

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth  
Telecommunications, Inc. for  
arbitration of certain issues in  
interconnection agreement with  
Supra Telecommunications and  
Information Systems, Inc.

DOCKET NO. 001305-TP  
ORDER NO. PSC-01-1846-PCO-TP  
ISSUED: September 13, 2001

ORDER MODIFYING PROCEDURE AND ON SUPRA TELECOMMUNICATIONS AND  
INFORMATION SYSTEMS, INC.'S MOTION TO COMPEL MORE RESPONSIVE  
ANSWERS TO SUPRA'S FIRST SET OF INTERROGATORIES

On September 1, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of certain issues in an interconnection agreement with Supra Telecommunications and Information Systems, Inc. (Supra). Supra filed its response, and this matter was set for hearing.

On June 28, 2001, Order No. PSC-01-1401-PCO-TP set forth the procedures to be followed in this docket. On July 13, 2001, Order No. PSC-01-1475-PCO-TP identified the issues to be addressed in this docket. On August 10, 2001, Supra served its First Set of Interrogatories upon BellSouth. In response, on August 20, 2001, BellSouth filed its Objections to Supra's First Set of Interrogatories. On August 23, 2001, Supra filed a Motion to Compel and Overrule Objections to Supra's First Set of Interrogatories. On August 30, 2001, BellSouth filed an Opposition to Supra's Motion to Compel regarding Supra's First Set of Interrogatories, as well as its responses to Supra's First Set of Interrogatories. Thereafter, on September 6, 2001, Supra filed its Motion to Compel More Responsive Answers to Supra's First Set of Interrogatories.

The Prehearing Conference in this docket was held on September 10, 2001. At that time, I ruled on all outstanding motions, including Supra's August 23, 2001, Motion to Compel and Overrule Objections. I also issued a written Order addressing Supra's August 28, 2001, Motion to Compel Production of Documents Requested in its Second Request for Production, Overrule BellSouth's Objections and for a Continuance. Therein, I examined Supra's requests and ruled on whether each was likely to lead to the discovery of admissible evidence.

DOCUMENT NUMBER DATE

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Supra's September 6, 2001, Motion to Compel, the subject of this Order, was argued at the Prehearing Conference. There, BellSouth chose to waive filing of a written response, and the parties addressed the motion orally.

In its motion, Supra claims that BellSouth's responses to its interrogatories are incomplete. It states that BellSouth left a large number of questions unanswered with no BellSouth personnel identified as having knowledge of the question, while other questions were marked as being "worked on," with no answer supplied. Supra addresses each interrogatory in turn and states its position. I will also address each of these interrogatories in turn. Let me state that many of these interrogatories relate to the request for production upon which I have ruled, and my rationale here is consistent with my findings in that ruling.

- Interrogatory 1.       Granted in part. Supra's interrogatory as phrased is overly broad. BellSouth appears to have identified persons having knowledge about the issues that are in dispute in this proceeding. However, for those persons identified by BellSouth who have not filed testimony in this case, BellSouth shall provide the address, place of employment, job title of each person, the general category of information possessed by each person, and the issues to which each person possesses knowledge.
- Interrogatory 2.       Denied. BellSouth has responded to Supra's interrogatory. Supra makes no allegation that the list provided by BellSouth is incomplete, nor does it identify any documents that BellSouth has failed to list.
- Interrogatory 3.       Granted in part. BellSouth's answer is not fully responsive. The filed testimony of the witnesses clearly lays out the specific nature and substance of their knowledge. However, for those

persons identified by BellSouth in Interrogatory No. 1 who have not filed testimony, BellSouth shall summarize the specific nature and substance of their knowledge.

Interrogatory 4. Not relevant to any issue in this docket.

Interrogatory 5. Granted in part. Regarding changes in the law since the original BellSouth/AT&T agreement, these are a matter of public record and are readily available to Supra. However, if BellSouth possesses a current summary of the changes in the law since the original BellSouth/AT&T agreement, it shall provide same to Supra. If BellSouth does not possess such a summary, it shall not be required to conduct research in order to provide such a summary.

Regarding changes to BellSouth's standard interconnection agreement since Supra's adoption of the original BellSouth/AT&T agreement, it would be more burdensome for Supra to sift through each BellSouth interconnection agreement in an attempt to identify changes than it would be for BellSouth to ascertain the same information. BellSouth is intimately aware of its agreements and any changes it has made to these agreements. BellSouth is also far more aware of changes to its practices and procedures than any individual ALEC. As such, BellSouth shall provide Supra with a reasonable history and explanation of how it has arrived at its present standard interconnection agreement and in what ways the standard interconnection agreement has changed from the

interconnection agreement it signed with  
Supra in 1999.

- Interrogatory 6. Not relevant to any issue in this docket.
- Interrogatory 7. Not relevant to any issue in this docket.
- Interrogatory 8. Not relevant to any issue in this docket.
- Interrogatory 9. Not relevant to any issue in this docket.
- Interrogatory 11. Not relevant to any issue in this docket.
- Interrogatory 12. Not relevant to any issue in this docket.
- Interrogatory 13. Granted. This interrogatory is relevant to several issues in this docket. BellSouth shall provide the information requested.
- Interrogatory 16. Granted in part. To the extent BellSouth can explain the alleged inconsistencies asserted by Supra, it shall do so.
- Interrogatory 19. Denied. As in Item 8 of the Request for Production of Documents, this request is beyond the scope of this proceeding.
- Interrogatory 22. Granted in part. To the extent BellSouth can explain the alleged inconsistencies asserted by Supra, it shall do so.

Where BellSouth is directed to provide additional responses and information to Supra, said information shall be provided directly to Supra by Tuesday, September 18, 2001. Where BellSouth has indicated in its responses that information regarding a particular request is forthcoming, such information shall be provided forthwith, but not later than September 18, 2001. Should the information received from BellSouth facilitate the need for additional discovery by Supra, said questions will be posed to BellSouth in the currently scheduled depositions, or the depositions which may be scheduled pursuant to Order No. PSC-01-

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1820-PCO-TP. In light of my rulings in Order NO. PSC-01-1820-PCO-TP, and my findings here, the deadline for the completion of discovery is extended until Monday, September 24, 2001.

Based on the forgoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Supra Telecommunications and Information Systems' Motion to Compel More Responsive Answers to Supra's First Set of Interrogatories, is hereby granted in part, and denied in part, as set forth in the body of this Order. It is further

ORDERED that BellSouth Telecommunications, Inc. shall provide additional responses and information directly available to Supra as set forth in the body of this Order, by September 18, 2001. It is further

ORDERED that where BellSouth indicated in its responses to Supra's first interrogatories that answers were forthcoming, such information shall be provided in full by September 18, 2001. It is further

ORDERED that should the information received from BellSouth facilitate the need for additional deposition questions, said questions will be posed to BellSouth in the currently scheduled depositions, or in the depositions which may be scheduled pursuant to Order No. PSC-01-1820-PCO-TP. It is further

ORDERED that the deadline for the completion of discovery is extended until Monday, September 24, 2001.

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By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 13th Day of September, 2001.

Michael A. Palecki

Michael A. Palecki  
Commissioner and Prehearing Officer

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the

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Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.