

**CERTIFICATE OF SERVICE
Docket No. 990691-TP**

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

U.S. Mail this 12th day of August, 1999 to the following:

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Michael P. Goggin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:) Docket No. 990691-TP
)
Petition by ICG TELECOM GROUP, INC.)
for Arbitration of an Interconnection)
Agreement with BELLSOUTH)
TELECOMMUNICATIONS, INC. Pursuant to)
Section 252(b) of the Telecommunications)
Act of 1996.)
_____) Filed: August 12, 1999

**RESPONSE OF BELLSOUTH TELECOMMUNICATIONS, INC. TO
THE MOTION OF ICG TELECOM GROUP, INC. FOR EXPEDITED
DISCOVERY RESPONSE TIME AND RELIEF FROM LIMITATION ON
NUMBER OF INTERROGATORIES**

BellSouth Telecommunications, Inc. ("BellSouth") hereby responds to the motion (the "Motion") filed by ICG Telecom Group, Inc. ("ICG") for Expedited Discovery Response Time and Relief from Limitation on Number of Interrogatories.

1. In its Discovery Motion, ICG seeks two separate and distinct forms of relief. First, ICG requests that BellSouth's normal discovery response time of thirty (30) days be reduced to twenty (20). BellSouth has no objection to ICG's request to expedite discovery response time and agrees to provide discovery responses twenty (20) days after the August 4, 1999 Order Establishing Procedure. Thus, BellSouth consents to an Order requiring BellSouth to provide responses on or before August 24, 1999 to ICG's First Set of Interrogatories and First Set of Requests for Production dated July 21, 1999 as well as ICG's Second Set of Interrogatories and Requests for Production dated August 3, 1999.

2. ICG also requests that it be permitted to exceed the limit in the Order Establishing Procedure of 75 interrogatories per party. Counting subparts,

DOCUMENT NUMBER-DATE

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ICG already has served over 170 interrogatories on BellSouth. ICG claims that this number is justified because it intends to have 26 issues arbitrated in this matter. BellSouth objects to this request.

3. On August 10, 1999, ICG and BellSouth resolved, regionally, a number of the twenty-five (25) arbitration issues set out in the Order Establishing Procedure in this matter. Specifically, the parties agreed to resolve issues 2 (BFR Process), 3 (UNE Packet Switching), 8 and 9 (PLU/PIU), 11-16 (Collocation), and 17 (OSS). Clearly, a large number of the Interrogatories and Requests for Production have become moot as a result of the regional settlement. BellSouth, however, should not have the burden of deciding which Interrogatories and Requests for Production correspond to one of the remaining issues in this proceeding. BellSouth requests that the Commission order ICG to withdraw those Interrogatories and Requests for Production that correspond to the settled issues.

4. Moreover, issues 5 and 18-25 concern demands by ICG that the Commission impose liquidated damage requirements on BellSouth. As the Commission ruled in its Order No. PSC-96-1579-FOF-TP (December 31, 1996), it lacks the statutory authority to award damages and thus, these issues are not appropriate for arbitration. BellSouth objected to the inclusion of these issues at the Issue Identification Workshop held in this matter on July 7, 1999 and requested that its objections be ruled on by the Prehearing Officer. In order to conserve the resources of the Commission Staff and the parties, BellSouth will

file a motion requesting a prompt ruling on these issues prior to the Prehearing Conference.

5. When one subtracts the issues that have been resolved by the parties and the issues that seek relief that the Commission is not empowered to grant, this arbitration likely will involve no more than 5 issues. ICG has not shown that it cannot adequately conduct discovery with respect to these issues without exceeding the 75 interrogatory limit. Moreover, to require BellSouth to respond to over 170 interrogatories, many of which concern issues that are no longer in dispute or likely will not be arbitrated, would impose undue burden on BellSouth. BellSouth respectfully requests that ICG's request to exceed the limits of the Order Establishing Procedure be denied and that ICG be ordered to revise its discovery requests to conform to the 75 interrogatory limit.

WHEREFORE, BellSouth respectfully requests that the Commission grant the relief as set forth by BellSouth, and any additional relief deemed appropriate by the Commission.

Respectfully submitted this 12th day of August, 1999

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