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RECORDS AND  
REPORTING

February 27, 2001

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

Re: **000075-TP (Generic ISP Docket)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Emergency Global Motion to Compel Time Warner Telecom of Florida, L.P., Global NAPS, Inc., TCG of South Florida, Allegiance Telecom of Florida, Inc., e.spire Communications, Inc., MediaOne Florida Telecommunications, Inc., AT&T Communications of the Southern States, Inc., Florida Competitive Carriers Association, and Florida Cable Telecommunications Association, Inc., to respond to BellSouth's discovery requests served on February 2, 2001. We ask that you file the captioned Motion in the captioned docket. This Motion was faxed to the above parties today and a copy will also be sent by overnight mail with an Exhibit "A" attachment (the discovery requests served to Time Warner on February 2, 2001.)

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,

*James Meza III*  
James Meza III (JM)

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM 5
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG I
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC I
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

Enclosures

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

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000421  
FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into Appropriate )  
Methods to Compensate Carriers )  
for Exchange of Traffic Subject to )  
Section 251 of the Telecommunications )  
Act of 1996. )

Docket No.: 000075-TP

Filed: February 27, 2001

**BELLSOUTH'S EMERGENCY GLOBAL MOTION TO COMPEL**

BellSouth Telecommunications, Inc. ("BellSouth"), through undersigned counsel, moves for an Order compelling Time Warner Telecom of Florida, L.P. ("Time Warner"), Global NAPs, Inc. ("Global NAPs"), TCG of South Florida ("TCG"), Allegiance Telecom of Florida, Inc. ("Allegiance"), e.spire Communications, Inc. ("e.spire"), MediaOne Telecommunications Florida, Inc. ("MediaOne"), AT&T Communications of the Southern States, Inc. ("AT&T"), Florida Competitive Carriers Association ("FCCA"), and Florida Cable Telecommunications Association ("FCTA") (hereinafter collectively referred to as the "ALECs") to produce responses to BellSouth's discovery requests prior to the hearing of this matter on March 7, 2001. In support of this motion, BellSouth states the following.

**INTRODUCTION AND BACKGROUND**

On February 2, 2001, pursuant to the Order Adopting, Incorporating, and Supplementing Order No. PSC-00-2229-PCO-TP Establishing Procedure (Order No. PSC-00-2350-PCO-TP dated December 7, 2000), BellSouth issued interrogatories and requests for production to the ALECs. See BellSouth's Interrogatories and Requests for Production to Time Warner, attached hereto as

Exhibit A. On February, 12, 2001, the ALECs filed written objections to said discovery.<sup>1</sup> On February 22, 2001, Time Warner, Global NAPs, FCTA, and FCCA filed responses to BellSouth's discovery. e.spire, Allegiance, MediaOne, AT&T, and TCG filed responses on February 26, 2001.

As explained in further detail below, the ALECs objected or agreed to provide inadequate, incomplete responses to most of BellSouth's discovery requests. After a cursory review of the objections, it is clear that most if not all of the ALECs' objections are identical. As a result, in the interest of judicial economy, BellSouth has addressed each ALEC's objections via this single, global motion. Because some ALECS provided responses by referring to documents that were produced on February 26, 2001, BellSouth reserves the right to amend this motion if these responses are determined to be deficient.

Finally, because the hearing of this matter is set for March 7, 2001, BellSouth respectfully asks that the Florida Public Service Commission ("Commission") resolve this motion and order the ALECs to provide full and complete responses to BellSouth's discovery requests prior to the hearing. This Order should apply to all requests, including those requests that the ALECs did not object to but have yet to provide a response.

