it was entitled to reciprocal compensation for the termination of BellSouth's calls at the tandem rate level. AT&T offers a local exchange service to enterprise customers (defined as customers utilizing a DS1 or above loop) utilizing certain of its 4ESS switches called AT&T Digital Link (or ADL). AT&T also offers local exchange services to enterprise customers (again, defined as customers utilizing DS1 or above loops) utilizing its 5ESS switches. Subject to the above explanation, AT&T admits that it asserted that it offered local exchange services in Florida via its 4ESS and 5ESS switches.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 202: If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to the hearing transcript from Docket 000731-TP that support such denial.

Response: Not applicable.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **January 16, 2004**

Interrogatory 203: Explain with specificity how AT&T offers or offered local
exchange service in Florida via 4ESS switches.

Response: See AT&T's response to BellSouth's First Set of Interrogatories,
Interrogatory No. 1.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 204: Admit that in Docket 000731-TP before the Florida Public Service Commission one of the issues the Florida Commission was asked to resolve was whether AT&T was entitled to reciprocal compensation for the transport and termination of local traffic at the tandem switching rate.

Response: AT&T admits that one of the issues in Docket 000731-TP was the appropriate rate level to be paid by BellSouth to AT&T for the transport and termination of local calls that originated on BellSouth's network by one of BellSouth's customers and terminated on AT&T's network to one of AT&T's customers.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **January 16, 2004**

Interrogatory 205: If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to the hearing transcript from Docket 000731-TP that support such denial.

Response: Not applicable.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 206: Admit that in Docket 000731-TP before the Florida Public Service Commission AT&T's witness(es) testified under oath that AT&T was entitled to reciprocal compensation for the transport and termination of local traffic at the tandem switching rate, in part, because AT&T's switches "served" a comparable geographic area to BellSouth's tandem switch.

Response: The transcript of the hearings in Docket 000731-TP will reflect what the AT&T witness testified to. AT&T admits that it was AT&T's position in that case was that AT&T was entitled to reciprocal compensation at the tandem rate level, in part, because AT&T's network, served a geographic area comparable to the geographic area served by BellSouth's tandem network. AT&T made no representations in that proceeding that it could profitably or did serve mass market customers (defined as POTs customers utilizing analog loops), which is the subject of the proceeding in this Docket 030851-TP.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 207: If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to the hearing transcript from Docket 000731-TP that support such denial.

Response: See Response to Request for Admission No. 206.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **January 16, 2004**

Interrogatory 208: Admit that in Docket 000731-TP before the Florida Public Service Commission, AT&T's witness(es) testified under oath that AT&T could serve customers in every "nook and cranny" of Florida using its existing local switches and long loops.

Response: Not applicable.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 209: If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to the hearing transcript from Docket 000731-TP that support such denial.

Response: Not applicable.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 210: Is it your contention that in Docket 000731-TP before the Florida Public Service Commission AT&T was merely testifying that it “could” or “was capable” of providing local service to every BellSouth customer in Florida using its existing switches, but that there was no implication or suggestion that it would be economic for AT&T to do so? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents, including providing specific references to the hearing transcript from Docket 000731-TP, that support this contention.

Response: The issued involved in Docket 000731-TP was whether AT&T was or is entitled to receive reciprocal compensation at the tandem rate level based on whether AT&T’s local network serves or is capable of serving a geographic area comparable to the geographic area served by BellSouth’s tandem network. The issue involved in that proceeding did not involve whether it is profitable or economic to serve all of the customers who reside within that area and certainly not whether it is profitable or economic to serve mass market customers (as opposed to enterprise customers) with its own network and switch, which is the issue in this Docket 030851-TP. The transcript of the hearings in Docket 000731-TP will reflect what the AT&T witness testified to.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **January 16, 2004**

Interrogatory 211: Is it your contention that a reasonable and rational person, hearing or reading the testimony of AT&T's witness(es) in Docket 000731-TP before the Florida Public Service Commission, would or should have drawn the conclusion that what AT&T meant was that it was physically possible for AT&T to provide local service to every customer in BellSouth's service area using its own switches, but that AT&T had no intention of doing so? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents, including providing specific references to the hearing transcript from Docket 000731-TP that support this contention.

