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ORIGINAL

September 27, 1999

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

Re: Docket No. 990750-TP (ITC^DeltaCom)

Dear Ms. Bayó:

Enclosed please find an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Staff's First Request for Production of Documents, which we ask that you file in the above-referenced matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

*Michael P. Goggin* (cc)  
Michael P. Goggin

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

AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
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**CERTIFICATE OF SERVICE  
Docket No. 990750-TP**

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

(+) Hand Delivery and U.S. Mail this 27th day of September, 1999 to the following:

Diana Caldwell (+)  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
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Michael P. Goggin

\*Signed a Protective Agreement

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: ) Docket No. 990750-TP  
)  
Petition for Arbitration of ITC^DeltaCom )  
Communications, Inc. with BellSouth )  
Telecommunications, Inc. pursuant to the )  
Telecommunications Act of 1996. )  
\_\_\_\_\_ ) Filed: September 27, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND  
OBJECTIONS TO STAFF'S FIRST REQUEST FOR PRODUCTION**

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to Rule 28-106.206, *Florida Administrative Code*, and Rules 1.350 and 1.280, *Florida Rules of Civil Procedure*, files the following Responses and Objections to the Staff of the Florida Public Service Commission (the "Staff") First Request for Production served on September 2, 1999.

**GENERAL OBJECTIONS**

1. BellSouth objects to the requests for production of documents to the extent they seek to impose an obligation on BellSouth to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to the requests for production of documents to the extent they are intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Florida Public Service Commission ("Commission"). BellSouth will note in its responses each instance where this objection applies.

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FPSC-RECORDS/REPORTING

3. BellSouth objects to each and every request for production of documents and instruction to the extent that such request for production of documents or instruction calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. BellSouth objects to each and every request for production of documents insofar as the request for production of documents is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any answers provided by BellSouth in response to these requests for production of documents will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every request for production of documents insofar as the request for production of documents is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. BellSouth will note in its responses each instance where this objection applies.

6. BellSouth objects to providing information to the extent that such information is already in the public record before the Commission.

7. BellSouth objects to each and every request for production of documents to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to §90.506, *Florida Statutes*. BellSouth also objects to each and every request for production of documents that would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, *Florida Statutes*. To the extent that Staff requests proprietary information that is not subject to the "trade secrets" privilege or to §364.24, BellSouth will make such information

available to Staff at a mutually agreeable time and place upon the execution of a confidentiality agreement, or subject to a Request for Confidential Classification.

8. BellSouth objects to Staff's discovery requests, instructions and definitions, insofar as they seek to impose obligations on BellSouth that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

9. BellSouth objects to each and every request for production of documents, insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written. Any answers provided by BellSouth in response to these requests for production of documents will be provided subject to, and without waiver of, the foregoing objection.

10. BellSouth is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, BellSouth creates countless documents that are not subject to Commission or Federal Communications Commission ("FCC") retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests for production of documents. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the requests for production of documents purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

## SPECIFIC RESPONSES AND OBJECTIONS

### REQUEST NO. 1:

**For purposes of the following request, please refer to Mr. Varner's direct testimony, page 19, line 3 - 4. Please provide any and all documents that demonstrate that provisioning UNEs is not the same as provisioning retail services.**

### RESPONSE:

The FCC has repeatedly held unbundled network elements do not have a retail analogue (See *In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 at ¶¶ 87 (Oct. 13, 1998); See *In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 at ¶¶ 98 (Dec. 24, 1997); and *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 at ¶¶ 141 (Aug. 19, 1997). BellSouth does not possess documents that directly, in and of themselves, demonstrate that provisioning UNEs is not the same as provisioning retail services. However, in an effort to be responsive, BellSouth is providing information relative to the provisioning processes specific to a new UNE loop order and specific to a new 1FB order. A comparison of these documents reveals the differences between the provisioning of UNE and retail services.

**REQUEST NO. 2:**

**Please provide any and all documents that support the response to Interrogatory No. 6.**

**RESPONSE:**

See BellSouth's cost study filing in Docket No. 990750-TP, Appendix B, pages 833 and 835 for data supporting the calculation of the state and federal combined income tax factor and the ad valorem tax factor. See POD Item No. 2, Attachment No. 1 for data supporting the calculation of the gross receipts tax factor.

**REQUEST NO. 3:**

**Please provide any and all documents that support the response to Interrogatory No. 8.**

**RESPONSE:**

See POD Item No. 3, Attachment No. 1. This information **is proprietary** and should not be disclosed without the execution of the appropriate nondisclosure agreements.

**REQUEST NO. 4:**

**Please provide a schematic which shows SL1 and SL2 and fully explains the differences between them.**

**RESPONSE:**

Circuit schematics are not available. See POD Item No. 4, Attachment No. 1 for system design flowcharts that address differences in ordering, provisioning, and maintenance for SL1 and SL2 loops.

**REQUEST NO. 5:**

**Please provide a copy of the proposal referenced in the direct testimony of Ronald Pate on page 8, at lines 3-4.**

**RESPONSE:**

Page 8, lines 3-4 of Mr. Pate's testimony references BellSouth's proposal to ITC^DeltaCom to provide a download of the Regional Street Address Guide (RSAG) at rates and conditions to be negotiated.

BellSouth is not obligated to provide the download of RSAG under the requirements of the Telecommunications Act of 1996 ("Act"). BellSouth made the offer to ITC^DeltaCom outside of the requirements of the Act as a condition of settlement of ITC^DeltaCom's Issue No. 2(a)(i).

In August and September, BellSouth provided the following information and documents to ITC^DeltaCom in an attempt to settle this issue:

- (1) a verbal estimate of the cost of the download of the RSAG,
- (2) the name of the BellSouth RSAG Subject Matter Expert who can address the technical issues pricing,
- (3) the proposed Licensing Agreement; and
- (4) the proposed language to be inserted in the interconnection agreement.

BellSouth sent DeltaCom a letter dated September 23, 1999, confirming BellSouth's proposal to resolve this issue. To date, BellSouth has not received any response from ITC^DeltaCom. Even though BellSouth is not obligated under the Act, it is still willing to negotiate the rates and conditions of providing the download of the RSAG to ITC^DeltaCom.

All of the information and documents provided in this response are confidential.



Respectfully submitted this 27th day of September 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

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