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<sup>1</sup> The objections filed by the ALECs are substantially the same. All of the ALECs, without much analysis, objected to the discovery requests on some or all of the following grounds: relevance, unduly burdensome, overly broad, vague, ambiguous, and matter of public record. As to the specific objections, AT&T, MediaOne, Allegiance, TCG objected to Request for Production Nos. 2,4, 6-23 and Interrogatories Nos. 4,6-18, 22-25; Global NAPs objected to Requests for Production Nos. 1, 2, 4-23 and Interrogatories Nos. 2-4, 6-19, 21-25; Time Warner objected to Request for Production Nos. 2, 4, 6-23 and Interrogatories Nos. 2-4, 6-19, 21-25; FCCA objected to Interrogatories Nos. 4, 17, and 19; FCTA objected to Interrogatories Nos. 1-4, 17, 19, and 21;

## ANALYSIS

### I. INTERROGATORIES

#### A. Interrogatory Nos. 7, 8, 9, 10, 11, 12, and 13<sup>2</sup>

These interrogatories seek information about each ALEC's ISP customer base in comparison to their non-ISP customer base. See Interrogatory Nos. 7, 8, 9, 10, 11, 12, and 13. The ALECs have objected to the requests mainly on the basis that such information is irrelevant in a generic docket. This information, however, is directly relevant to Issue 4 of this proceeding. Issue 4 requests that the parties provide the Commission with any policy considerations it should consider in determining if reciprocal compensation is owed for ISP-bound traffic.

One such policy consideration is that the ALECs are using reciprocal compensation for ISP-bound traffic to generate an unearned financial windfall. This windfall results because, among other reasons, (1) the duration of an ISP-bound call is generally substantially longer than a voice call; and (2) the ISP customers have little or no terminating calls, thereby limiting the reciprocal compensation owed by the ALECs to BellSouth. Staff's witness, Gregory D. Fogleman, and BellSouth's witness, Beth Shiroishi, identified in their direct testimony this windfall and the fact that some ALECs target ISP providers solely to obtain the windfall. See Testimony of Gregory Fogleman at 4; Testimony of Beth Shiroishi at 15-16.

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and e.spire objected to Request for Production Nos. 2, 4-23 and Interrogatory Nos. 3-5, 7-18, and 20.

All of the above-mentioned interrogatories inquire in some fashion into each ALEC's customer base to determine if the ALEC is receiving this financial windfall. For example, Interrogatory No. 7 asks for the number of access lines each ALEC has in Florida; Interrogatory Nos. 8 and 9 ask for the number of end users each ALEC has in Florida and for the total number of "on net" end-user customers; Interrogatory No. 10 asks for the total number of each ALEC's "on net" customers in Florida that are ISPs; and Interrogatory Nos. 11, 12, and 13 ask for information relating to the revenue each ALEC expects to receive on a monthly basis for 2001 and 2002 as a result of providing services in Florida to its end-user customers and to its "on net" end-user customers.

When taken in their entirety, a comparison of each ALEC's responses to these interrogatories will establish whether or not and to the extent an ALEC is receiving a financial windfall from reciprocal compensation payments for ISP-bound traffic. Therefore, Interrogatory Nos. 7, 8, 9, 10, 11, 12, and 13 are relevant to this proceeding. This information is also relevant to Issue 6, which concerns the factors the Commission should consider in setting the compensation mechanism for the delivery of ISP-bound traffic. Obviously, if the Commission decides to establish such a mechanism, which is denied by BellSouth, the fact that ALECs are currently receiving a substantial financial benefit is relevant.

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<sup>2</sup> FCTA and FCCA provided responses to these interrogatories by stating that they were inapplicable to them because they were not entities that owned networks or provided telecommunications services.

Further, the fact that this proceeding is a generic docket is of no consequence. A party should not be immunized from responding to discovery simply because the docket is a generic docket. Company-specific information allows the Commission and the parties to better understand the total universe of facts that underlie each issue in the docket.<sup>3</sup> Finally, to the extent the ALECs object on the grounds that the interrogatories seek confidential, proprietary information, BellSouth is willing to execute a mutually acceptable confidentiality agreement to address their concerns.<sup>4</sup>

**B. Interrogatory Nos. 14, 15, 16,<sup>5</sup> 22, 24, and 25<sup>6</sup>**

These interrogatories seek information relating to the amount of costs and expenses the ALECs have incurred in providing service in Florida. For example, Interrogatory Nos. 14, 15, and 22 seek information relating to the capital expenditure or dollar investment each ALEC has made in order to provide service in Florida; Interrogatory Nos. 16 and 24 seek information relating to an ALEC's cost of transporting ISP-bound traffic; and Interrogatory No. 25 seeks information about the number of resold lines each ALEC has in Florida. See Interrogatory Nos. 14, 15, 16, 22, 24, and 25.