Response: The transcript of the hearings in Docket 000731-TP will reflect what the AT&T witness testified to. AT&T does not speculate as to what conclusion BellSouth drew as a result of that testimony, nor what conclusion a "reasonable and rational" person would or should have drawn. AT&T would aspire to provide local service to all customers within the footprint of its local networks that it could profitably and economically serve. As previously indicated, AT&T currently serves enterprise customers utilizing its Class 4 and 5 switches in Florida.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 212: Is it your contention that a reasonable and rational person, hearing or reading the testimony of AT&T's witness(es) in Docket 000731-TP before the Florida Public Service Commission, would or should have drawn the conclusion that what AT&T meant was that it was physically possible for AT&T to provide local service to every customer in BellSouth's service area using its own switches, but that it would not be economic to do so? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents, including providing specific references to the hearing transcript from Docket 000731-TP that support this contention.

Response: See Response to Interrogatory No. 211.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **January 16, 2004**

Interrogatory 213: **Please admit that Don J. Wood is not an economist.**

Response: Because BellSouth has not defined “economist”, AT&T can neither admit or deny this Interrogatory/Request for Admission. However, AT&T states that while Mr. Wood has a master’s degree in economics and his expert testimony on economic issues has been accepted by state regulators, federal regulators, state, federal, and overseas courts, and arbitration tribunals, Mr. Wood does not usually refer to himself as an “economist”.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **October 31, 2003**

Interrogatory 214: If the foregoing Request for Admission is denied, state all facts
and identify all documents that support such denial.

Response: Not applicable.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 215: Does Mr. Wood claim to be qualified to give an opinion as an expert witness on economic matters? If so, please state all education, training, or experience that qualifies Mr. Wood to render such an expert opinion. In answering this Interrogatory, identify each and every proceeding since January 1, 2000 in which Mr. Wood has been expressly qualified by a court, administrative agency, or hearing tribunal as an expert witness qualified to render an opinion on economic matters.

Response: Yes. In addition to his educational background, Mr. Wood has been engaged in economic analysis of the telecommunications industry for the past 16 years. A listing of Mr. Wood's previous testimony is contained in Exhibit DJW-1 to Mr. Wood's direct testimony.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 216: Does Mr. Wood claim to be qualified to give an opinion as an expert witness on the estimation of the cost of capital? If so, please state all education, training, or experience that qualifies Mr. Wood to render such an expert opinion. In answering this Interrogatory, identify each and every proceeding since January 1, 2000 in which Mr. Wood has been expressly qualified by a court, administrative agency, or hearing tribunal as an expert witness qualified to render an opinion on matters involving the estimation of the cost of capital.

Response: Yes. Mr. Wood has a master's degree in finance and has been engaged in an analysis of the factors that directly impact the cost of capital incurred by firms in the telecommunications industry for the past 16 years. A listing of Mr. Wood's previous testimony is contained in Exhibit DJW-1 to Mr. Wood's direct testimony.

BellSouth Sixth Set of Interrogatories

REQUEST:

DATED: January 16, 2004

Interrogatory 217: Does Mr. Wood claim to be qualified to give an opinion as an expert witness on matters involving the depreciation of fixed assets? If so, please state all education, training, or experience that qualifies Mr. Wood to render such an expert opinion. In answering this Interrogatory, identify each and every proceeding since January 1, 2000 in which Mr. Wood has been expressly qualified by a court, administrative agency, or hearing tribunal as an expert witness qualified to render an opinion on matters involving the estimation of the cost of capital.

Response: Yes. Mr. Wood has a master's degree in finance and has been engaged in an analysis of the factors that directly impact the expected useful life of network assets in the telecommunications industry for the past 16 years. A listing of Mr. Wood's previous testimony is contained in Exhibit DJW-1 to Mr. Wood's direct testimony.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 218: For planning purposes, does AT&T have an expected useful life for its 4ESS or 5ESS switches? If so, what is that useful life?

