



**Susan S. Masterton**  
Attorney

**Law/External Affairs**  
Post Office Box 2214  
1313 Blair Stone Road  
Tallahassee, FL 32316-2214  
Mailstop FT.LH00107  
Voice 850 599 1560  
Fax 850 878 0777  
susan.masterton@mail.sprint.com

August 28, 2001

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk &  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 960786-TL Reply of Sprint Communications  
Company Limited Partnership to Motion of BellSouth  
Telecommunications Inc. to Strike Portions of Select  
Intervenors' Direct Testimony

Dear Ms. Bayó:

Enclosed for filing is the original and fifteen (15) copies of Reply of Sprint Communications Company Limited Partnership to Motion of BellSouth Telecommunications Inc. to Strike Portions of Select Intervenors' Direct Testimony. Copies of this have been served by U.S. Mail pursuant to the attached Certificate of Service.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Sincerely,

Susan S. Masterton

DOCUMENT NUMBER-DATE  
10725 AUG 28 2001  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Consideration of BellSouth	)	
Telecommunications, Inc.'s entry into	)	Docket No. 960786-TL
InterLATA services pursuant to Section	)	
271 of the Federal Telecommunications	)	
Act of 1996.	)	Filed: August 28, 2001
	)	

**REPLY OF  
SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP  
TO MOTION OF BELL SOUTH TELECOMMUNICATIONS, INC.  
TO STRIKE PORTIONS OF SELECT INTERVENORS' DIRECT TESTIMONY**

Sprint Communications Company Limited Partnership ("Sprint") respectfully submits this its Reply to Motion of BellSouth Telecommunications, Inc. ("BellSouth") as filed with the Florida Public Service Commission ("Commission") to Strike Portions of Select Intervenors' Direct Testimony ("Motion to Strike") in the above styled and stated proceeding. Specifically, Sprint's Reply is directed to that portion of the Motion to Strike as it relates to the prefiled Rebuttal Testimony of Mark G. Felton on behalf of Sprint.

It should be noted, however, that while the caption of BellSouth's Motion to Strike indicates that it is directed only at Direct Testimony, there was no direct testimony filed in this proceeding on behalf of Sprint. Sprint only filed the Rebuttal Testimony of Mark G. Felton, which is referenced in the Attachment to the Motion to Strike, and appears to be included in said Motion to Strike. The Attachment to the Motion to Strike reflects the following portions of the Rebuttal Testimony of Mark G. Felton as being included in the Motion to Strike:

**Page 3, beginning with line 8 and continuing through page 4, line 19.**

**Page 5, beginning with line 16 and continuing through page 6, line 5.**

BellSouth filed the body of is generic Motion to Strike on August 17, 2001. Sprint was served with a copy of that Motion via overnight mail on August 18, 2001.

BellSouth filed a supplement to its generic Motion on August 21, 2001, in which it enumerated the specific portions of the testimony of Sprint's witness Felton that BellSouth proposes be stricken. Sprint was served with a copy of the supplement via overnight mail on August 22, 2001. Specific identification of the portions of the testimony proposed to be stricken was necessary for Sprint to adequately reply to the Motion to Strike. In accordance with Rule 28-26.103 , F.A.C., and 28-26.204 , F.A.C., Sprint's Reply is filed within seven days, plus one day for service by overnight mail, of service of the supplement to the Motion and, therefore, is timely filed. Accordingly, Sprint herewith files its Reply as follows:

### **REPLY**

The Motion to Strike is deficient in that it is a generic motion and does not specifically state the basis or rationale as to why certain portions of Mr. Felton's rebuttal testimony should be stricken but the prefiled testimony on behalf of BellSouth, to which the rebuttal testimony is directed, should not be stricken. The thrust of the Motion to Strike revolves around the Issues Identification Conference held on April 24, 2001 and the order of the Prehearing Officer issued April 25, 2001.<sup>1</sup> In that order the Prehearing Officer identifies the issues to be considered during the course of this hearing. Under paragraph 3 of that order, OSS is excluded as an issue in this hearing but will be considered in the third party OSS test. However, the Motion to Strike does not, with any specificity whatsoever, show how those portions of Mr. Felton's rebuttal testimony to which the Motion to Strike is directed, are in "violation" of the Order issued on April 25, 2001.

The rebuttal testimony of Sprint witness Felton clearly is in direct response to testimony filed by BellSouth witness W. Keith Milner. BellSouth witness Milner's testimony claimed that BellSouth had satisfied the requirements for checklist item number 2, nondiscriminatory access to network elements. Mr. Felton's rebuttal testimony properly responded to witness Milner's testimony by providing to the Commission evidence concerning BellSouth's electronic interface for obtaining Loop Make-up ("LMU") information. Further, Mr. Felton's rebuttal testimony pointed to the Federal

Communications Commission's ("FCC") findings with respect to an ILEC's obligation to provide LMU information on an automated basis. Moreover, Mr. Felton referenced a North Carolina Utilities Commission order concerning BellSouth personnel's electronic sources for LMU data in North Carolina, and explained the Corporate Facilities database.

All of Mr. Felton's testimony was in direct rebuttal to the testimony of BellSouth witness Milner. The rebuttal testimony of Mr. Felton clearly is proper rebuttal testimony to that testimony filed by BellSouth witness Milner and is within the confines of the Commission's Rules of Evidence and its Order Regarding Issues to be Addressed at Hearing.<sup>2</sup>

If the rebuttal testimony of Sprint witness Felton is found to be outside the scope of the issues to be considered in this hearing, the rebutted testimony of BellSouth witness Milner would likewise be outside the scope of the issues to be considered at this hearing and should also be stricken.