The ALECS have objected to these interrogatories mainly on the grounds of relevance. However, as with the interrogatories discussed above, this cost

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<sup>3</sup> For the purposes of this memorandum, this response applies to any additional objection made on the grounds that a request for company-specific information is irrelevant in a generic docket.

<sup>4</sup> For the purposes of this memorandum, this response applies to any additional objection made on the grounds that a request seeks confidential or proprietary information.

<sup>5</sup> Time Warner provided a response to Interrogatory No. 16.

information is relevant to Issue 4 and whether or not each ALEC has received a financial windfall from reciprocal compensation payments for ISP-bound traffic. Specifically, these interrogatories focus on each ALEC's cost of doing business in Florida, which can then be compared with the benefits received by the ALEC for reciprocal compensation to determine the financial impact of reciprocal compensation payments for ISP-bound traffic. In addition, these interrogatories are relevant to Issue 6 if this Commission determines that it must establish a compensation mechanism for the delivery of ISP-bound traffic. Accordingly, the ALECs should be required to provide a response to these interrogatories.

**C. Interrogatory No. 23<sup>7</sup>**

This interrogatory seeks information relating to each ALEC's ownership, affiliation, or interest, if any, with an ISP. See Interrogatory No. 23. The ALECs objected to this interrogatory on the grounds that it is irrelevant in this generic docket. However, the fact that an ALEC owns or has an interest in an ISP is relevant to Issues 4 and 6 as such information sheds further light on whether any ALEC is receiving an unearned financial windfall as a result of reciprocal compensation payments for ISP bound traffic.

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<sup>6</sup> FCTA and FCCA provided responses to these interrogatories by stating that the interrogatories were inapplicable to them because they were not entities that owned networks or provided telecommunications services.

<sup>7</sup> FCTA and FCCA provided a response to this interrogatory by stating that it was inapplicable to them because they were not entities that owned networks or provided telecommunications services.

**D. Interrogatory Nos. 6 and 21<sup>8</sup>**

Interrogatory Nos. 6 and 21 seek information relating to each ALEC's treatment of reciprocal compensation in prior proceedings. For instance, Interrogatory No. 6 asks for information about previous arbitrations involving any of the issues raised in this proceeding in any state commission outside of BellSouth's region. See Interrogatory No. 6. Similarly, Interrogatory No. 21 asks whether each ALEC has ever taken the position before a regulatory body that ISP traffic is interstate or non-local traffic. See Interrogatory No. 21. The ALECS objected to these interrogatories on the grounds that they are unduly burdensome, overly broad, irrelevant, and that the information is publicly available. Some ALECs have agreed to provide BellSouth with the states in which the ALEC has participated in arbitration under Section 251 of the Telecommunications Act of 1996.

This information is relevant because if any ALEC has previously taken a position contrary to its current position regarding any of the issues raised in this generic docket, then that information constitutes relevant impeachment evidence. Additionally, if an ALEC now has a different position concerning reciprocal compensation, then that information is relevant to Issue 4's request for policy considerations that the Commission should bear in mind. Moreover, the interrogatories are not overly broad or unduly burdensome because they are

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<sup>8</sup> e.spire, FCCA, Allegiance, and the FCTA provided a response to Interrogatory Nos. 6 and 21. AT&T, TCG, and MediaOne provided a response to Interrogatory No. 6 but failed to provide any information about previous arbitrations in any state commission outside of BellSouth's region. AT&T, TCG, and MediaOne also provided a response to Interrogatory No. 21.



limited in scope to (1) any issue raised in this generic docket; and (2) the specific question of whether they have previously taken the position that ISP-bound traffic is interstate or non-local traffic. Further, the fact that this information may be of public record is of no consequence and does not relieve the ALECs from fulfilling their obligations to provide responsive information. Clearly, an ALEC is in a better position than BellSouth to provide information on previous arbitrations involving that ALEC.