Response: AT&T will supplement its response to this Interrogatory.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **January 16, 2004**

Interrogatory 219: Referring to page 4 of the Rebuttal Testimony of Don J. Wood, please identify the BellSouth witness who argued “that a CLEC utilizing UNEs incurs less risk that (sic) a CLEC investing in its own network....” In answering this Interrogatory, provide specific references to the witness’s testimony where this argument purportedly is made.

Response: A complete discussion of this topic including citations to Dr. Billingsley’s testimony is presented at pages 50 through 56 of Mr. Wood’s rebuttal testimony.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 220: Referring to page 21 of the Rebuttal Testimony of Don J. Wood, please identify the BellSouth witness who claimed that “a CLEC incurs greater risk when self-provisioning a local circuit switch than when utilizing UNE switching or UNE-P.” In answering this Interrogatory, provide specific references to the witness’s testimony where this claim purportedly is made.

Response: See Direct Testimony of Dr. Debra Aron, pages 14 through 16; and Direct Testimony of Dr. Randall Billingsley, pages 11 through 13.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 221: Referring to page 5 of the Rebuttal Testimony of Don J. Wood, state all facts and identify all documents that support Mr. Wood's assertion concerning "frequent crashes" of the BACE model. In answering this Interrogatory, please:

- (a) Define with specificity what Mr. Wood means by "crashes";
- (b) State whether Mr. Wood checked to ensure that the computer he was using met the computer specifications in the BACE Users Guide?
- (c) For each and every computer used by Mr. Wood that allegedly "crashed," provide the available memory, approximate free hard drive space, the operating system, and processor type at the time of each such alleged "crash";
- (d) State whether Mr. Wood completed any runs of the BACE model during which the model did not "crash"; and
- (e) State the number of computers on which Mr. Wood attempted to use the BACE Model.

- Response:
- a. Mr. Wood uses the term "crash" to indicate a situation in which the BACE model discontinues processing.
 - b. Yes. In addition to checking the BACE user's guide, Mr. Wood confirmed these characteristics with BellSouth personnel.
 - c. Mr. Wood does not have the requested information for each and every computer. A typical configuration is as follows: 768MB RAM and 26GB free hard drive space.
 - d. Yes.
 - e. Three (3)

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 222: Referring to page 5 of the Rebuttal Testimony of Don J. Wood, identify all documents that support or otherwise refer or relate to Mr. Wood's assertion that the BACE model "produces different results for otherwise identical runs and where different users operating different computers obtain inconsistent results."

Response: There are no documents responsive to this request.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED:

Interrogatory 223: Referring to page 8 of the Rebuttal Testimony of Don J. Wood, wherein he states that “in my experience, CLECs are highly motivated to utilize their own equipment and facilities whenever and wherever feasible,” state all facts and identify all documents that support Mr. Wood’s statement.

Response: Mr. Wood’s statement is based on his experience working with approximately 40 different CLECs.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 224: Does Mr. Wood admit that AT&T takes the position that its network consists of fewer switches and longer loops than BellSouth's traditionally designed network?

Response: Because BellSouth has not defined "traditionally designed network" AT&T can neither admit or deny this Interrogatory/Request for Admission. However, in an effort to be responsive, it is Mr. Wood's understanding that AT&T's network consists of fewer switches and longer loops than BellSouth's network.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 225: If the foregoing Request for Admission is denied, state all facts
and identify all documents that support such denial.

Response: Not applicable.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 226: Does Mr. Wood admit that AT&T takes the position that its network design is more “efficient” than BellSouth’s network design.

Response: It is Mr. Wood’s belief that AT&T’s network is probably more efficient at performing some tasks, while BellSouth’s is more efficient at performing others.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 227: If the foregoing Request for Admission is denied, state all facts and identify all documents that support such denial.