In the event the Commission finds in favor of the Motion to Strike, Sprint would move the Commission to strike the testimony of BellSouth witness Milner which is the subject of Sprint's witness Felton's rebuttal testimony.

### **CONCLUSION**

The Motion to Strike is flawed in that it is simply a generic pleading with no specificity as to the basis for striking certain portions of Sprint's rebuttal testimony. Sprint's rebuttal testimony was in direct response to BellSouth's testimony. Should Sprint's rebuttal testimony be stricken, Sprint would move the Commission to strike the corresponding BellSouth testimony to which Sprint's rebuttal testimony is directed.

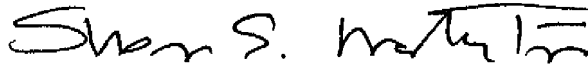
---

<sup>1</sup> Order No. PSC-01-1025-PCO-TL

<sup>2</sup> Order No. PSC-01-1025-PCO-TL

Respectfully submitted this 28th day of August, 2001.

Sprint Communications Company Limited Partnership



Benjamin W. Fincher  
3100 Cumberland Circle  
Sprint GAATLN080  
Atlanta, Georgia 30339  
(404) 649-6145  
(404) 649-5174 fax

Susan S. Masterton  
P.O. Box 2214  
1313 Blair Stone Road  
Tallahassee, Florida 32316-2214  
(850) 599-1560  
(850) 878-0777 fax

Its Attorneys

CERTIFICATE OF SERVICE  
DOCKET NO. 960786-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 28th day of August, 2001 to the following:

Nancy B. White  
C/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 S. Monroe Street, Suite 400  
Tallahassee, Florida 32301-1556

Florida Competitive Carriers Assoc.  
c/o McWhirter Law Firm  
Vicki Kaufman  
117 S. Gadsden St.  
Tallahassee, FL 32301

AT&T Communications of the Southern  
States, Inc.  
Ms. Rhonda P. Merritt  
101 North Monroe Street, Suite 700  
Tallahassee, FL 32301-1549

Florida Digital Network, Inc.  
Matthew Feil, Esq.  
390 North Orange Ave., Suite 2000  
Orlando, FL 32801

CWA  
Kenneth Ruth  
2180 West State Road 434  
Longwood, FL 32779

Hopping Law Firm  
Richard Melson  
MCI, Rhythms Links, ITC^DeltaCom  
P.O. Box 6526  
Tallahassee, FL 32314

Ervin Law Firm  
Everett Boyd  
P.O. Drawer 1170  
Tallahassee, FL 32302

Intermedia Communications, Inc.  
Mr. Scott Sapperstein  
One Intermedia Way (MC FLT -HQ3)  
Tampa, FL 33647-1752

Florida Cable Telecommunications  
Assoc., Inc.  
Michael Gross/Charles Dudley  
246 E. 6th Avenue, Suite 100  
Tallahassee, FL 32303

ITC^DeltaCom  
Ms. Nanette S. Edwards  
4092 South Memorial Parkway  
Huntsville, AL 35802-4343

Katz, Kutter Law Firm  
Charles Pellegrini/Patrick Wiggins  
106 East College Avenue, 12th Floor  
Tallahassee, FL 32301

Pennington Law Firm  
Peter Dunbar/Karen Camechis  
P.O. Box 10095  
Tallahassee, FL 32301

Knowles Law Firm  
John Marks, III  
215 S. Monroe St., #130  
Tallahassee, FL 32301

Shook, Hardy & Bacon LLP  
Rodney L. Joyce  
600 14th Street, N.W., Suite 800  
Washington, DC 20005-2004

LDDS Communications, Inc.  
Brian Sulmonetti  
1515 S. Federal Hwy., #400  
Boca Raton, FL 33432-7404

Sprint/Sprint-Metro  
Mr. Benjamin W. Fincher  
3100 Cumberland Circle, #802  
Atlanta, GA 30339

MCI WorldCom Network Services,  
Inc.  
Ms. Donna C. McNulty  
325 John Knox Road, Suite 105  
Tallahassee, FL 32303-4131

Time Warner Telecom  
Ms. Carolyn Marek  
Regulatory Affairs, Southeast Region  
233 Bramerton Court  
Franklin, TN 37069

Messer Law Firm  
Floyd Self  
P.O. Box 1876  
Tallahassee, FL 32302

Covad Communications Company  
Ms. Catherine F. Boone  
10 Glenlake Pkwy, Suite 650  
Atlanta, GA 30328-3495

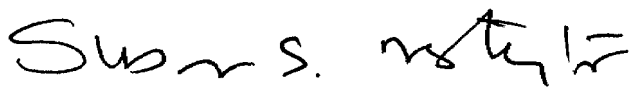
Network Access Solutions  
Corporation  
100 Carpenter Drive, Suite 206  
Sterling, VA 20164

KMC Telecom Inc.  
John D. McLaughlin, Jr.  
1755 North Brown Road  
Lawrenceville, GA 30043-8119

MGC Communications, Inc.  
Marilyn H. Ash  
3301 North Buffalo Drive  
Las Vegas, NV 89129

Bruce Culpepper, Esq.  
Akerman, Senterfitt & Edison, PA  
301 South Bronough Street,  
Suite 200  
Post Office Box 10555  
Tallahassee, Florida 32302-2555

Henry C. Campen, Jr.  
Parker, Poe Adams & Bernstein  
First Union Capital Center  
150 Fayetteville Street Mail, S-1400  
Post Office Box 389  
Raleigh, NC 27602



---

Susan S. Masterton