In obvious recognition that their objections are meritless, some ALECs have agreed to provide BellSouth with the states in which they have participated in previous arbitrations. This information, however, is nonresponsive as it does not address the narrow, specific interrogatories posed by BellSouth. For the reasons expressed above, each ALEC should be required to provide complete, responsive answers to Interrogatory Nos. 6 and 21.

**F. Interrogatory No. 4**

This interrogatory asks for “all documents that refer or relate to any issue raised in Phase 1 of the Generic ISP Proceeding.” See Interrogatory No. 4. The ALECs objected to the interrogatory on the grounds that it was overly broad, vague, unduly burdensome, unreasonably expensive and excessively time consuming. The ALECs should be required to respond to this Interrogatory because it seeks fundamental information relating to the nine issues that are the subject of Phase 1 of this docket.

## **II. REQUESTS FOR PRODUCTION**

### **A. Request for Production Nos. 6, 7, 8, 9, 10, 11, 12, 13, 16, and 17<sup>9</sup>**

Similar to the interrogatories discussed in Section I(B) above, these requests seek information relating to the amount of revenue, costs, and expenses each ALEC has experienced as a result of providing service in Florida. See Request for Production Nos. 6, 7, 8, 9, 10, 11, 12, 13, 16, and 17. This information is clearly relevant to whether or not the ALECs are receiving an unearned financial windfall as a result of reciprocal compensation payments. For this reason and those set forth in detail above, the ALECs should be required to provide complete, responsive answers to these requests.

### **B. Request for Production Nos. 2, 14, 15, 17, and 22<sup>10</sup>**

Similar to the interrogatories discussed in Section I(A) above, these requests seek information relating to each ALEC's ISP customer base in comparison to their non-ISP customer base. See Request for Production Nos. 2, 14, 15, 17, and 22. The information is clearly relevant to whether or not the ALECs are receiving an unearned financial windfall as a result of reciprocal compensation payments. For this reason and those set forth in detail above, the

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<sup>9</sup> FCTA and FCCA provided responses to these requests by stating that they were inapplicable to them because they were not entities that owned networks or provided telecommunications services.

<sup>10</sup> FCTA and FCCA provided responses to these requests by stating that they were inapplicable to them because they were not entities that owned networks or provided telecommunications services.

ALECs should be required to provide complete, responsive answers to these requests.

**C. Request for Production Nos. 18, 19, and 20<sup>11</sup>**

Similar to Interrogatory No. 24 discussed in Section I(D) above, these requests seek information relating to each ALEC's ownership, affiliation, or interest, if any, with an ISP. The fact that an ALEC owns or has an interest in an ISP is relevant to Issues 4 and 6 as such information sheds further light on whether any ALEC is receiving an unearned financial windfall as a result of reciprocal compensation payments for ISP bound traffic. Accordingly, the ALECs should be required to provide complete, responsive answers to these requests.

**D. Request for Production No. 23<sup>12</sup>**

Request for Production No. 23 seeks information relating to any agreement between an ALEC and another entity that involves the sharing of reciprocal compensation received by the ALEC from BellSouth. See Request for Production No. 23. The ALECs objected to this request on the grounds of relevance. Such information, however, is relevant because (1) it further establishes whether the ALEC is receiving a financial windfall for ISP-bound traffic; and (2) it helps determine whether the Commission should develop a recovery mechanism for reciprocal compensation. If ALECs are using the funds

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<sup>11</sup> FCTA and FCCA provided responses to these requests by stating that they were inapplicable to them because they were not entities that owned networks or provided telecommunications services.

received from reciprocal compensation as a negotiation tool for agreements with other companies, then the Commission should be aware of this fact in deciding the issues in this docket.

**E. Request for Production No. 4<sup>13</sup>**

This request seeks information about each ALECs agreements and/or contracts with ISPs. See Request for Production No. 4. The ALECs objected to this request on the grounds of relevance. The ALECs should be required to provide a response to Request for Production No. 4 because such agreements are relevant to determine whether the ALEC is receiving a financial windfall for ISP-bound traffic and whether the Commission should develop a recovery mechanism for reciprocal compensation.

WHEREFORE, BellSouth Telecommunications, Inc. requests that this Commission enter an Order compelling the ALECs to provide responses to its discovery prior to the hearing of this matter on March 7, 2001.