Response: Not applicable.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 228: With regard to AT&T's marketing offers directed to potential customers of qualifying service, such as its recent offer of \$75 to residential end users to change their local telephone service from their current carrier to AT&T, how does AT&T make the determination about the specific end users to whom such offers will be made? Specifically:

- (a) Does every resident in a subdivision, for instance, get the same offer? If not, how are the subscribers differentiated?
- (b) Does AT&T or its marketing agency use any sort of lists, mechanisms or methods to differentiate between or to actually select the potential customers to whom such offers are made, and if so, explain those in detail.
- (c) Does AT&T extend such offers to every existing telephone service subscriber in a wire center, if it makes the offer to any such subscribers in the wire center? If the answer is no, explain how, if not already provided, AT&T differentiates between such customers in the same wire center.

Response: Information responsive to this request can be found at:
<http://ccpkms.ims.att.com/tariffs/index.html>

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 229: Does Mr. Wood have an opinion whether a BellSouth customer who leaves BellSouth and takes service from a CLEC will purchase more services from the CLEC, less services from the CLEC, or the same services the customer was purchasing from BellSouth? If the answer to this Interrogatory is in the affirmative, describe with particularity Mr. Wood's opinion and state all facts and identify all documents supporting that opinion.

Response: No.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 230: Referring to page 38 of the Rebuttal Testimony of Don J. Wood, has any analysis, study, or evaluation of CLEC market share been conducted by, on behalf of, or at the direction of Mr. Wood? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

Response: No.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 231: Referring to page 43 of the Rebuttal Testimony of Don J. Wood, has any analysis, study, or evaluation of CLEC churn been conducted by, on behalf of, or at the direction of Mr. Wood? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

Response: No.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 232: Referring to page 45 of the Rebuttal Testimony of Don J. Wood, has any analysis, study, or evaluation of CLEC service offerings been conducted by, on behalf of, or at the direction of Mr. Wood? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

Response: No.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 233: Referring to page 49 of the Rebuttal Testimony of Don J. Wood, has any analysis, study, or evaluation of CLEC sales and customer acquisition costs been conducted by, on behalf of, or at the direction of Mr. Wood? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

Response: No.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 234: Referring to page 49 of the Rebuttal Testimony of Don J. Wood, has any analysis, study, or evaluation of CLEC general and administrative costs been conducted by, on behalf of, or at the direction of Mr. Wood? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

Response: No.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 235: Referring to page 48 of the Rebuttal Testimony of Don J. Wood, does Mr. Wood have an opinion whether AT&T is an “efficient” CLEC as that term is used in the TRO? If the answer to this Interrogatory is in the affirmative, describe with particularity Mr. Wood’s opinion and state all facts and identify all documents supporting that opinion.

Response: No.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 236: To the extent Mr. Wood claims to be qualified to render an opinion as an expert witness on the estimation of cost of capital, what does Mr. Wood contend should be the correct cost of capital for use in any business case modeling the “efficient” CLEC? In answering this Interrogatory, state all facts and identify all documents supporting Mr. Wood’s contention.

Response: The discount rate in a business case analysis should reflect the risk that is specific to both (1) the firm considering the investment and (2) the risk of the investment being considered compared to the firm’s overall level of risk.

REQUEST: BellSouth Sixth Set of Interrogatories

DATED: January 16, 2004

Interrogatory 237: Referring to page 54 of the Rebuttal Testimony of Don J. Wood, Mr. Wood claims that Dr. Billingsley states that “future CLEC operations, when those CLECs will be incurring the risk to make large fixed investments in network infrastructure, will be less risky than (sic) the current operation of CLECs who rely on UNE switching and UNE-P.” Please identify the page and line in Dr. Billingsley’s pre-filed testimony where this statement is made. Alternatively, if Mr. Wood has inferred this conclusion from Dr. Billingsley’s testimony, please provide a detailed explanation of the basis for Mr. Wood’s inference.

Response: The basis for Mr. Wood’s rebuttal testimony, including citations to Dr. Billingsley’s testimony is described at pages 50-56.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: **January 16, 2004**

Interrogatory 238: Does Mr. Wood contend that Dr. Billingsley concluded that the group of CLECs used in Dr. Billingsley's analysis was in fact a group, standing by itself, which was representative of an "efficient" CLEC? If the answer to this Interrogatory is in the affirmative, provide a detailed explanation, including cites to Dr. Billingsley's testimony, that Mr. Wood relies upon to support this contention.

