

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

IN RE: PETITION BY NATIONAL TELECOMMUNICATIONS, INC., FOR RESOLUTION OF DISPUTE WITH BELLSOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 971044-TP

FILED: September 25, 1997

FPSC Reporting

NATIONAL TELECOMMUNICATIONS, INC.'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS BY BELLSOUTH TELECOMMUNICATIONS, INC.

National Telecommunications, Inc. ("National Tel"), by and through its undersigned counsel, and pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, hereby serves its First Request for Production of Documents by BellSouth Telecommunications, Inc. ("BellSouth").

Please produce the following documents at the offices of Ervin, Varn, Jacobs & Ervin, 305 South Gadsden Street, Tallahassee, FL 32301, no later than 35 days after service of this request, for the purposes of inspection and copying.

Instructions

Privileged or Proprietary Matter. If any request for

documents is deemed to call for the production of privileged or work product materials and such privilege or work product is asserted, identify in writing each document so withheld and provide the following information:

- (a) the reason for withholding the document;
- (b) a statement of the basis for the claim of privilege, work product or other ground of nondisclosure;
- (c) a brief description of the document including:
  - (i) the date of the document;
  - (ii) number of pages, attachments, and appendices;
  - (iii) the names of its author, authors or preparers and an identification by employment and title of each such person;

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- (iv) the name of each person who was sent, shown, or blind copied or carbon copied on the document, who sent the document, has had access to or custody of the document, together with an identification of each such person;
- (v) the present custodian; and
- (vi) the subject matter of the document, and in case of any document relating or referring to a meeting or conversation, identification of such meeting or conversation.

#### Definitions

1. "National Tel" shall mean National Telecommunications, Inc., and its employees, agents and representatives.

2. "BellSouth" shall mean BellSouth Telecommunications, Inc., and its employees, agents and representatives.

3. "Documents" shall mean all written, printed, typed, recorded or graphic matter of any kind, including, without limiting the foregoing, all notes, work papers, supporting or back up materials, correspondence, memoranda, contracts, agreements, marginal notations, computer printouts, computer or word processing disks, magnetic tapes, or memory-stores materials, and includes without limitation, originals and all copies unless identical.

4. "Relating to" shall mean constituting, referring to, discussing or concerning, in whole or in part.

#### Documents Requested

1. For each ALEC in Florida that BellSouth has imposed a "Charge for Processing Change in Service" as imposed on National Tel, provide a sample of a bill submitted to each such ALEC showing the ALEC's name and the imposition of the charge.

2. All documents relating to BellSouth's decision to impose on any ALEC a "Charge for Processing Change in Service" for BellSouth customers converted to ALEC resale customers.

3. Copies of all bills sent to ALECs that have included charges for former BellSouth customers converted to ALEC resale customers in which BellSouth did not impose a "Charge for Processing Change in Services".

4. All documents relating to any correspondence or communications of any kind relating to BellSouth's imposition of a "Charge for Processing Change in Service" upon any ALEC.

5. All documents which BellSouth contends supports BellSouth's contention that Paragraph IV.B. of the parties' Resale Agreement incorporates or makes applicable Section A4.2.4.C.1 of BellSouth's tariff when a BellSouth customer is converted to a National Tel resale customer.

6. All documents which BellSouth contends supports BellSouth's contention that Section A4.2.4.C.1 of BellSouth's tariff applies when a BellSouth customer is converted to a National Tel resale customer.

DATED this 25<sup>th</sup> day of September, 1997.



C. Everett Boyd, Jr.  
of the law firm of  
Ervin, Varn, Jacobs & Ervin  
Post Office Drawer 1170  
Tallahassee, FL 32302  
(850) 224-9135

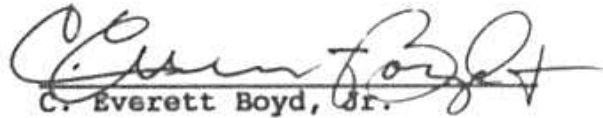
Attorneys for National  
Telecommunications, Inc.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of National Tel's First Request for Production of Documents by BellSouth has been furnished by U.S. mail to the following parties this 25<sup>TH</sup> day of September 1997:

Monica Barone  
Division of Legal Services  
Fla. Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Nancy B. White  
c/o Nancy H. Sims  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301

  
C. Everett Boyd, Jr.