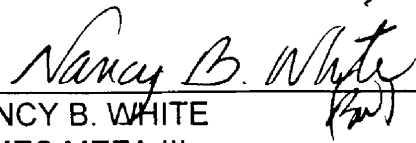
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<sup>12</sup>FCTA and FCCA provided responses to this request by stating that it was inapplicable to them because they were not entities that owned networks or provided telecommunications services.

<sup>13</sup> FCTA and FCCA provided responses to this request by stating that it was inapplicable to them because they were not entities that owned networks or provided telecommunications services.

Respectfully submitted this 27th day of February, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



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248659

**CERTIFICATE OF SERVICE  
Docket No. 000075-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
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James Meza III (M)

(+) Signed Protective Agreement



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into Appropriate )  
Methods to Compensate Carriers )  
for Exchange of Traffic Subject to )  
Section 251 of the Telecommunications )  
Act of 1996. )

Docket No.: 000075-TP

Filed: February 2, 2001

**BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF  
INTERROGATORIES TO TIME WARNER TELECOM OF FLORIDA, L.P.**

BellSouth Telecommunications, Inc. ("BellSouth") pursuant to the Order Adopting, Incorporating, and Supplementing Order No. PSC-00-2229-PCO-TP Establishing Procedure (Order No. PSC-00-2350-PCO-TP dated December 7, 2000) hereby requests Time Warner Telecom of Florida, L.P. ("Time Warner") to furnish answers to the following Interrogatories by February 22, 2001.

**INSTRUCTIONS**

(a) If any response required by way of answer to these Interrogatories is considered to contain confidential or protected information, please furnish this information subject to a protective agreement.

(b) If any response required by way of answer to these Interrogatories is withheld under a claim of privilege, please identify the privilege asserted and describe the basis for such assertion.

(c) These Interrogatories are to be answered with reference to all information in your possession, custody or control or reasonably available to you.

(d) If any Interrogatory cannot be responded to in full, answer to the extent possible and specify the reason for your inability to respond fully. If you object to any part of an

EXHIBIT

Interrogatory, answer all parts of the Interrogatory to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

(e) These Interrogatories are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these Interrogatories subsequently become known or should your initial response be incorrect or untrue.

### **DEFINITIONS**

(a) "Time Warner" means Time Warner Telecom of Florida, L.P., any predecessors in interest, its parent, subsidiaries, and affiliates, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of Time Warner.

(b) "You" and "your" refer to Time Warner.

(c) "Person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

(d) "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these Interrogatories information that would not otherwise be brought within their scope.

(e) "Identification" or "identify" when used in reference to: (i) a natural individual, requires you to state his or her full name and residential and business address; (ii) a corporation, requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (iii) a document, requires you to state the number of pages and the nature of the document (e.g., a letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location or custodian; (iv) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and to the

extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

(f) "Generic ISP Proceeding" refers to the generic proceeding established by the Florida Public Service Commission on January 21, 2000.

(g) "Incumbent Local Exchange Carrier" refers to the term as defined in Section 251(h) of the Act, as codified in 47 U.S.C. § 251(h).

(h) The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of Time Warner, including, but not limited to, correspondence, memoranda, drafts, workpapers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files, and copies of such writing or records containing any commentary or notation whatsoever that does not appear in the original.

### **INTERROGATORIES**

1. Identify all persons participating in the preparation of the answers to these Interrogatories or supplying information used in connection therewith.

2. Identify each person whom you expect to call as an expert witness at the arbitration hearing. With respect to each such expert, please state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