Response: No.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 239: Has AT&T or anyone acting at the direction of or on behalf of AT&T made runs of the BACE model? If the answer to this Interrogatory is in the affirmative, please:

- (a) Identify each person involved in making such runs of the BACE model, and, for each such person, state the number of runs of the BACE model he or she performed, and the number of hours spent in connection with performing such runs;
- (b) Provide in electronic format the BACE Scenario Input files (these are the "ScenarioName"_Inputs.MDB files in the Scenario directory) used to make such runs of the BACE model;
- (c) For each scenario, provide all changes from the Filed BellSouth BACE scenario "BellSouth_FL" used in such runs of the BACE model;
- (d) Provide all report files from the BACE model which AT&T claims supports its position in this proceeding that CLECs are impaired without access to unbundled switching from BellSouth, including, for each such file, identifying the scenario used to prepare the file; and
- (e) Provide a description of the steps used to verify or evaluate the BACE model, if any were performed, and identify all documents referring or relating to such verification or evaluation process.

Response:

- a. Don Wood - Wood & Wood Consulting
Craig Risberg - Wood & Wood Consulting
Jennifer Taylor – Wood & Wood Consulting
Julie Murphy – FTI Consulting Group
- b. An attempt is being made to collect this information and will

- be provided as a supplemental response.
- c. An attempt is being made to collect this information and will be provided as a supplemental response.
 - d. Mr. Wood has not relied on any report files from the BACE model in order to reach this conclusion.
 - e. There are no documents responsive to this request.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 240: Do you contend that there are any errors or flaws in the BACE model? If the answer to this Interrogatory is in the affirmative, please state all facts and identify all documents that support this contention. In answering this Interrogatory, please:

- (a) Provide the BACE.Log file found in the root directory of the BACE model from the machine on which the error or flaw was encountered, a log or record of whether the BACE support line was called and informed, a screenshot of the error screen, and a list of the machines parameters (memory, free hard drive space, Operating system, processor type, etc.); and
- (b) If you did not currently have the BACE.Log file, please provide the memory, approximate free hard drive space at the time, operating system, and process type for the machine(s) on which any error or flaw occurred.

Response: AT&T has made no such contention.

REQUEST: **BellSouth Sixth Set of Interrogatories**

DATED: January 16, 2004

Interrogatory 241: Do you contend that any inputs used by BellSouth to the BACE model are erroneous, flawed, or are otherwise inappropriate? If the answer to this Interrogatory is in the affirmative, please: .

- (a) Identify each input value that you contend is erroneous, flawed, or inappropriate;
- (b) For each input to the BACE model you contend is erroneous, flawed or inappropriate, state all facts and identify all documents that support this contention;
- (c) Identify each input value that you contend should be used in the BACE model; and
- (d) For each input value that you contend should be used in the BACE model, state all facts and identify all documents that support this contention.

Response: AT&T will supplement it's response to this Interrogatory.

SUBMITTED this 4th day of February, 2004.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)	
from Federal Communications Commission)	Docket No. 030851-TP
triennial UNE review: Local Circuit Switching)	
for Mass Market Customers.)	Filed: February 4, 2004
)	

**AT&T'S RESPONSES TO BELL SOUTH'S
SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS (33-37)**

Subject to the General Objections filed with the Florida Public Service Commission on or about January 21, 2004, AT&T Communications of the Southern States, LLC and TCG South Florida (hereinafter "AT&T"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 (hereinafter "*Procedural Order*"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, submits the following responses to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") Sixth Request for Production of Documents (33-37) to AT&T Communication of the Southern States, LLC, served on January 16, as follows:

REQUEST: BellSouth Sixth Request for Production of Documents

DATED: January 16, 2004

POD 33: Produce all documents identified in response to BellSouth's First Requests for Admission and Revised Sixth Set of Interrogatories.

Response: The only documents identified in AT&T's Responses are references to BellSouth's own testimony and is already in the custody and control of BellSouth.

REQUEST: **BellSouth Sixth Request for Production of Documents**

DATED: January 16, 2004

POD 34: Produce all documents created since January 1, 2000 referring or relating to the financial benefits to AT&T of providing local service using UNE-P instead of using UNE-L loops, collocation arrangements, and its own local switches.

Response: AT&T is attempting to locate documents responsive to this request and will supplement should any documents be found to exist.

REQUEST: BellSouth Sixth Request for Production of Documents

DATED: January 16, 2004

POD 35: Produce all documents created since January 1, 2000 referring or relating to the financial disadvantages to AT&T of providing local service using UNE-L loops, collocation arrangements, and its own local switches rather than UNE-P.

Response: AT&T is attempting to locate documents responsive to this request and will provide by supplemental response should any documents be found to exist.

REQUEST: **BellSouth Sixth Request for Production of Documents**

DATED: January 16, 2004

POD 36: Produce all documents governing the arrangement by which
AT&T's switches serve Comcast customers as a result of the
merger of AT&T Broadband and Comcast, as discussed on pages
4-5 of the Rebuttal Testimony of Jay M. Bradbury.

Response: See AT&T's Response to BellSouth's First Interrogatories and
First Request for Production of Documents.

REQUEST: BellSouth Sixth Request for Production of Documents

DATED: January 16, 2004

POD 37: Produce all documents referring or relating to whether customers migrating qualifying service from an ILEC to AT&T tend to take the same services from AT&T, more services, or less services.

Response: AT&T will supplement its response to this request.

SUBMITTED this 4th day of February, 2004.

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January 5, 2004

VIA ELECTRONIC MAIL

Michael J. Henry
AT&T
Room 8040
1200 Peachtree Street, NE
Atlanta, Georgia 30309

RE: AT&T's Responses to BellSouth's Discovery, Florida Docket 030851-TP

Dear Mickey:

BellSouth is in receipt of AT&T's responses to BellSouth's First Requests for Admission, Sixth Set of Interrogatories, and Sixth Requests for Production of Documents in the Florida switching case. BellSouth is concerned about the adequacy of certain of these responses, as outlined in greater detail below.

Interrogatory 191 referred to page 6 of Mr. Bradbury's Rebuttal Testimony and asked AT&T to explain in detail each and every way a self-provisioning trigger candidate that provides an "intermodal service" that is "comparable to the ILEC service in cost, quality, and maturity" (Criteria 4) would ever "be relying on ILEC analog loops to connect the customer to its switch" (Criteria 3). AT&T's response does not answer the question. Instead, it refers to Mr. Gillan's direct testimony, which does not explain how both Criteria 3 and Criteria 4 could ever be met by the same carrier. BellSouth is entitled to an answer to the question that was asked and expects AT&T to supplement its response to this Interrogatory.

Interrogatory 192 asked whether AT&T contends that a carrier providing an "intermodal service" must use an ILEC's local loops to qualify as one of the three self-provisioning trigger candidates for purposes of the FCC's self-provisioning trigger test and, depending upon the response, requested that AT&T provide additional information. AT&T's response merely refers to Mr. Gillan's direct testimony, which does not answer the question that was asked. This is a contention interrogatory that AT&T should answer either "yes" or "no." If AT&T answers this Interrogatory with a "yes," it should provide the additional information that was requested. BellSouth expects AT&T to supplement its response to this Interrogatory.

Interrogatory 193 sought information concerning the “old business plan” referred to in Mr. Bradbury’s rebuttal testimony. In response to BellSouth’s request for documents concerning this business plan (subparts (c) and (e)), AT&T indicates that is “attempting to locate documents responsive to this request and will provide as supplemental response.” Please let us know when AT&T’s search will be complete and BellSouth can expect to receive any responsive documents. Subpart (d) asked whether AT&T’s is contending that its decision to abandon its business plan was based on its experiences in Florida or any other BellSouth state. AT&T did not answer this question, but referred to its responses to Interrogatories 125 and 134, which addressed operational difficulties allegedly experienced by AT&T and requested documents concerning customer complaints allegedly received by AT&T. Neither response addresses AT&T’s “old business plan” nor answers the question that was asked in Interrogatory 193(d). BellSouth expects AT&T to supplement its response to this Interrogatory.