3. Identify all documents which refer or relate to any issues raised in the Generic ISP Proceeding that were provided or made available to any expert identified in response to Interrogatory No. 2.
4. Identify all documents which refer or relate to any issue raised in Phase I of the Generic ISP Proceeding.
5. Identify all documents upon which Time Warner intends to rely or introduce into evidence at the hearing on this matter.
6. Has Time Warner requested that any state commission outside of BellSouth's region arbitrate, pursuant to Section 252 of the Telecommunications Act of 1996, any of the issues raised in the Generic ISP Proceeding? If the answer to this Interrogatory is in the affirmative, please identify the specific issue on which arbitration was sought; identify the state commission before which Time Warner sought arbitration, including the case name, docket number, and date the petition was filed; and describe with particularity the state commission's resolution of the issue and identify the state commission Order in which such resolution was made.
7. Identify the number of access lines in Florida for which Time Warner provides local telephone service.
8. Please state the total number of end user customers that Time Warner serves within the state of Florida, separated into residential and business customers.
9. Please state the total number of end user customers that Time Warner serves off of its own network ("on-net" customers) within Florida.
10. Please state the total number of Time Warner's on-net customers in Florida that are Internet Service Providers ("ISPs").

11. Please state on a monthly basis the total amount of revenue that Time Warner expects to earn from providing services within Florida to its end-user customers for the years 2001 and 2002.

12. Please state on a monthly basis the total amount of revenue that Time Warner expects to earn from providing services within Florida to its "on-net" end-user customers for the years 2001 and 2002.

13. For the Florida ISP customers identified in response to Interrogatory No. 9, please state, on an annual basis, (a) the total amount Time Warner expects to earn for service to those customers for the years 2001 and 2002; (b) the amounts of any credits, rebate, or adjustments expected to be given to such customers for the years 2001 and 2002; and (c) the total amount of revenue Time Warner expects to collect from such customers for the years 2001 and 2002.

14. Please provide Time Warner's total dollar investment in Florida, including total dollar investment in switches, outside plant, and support assets.

15. Please provide the total number of switches Time Warner has deployed in Florida.

16. Identify any cost study or other data or documents concerning the actual cost to Time Warner to transport ISP traffic from the point of interconnection with BellSouth to the ISP server being served by a Time Warner switch.

17. Does Time Warner contend that there is a difference between the place where a call "terminates" for jurisdictional purposes and the place where a call "terminates" for reciprocal compensation purposes? If the answer to the foregoing is in the affirmative, please: (a) explain in detail the distinction between call termination for jurisdictional and reciprocal

compensation purposes; (b) state the date and describe the circumstances when Time Warner first concluded that there was a distinction between call termination for jurisdictional and reciprocal compensation purposes; (c) state the date and describe the circumstances when Time Warner first stated publicly that there was a distinction between call termination for jurisdictional and reciprocal compensation purposes; (d) identify all documents that refer or relate to or support a distinction between call termination for jurisdictional and reciprocal compensation purposes; (e) identify all internal Time Warner memoranda or other documents that discuss, relate to or touch upon the issue of whether reciprocal compensation may be owed for calls delivered to ISPs.

18. Has Time Warner provided telecommunications services to any person with whom Time Warner has entered into any arrangement or agreement that involves the sharing of reciprocal compensation received by Time Warner from BellSouth? If the answer to the foregoing is in the affirmative, identify the person, describe the telecommunications services Time Warner has provided, and identify all documents referring or relating to such telecommunications services.

19. Identify all state and federal legal authority that supports Time Warner's contention that traffic to ISPs is local traffic.

20. State the rate you contend is appropriate for reciprocal compensation for ISP-bound traffic, and separately state the rate you contend is appropriate for local traffic, if that is a different figure. In answering this interrogatory, state with particularity how the rate(s) were calculated and identify any analyses, cost studies, or other reports that support your rates.

21. If not provided in a previous answer, has Time Warner ever taken the position before a regulatory body that ISP traffic is interstate or non-local traffic? If so, identify

the proceeding wherein Time Warner took said position, including the name and date of any documents wherein said position was expressed.

22. Fully describe all of Time Warner's facilities, including switches, within Florida, including the manufacturer and model information.

23. Does Time Warner own or have an interest in an ISP? Is Time Warner affiliated in any way with an ISP (other than a customer relationship)? If so, explain in full the nature of such interest or affiliation.

24. State the actual cost incurred by Time Warner to transport ISP traffic from the point of interconnection with BellSouth to the ISP server being served by a Time Warner switch.

25. State the number of resold lines Time Warner has in Florida, broken down by residence and business lines, if not provided in response to an earlier interrogatory.