Interrogatories 199 and 200 requested information concerning the “old business plan” referenced in Mr. Bradbury’s testimony, specifically forecasts by AT&T about the number of “very small businesses” that AT&T expected to serve and the number of DS0 UNE-L loops, collocations, and its own local switches it expected to use. AT&T objected to these requests on relevancy grounds. BellSouth believes this objection is misguided. AT&T has made its “old business plan” relevant by expressly referencing it in its testimony and by seeking to excuse its existing mass market customers as an artifact of that plan. BellSouth is entitled to discover information concerning this plan, including whether AT&T at one time believed that it could economically serve the mass market using UNE-L, which is what the forecast information requested by BellSouth seeks to do. Please let me know by the close of business today whether AT&T intends to stand on its objection, in which case BellSouth will have no choice but to file a motion to compel.

Request 208 asked AT&T to admit that in Docket 000731-TP before the Florida Public Service Commission, AT&T’s witness(es) testified under oath that AT&T could serve customers in every “nook and cranny” of Florida using its existing local switches and long loops. AT&T did not answer this request, claiming it was “not applicable.” BellSouth expects AT&T to either admit or deny the request.

Interrogatory 210 asked whether it was AT&T’s contention that in Docket 000731-TP before the Florida Public Service Commission AT&T was merely testifying that it “could” or “was capable” of providing local service to every BellSouth customer in Florida using its existing switches, but that there was no implication or suggestion that it would be economic for AT&T to do so. Although this is a contention interrogatory that should be answered “yes” or “no,” AT&T did not do so. Please supplement your response accordingly.

Request 213 asked AT&T to admit that Mr. Wood is not an economist. AT&T claimed that it could neither admit nor deny this request because BellSouth had not defined the term “economist.” However, AT&T went on to say that “Mr. Wood usually does not refer to himself as an “economist.” BellSouth would appreciate AT&T supplementing its response to this request to explain how Mr. Wood defines an economist and why he does not consider himself to fall within that definition.

Interrogatories 215, 216, and 217 sought information concerning Mr. Wood's qualifications to an opinion as an expert witness on economic matters, cost of capital, and depreciation. Each question asked for Mr. Wood to "identify each and every proceeding since January 1, 2000 in which Mr. Wood has been expressly qualified by a court, administrative agency, or hearing tribunal as an expert witness qualified to render an opinion" on such matters. AT&T did not answer this question, referring instead to all of the proceedings in which Mr. Wood has testified. Whether or not Mr. Wood testified in a proceeding, BellSouth is entitled to know in which of those proceedings, if any, he was "expressly qualified" to render an expert opinion on economic matters, cost of capital, and depreciation. If the answer is none, AT&T should say so. Regardless, BellSouth is entitled to an answer to the question that was asked.

Interrogatory 218 asked for information concerning the expected useful life AT&T uses for its 4ESS or 5ESS switches. AT&T did not answer the question but indicated that it would "supplement its response to this Interrogatory." Please let me know when BellSouth can expect to receive this supplemental response.

Interrogatory 219 asked AT&T to provide a "specific reference" to the testimony of the BellSouth witness who Mr. Wood claims argued "that a CLEC utilizing UNEs incurs less risk that (sic) a CLEC investing in its own network...." AT&T did not answer the question, referring instead to pages 50 through 56 of Mr. Wood's rebuttal testimony. If Mr. Wood's rebuttal testimony had contained a "specific reference" that BellSouth was looking for (and it doesn't), BellSouth would not have asked this Interrogatory. BellSouth is entitled to an answer to the question that was asked and expects AT&T to supplement its response.

Request 226 asked Mr. Wood to "admit that AT&T takes the position that its network design is more 'efficient' than BellSouth's network design." Although the request was couched in terms of AT&T's position about the efficiency of its network, AT&T answered by providing Mr. Wood's opinion about the efficiency of AT&T's network. This is a request for admission that should be admitted or denied, and BellSouth would appreciate AT&T supplementing its response accordingly.