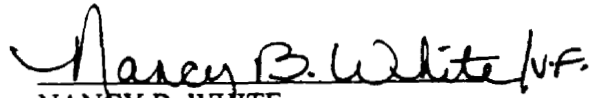
26. Will Time Warner admit that ISPs are also enhanced service providers? If not, please provide the basis for Time Warner's position, including any legal authority.

27. Will Time Warner admit that enhanced service providers are exchange access users? If not, please provide the basis for Time Warner's position, including any legal authority.

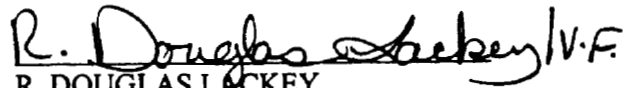
28. Will Time Warner admit that enhanced service providers generally pay local business rates and interstate subscriber line charges for their switched access connections to local exchange company central offices? If not, please provide the basis for Time Warner's position, including any legal authority.

Respectfully submitted this 2nd day of February, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

Handwritten signature of Nancy B. White in cursive, followed by the initials "V.F." to the right.

NANCY B. WHITE  
JAMES MEZA III  
c/o Nancy H. Sims  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5558

Handwritten signature of R. Douglas Lackey in cursive, followed by the initials "V.F." to the right.

R. DOUGLAS LACKEY  
E. EARL EDENFIELD JR.  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0763

245794



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into Appropriate )  
Methods to Compensate Carriers )  
for Exchange of Traffic Subject to )  
Section 251 of the Telecommunications )  
Act of 1996. )

Docket No.: 000075-TP

Filed: February 2, 2001

**BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS TO TIME WARNER TELECOM OF FLORIDA, L.P.**

BellSouth Telecommunications, Inc. ("BellSouth") pursuant to the Order Adopting, Incorporating, and Supplementing Order No. PSC-00-2229-PCO-TP Establishing Procedure (Order No. PSC-00-2350-PCO-TP dated December 7, 2000) hereby requests Time Warner Telecom of Florida, L.P. ("Time Warner") to furnish responses to the following Requests for Production by February 22, 2001.

**INSTRUCTIONS**

(a) If any response required by way of answer to these Requests for Production is considered to contain confidential or protected information, please furnish this information subject to a protective agreement.

(b) If any document is withheld under a claim of privilege, please furnish a list of each document for which the privilege is claimed, reflecting the name and address of the person who prepared the document, the date the document was prepared, each person who was sent a copy of the document, each person who has viewed or who has had custody of a copy of the document, and a statement of the basis on which the privilege was claimed.

(c) These Requests for Production are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These

Requests for Production are intended to include requests for information that is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.

(d) If any Request for Production cannot be responded in full, answer to the extent possible and specify the reason for your inability to respond fully. If you object to any part of a Request for Production, answer all parts of the request to which you do not object, and as to each part to which you do object, separately set forth this specific basis for the objection.

(e) These Requests for Production are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these requests subsequently become known or should your initial response be incorrect or untrue.

#### **DEFINITIONS**

(a) "Time Warner" means Time Warner Telecom of Florida, L.P. any predecessors in interest, its parent, subsidiaries, and affiliates, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of Time Warner.

(b) "You" and "your" refer to Time Warner.

(c) "Person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

(d) "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these Requests for Production information that would not otherwise be brought within their scope.

(e) "Identification" or "identify" when used in reference to: (i) a natural individual, requires you to state his or her full name and residential and business address; (ii) a corporation, requires you to state its full corporate name and any names under which it does business, the state

of incorporation, and the address of its principal place of business; (iii) a document, requires you to state the number of pages and the nature of the document (e.g., a letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location or custodian; (iv) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

(f) "Generic ISP Proceeding" refers to the generic proceeding established by the Florida Public Service Commission on January 21, 2000.

(g) "Incumbent Local Exchange Carrier" refers to the term as defined in Section 251(h) of the Act, as codified in 47 U.S.C. § 251(h).

(h) The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of Time Warner, including, but not limited to, correspondence, memoranda, drafts, workpapers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files, and copies of such writing or records containing any commentary or notation whatsoever that does not appear in the original.