Interrogatory 228 asked for detailed information concerning AT&T's marketing offers, and AT&T responded by providing a web site. As a preliminary matter, BellSouth could not access this website so either the link provided by AT&T is incorrect or BellSouth does not have access. More to the point, to the extent AT&T is referring to a website containing AT&T's tariffs, this response would not provide the information requested. The fact that a tariff may authorize AT&T, for example, to offer \$75 to residential end users to change their local telephone service from their current carrier to AT&T, does not say to which customers AT&T will actually offer \$75. BellSouth expects AT&T to answer the questions that were asked and to supplement its response accordingly.

Interrogatory 236 requested the "correct cost of capital" that Mr. Wood contends should be used in any business case modeling the "efficient" CLEC and to state all facts and identify all documents supporting Mr. Wood's contention. AT&T did not provide a specific cost of capital, nor did AT&T provide any facts or identify any documents supporting the response that it did give. Please supplement your response to answer the question that was asked.

Interrogatory 237 asked AT&T to provide the "page and line in Dr. Billingsley's pre-filed testimony where Mr. Wood claims that Dr. Billingsley allegedly stated that "future CLEC operations, when those CLECs will be incurring the risk to make large fixed investments in network infrastructure, will be less risky than (sic) the current operation of CLECs who rely on UNE switching and UNE-P." AT&T did not answer the question, referring instead to pages 50 through 56 of Mr. Wood's rebuttal testimony. If Mr. Wood's rebuttal testimony had contained the "page and line" number that BellSouth was looking for (and it doesn't), BellSouth would not have asked this Interrogatory. BellSouth is entitled to an answer to the question that was asked and expects AT&T to supplement its response.

Interrogatory 239 asked for documents and records relating to AT&T's analysis of the BACE model, and AT&T indicated that an attempt was "being made to collect this information," which AT&T represented would "be provided as a supplemental response." AT&T gave a similar response to Interrogatory 241, which requested detail information about any errors or flaws in the inputs to the BACE model. Please let me know when BellSouth can expect to receive these supplemental responses.

With respect to the Requests for Production, AT&T did not produce documents in response to Requests 34, 35, and 37, AT&T indicated that it was looking for responsive documents and would supplement its response. Again, BellSouth needs to know when these documents, if any, will be made available.

Finally, Request for Production 36 asked AT&T to produce a copy of its contract with Comcast. AT&T responded by referring to its response to "BellSouth's First Set of Interrogatories and First Request for Production of Documents." It is unclear what this reference means, since AT&T has not produced a copy of the contract with Comcast in response to earlier discovery requests. The contract is obviously relevant, as it is referenced in both Mr. Bradbury's and Mr. Gillan's testimony, and BellSouth is entitled to review it. Please let me know when it will be produced.

BellSouth appreciates the fact that we are operating under tight time constraints in multiple jurisdictions. However, as you know, hearings in the Florida switching case begin in a matter of weeks, and BellSouth needs the information outlined above in order to prepare adequately for the hearings.

As a result, I would appreciate your letting me know AT&T's response to the issues in this letter by close of business on Friday, February 6. Unless we receive your response and some assurance that the information we have requested will be provided in a timely manner, BellSouth will be left with no choice but to bring these issues to the attention of the Florida Commission.

Thanks for your continued cooperation.

Sincerely yours,

Bennett L. Ross

Cc: Tracy Hatch, Esquire
Martha Ross-Bain, Esquire
Doug Lackey, Esquire
Meredith Mays, Esquire
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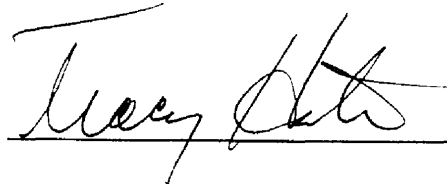
CERTIFICATE OF SERVICE
DOCKET NO. 030851-TP

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail and U.S. Mail or as indicated this 17th day of February 2004, to the following parties of record:

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Tracy W. Hatch