### **REQUESTS FOR PRODUCTION**

1. Produce copies of all documents identified in response to BellSouth's First Set of Interrogatories to Time Warner.

2. Produce all maps, plats, diagrams, schematics or any other document reflecting the location of Time Warner's customers served by each switch Time Warner has in Florida.
3. Produce all documents upon which Time Warner intends to rely or introduce into evidence at the hearing on this matter.
4. Please provide any and all written agreements and/or contracts entered between Time Warner and its ISP customers, as well as an explanation of any oral agreements entered into with such ISP customers.
5. Identify any and all cost studies, evaluations, reports or analyses prepared by or for Time Warner concerning any issue raised in the Generic ISP Proceeding
6. Produce all documents that refer, reflect or describe the network architecture used by Time Warner to deliver traffic to ISPs.
7. Produce all documents that refer, relate or describe Time Warner's delivery of traffic to ISPs located outside the rate center in which the call to the ISP originated.
8. Produce all documents that refer, relate or describe Time Warner's collection of reciprocal compensation for its delivery of traffic to ISPs located outside the rate center in which the call to the ISP originated.
9. Produce all documents that refer or relate to any projections, estimates, studies, calculation, or budgets developed by or on behalf of Time Warner that reflect the amount of reciprocal compensation Time Warner expects to receive from BellSouth in Florida in the years 2001 and 2002.
10. Produce all documents that refer or relate to any projections, estimates, cost studies, calculations, or budgets developed by or on behalf of Time Warner that reflect the

volume of calls Time Warner expects to receive from BellSouth customers to Internet Service Providers ("ISPs") served by Time Warner in Florida in the years 2001 and 2002.

11. Produce any cost study or other information, data or documentation concerning the actual cost incurred by Time Warner to transport ISP traffic from the point of interconnection with BellSouth to the ISP customer's location or server being served by a Time Warner switch.

12. For Florida, please produce all documents reflecting, on an annual basis, (a) the total amount billed by Time Warner for service to each ISP customer from inception of service to present, (b) the amounts of any credits, rebate, or adjustments given to such customer, and (c) the total amount of revenue collected from such customer, from inception of service to present.

13. For Florida, please produce all documents reflecting Time Warner's total dollar investment in the state, including the total dollar investment in switches, outside plant, and support assets.

14. For Florida, please produce all documents separately reflecting the total number of (1) ISP customers in Florida; (2) business customers other than ISPs; and (3) residential customers.

15. For Florida, please produce all documents reflecting the total number of end users customers that Time Warner serves using its own network ("on-net" customers) within the state.

16. For Florida, please produce all documents reflecting, on an annual basis, the total revenues that Time Warner expects to earn from its ISP customers for the years 2001 and 2002.

17. Produce all documents concerning minutes of use or invoices for minutes of use under any interconnection agreement between Time Warner and any other entity, including but not limited to documents that describe or constitute any plan or method for increasing minutes of use.

18. Produce all documents referring, relating or pertaining to the relationship between Time Warner and any ISP that Time Warner owns, or with which it has an affiliation or in which it has an interest.
19. Produce all documents referring, relating or pertaining to any reciprocal compensation billed by Time Warner to BellSouth and generated by traffic delivered to an ISP owned by or affiliated with Time Warner or in which Time Warner has an interest.
20. Produce all documents referring, relating or pertaining to the payment to or by Time Warner or any other ILEC or ALEC of reciprocal compensation for ISP-bound traffic.
21. Produce all documents referring or relating to forecasted growth of Time Warner's local market in Florida over the next 24 months.
22. Produce all documents referring or relating to historical growth of Time Warner's local market in Florida over the past 24 months.
23. Produce all documents referring, relating or pertaining to any agreements to which Time Warner is a party that involves the sharing of any reciprocal compensation received by Time Warner from BellSouth.
24. Produce any document relied upon by Time Warner in preparing any answer to any Interrogatory in this proceeding.

Respectfully submitted this 2nd day of February, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

/V.F.

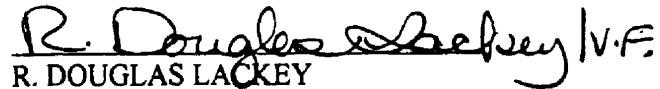
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