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January 6, 2003

VIA HAND DELIVERY

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

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06 JAN -6 PM 3:40  
COMMISSION  
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Re: Docket No.: 020507-TP

Dear Ms. Bayo:

On behalf of the Florida Competitive Carriers Association (FCCA), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ The Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s Third Set of Interrogatories (Nos. 37 - 67) and Third Request for Production of Documents (Nos. 6 - 8).

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Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

VGK/bae  
Enclosures

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DOCUMENT NUMBER DATE  
00145 JAN -6  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida Competitive Carriers Association Against BellSouth Telecommunications, Inc. Regarding BellSouth's practice of Refusing to Provide FastAccess Internet Service to Customers who Receive Voice Service from a Competitive Voice Provider, and Request For Expedited Relief.

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Docket No. 020507-TP

Filed: January 6, 2003

**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S  
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S THIRD SET OF  
INTERROGATORIES (NOS. 37 – 67) AND THIRD REQUEST  
FOR PRODUCTION OF DOCUMENTS (NOS. 6 – 8)**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340 and 1.350, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association (FCCA) files the following objections to BellSouth Telecommunications, Inc.'s (BellSouth) Third Set of Interrogatories (Nos. 37 – 67) and Third Request for Production of Documents (Nos. 6 – 8). The objections stated herein are preliminary in nature and are made at this time to comply with the 10-day requirement set forth in Order No. PSC-02-1537-PCO-TL. Should additional grounds for objection be discovered as the FCCA prepares its answers, it reserves the right to supplement, revise or modify its objections at the time it serves its responses.

**General Objections**

1. The FCCA objects to any request that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made, or is later determined to be applicable based on the discovery of documents, investigation or analysis. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, the FCCA may determine upon investigation and analysis that information responsive to certain requests to which objections are not otherwise

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asserted are confidential and proprietary and should not be provided at all or should be provided only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information, the FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FCCA hereby asserts its right to require such protection of any and all information or documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. The FCCA objects to these requests and any definitions or instructions that purport to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

4. The FCCA objects to these requests to the extent they purport to require FCCA to conduct an analysis or create information not prepared by FCCA's experts or consultants in their preparation for this case. The FCCA will comply with its obligations under the applicable rules of procedure.

5. The FCCA objects to any request that requires the identification of "all" or "each" responsive document or fact, as it cannot guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document or fact will be identified.

6. The FCCA objects to providing information or documents to the extent they are in the public record or in the possession of BellSouth.

7. The FCCA objects to any request to the extent it impermissibly seeks information from FCCA members who are not a party to the case, on the grounds that such discovery is overly broad, unduly burdensome, oppressive and not permitted by the applicable rules of discovery.

8. For each specific objection made below, the FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.

### **Specific Objections to Interrogatories**

9. BellSouth's Interrogatory No. 39 states:

At page 7 of his rebuttal testimony, Mr. Bradbury states, in pertinent part, that "... ALECs have no problem providing BellSouth the permission necessary for BellSouth to serve its existing FA Service Customers or future FA Service customers who are served by ALEC UNE-P or UNE-L arrangements." With regard to this statement, please state whether Mr. Bradbury has actually spoken to or communicated with any ALECs to ascertain the truth or accuracy of this statement and if he claims he has, please:

- (i) Identify the ALECs with which he spoke or communicated regarding this matter, and state whether said ALECs specifically authorized Mr. Bradbury to make this representation.
- (ii) Identify the person with whom he spoke or communicated.
- (ii) Provide the date on which the communication occurred.
- (iv) Provide a detailed description of what was said or communicated.

The FCCA objects to this interrogatory as it seeks information protected by the attorney-client and work product privileges. Without waiving this objection, the FCCA will provide a response to this question.

10. BellSouth Interrogatory No. 40 states:

State whether the ALECs, if any, that authorized Mr. Bradbury to make this representation discussed the issue of whether the high frequency portion of the loop would be made available to BellSouth at no charge to BellSouth. If this issue was discussed or otherwise touched upon in any way, please provide, in detail, the substance of the discussion.

The FCCA objects to this interrogatory as it seeks information protected by the attorney-client and work product privileges. The FCCA also objects as the question is vague and overbroad. Without waiving this objection, the FCCA will provide a general answer to this question.

11. BellSouth Interrogatory No. 41 states:

If Mr. Bradbury has not in fact discussed this matter with all of the ALECs in Florida, or even all of the ALECs that are members of FCCA, will AT&T agree to make the high frequency portion of any UNE-P or UNE-L purchased from BellSouth available at no charge for BellSouth's use in providing FastAccess® service to BellSouth's FastAccess® service customers in the event that the Florida Public Service Commission orders BellSouth to provide FastAccess® service over such facilities.

The FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as it requests information about an FCCA member company that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from an FCCA member that is not a party to the case.

Without waiving this objection, the FCCA will provide a response.

12. BellSouth Interrogatory No. 42 states:

If the answer to Interrogatory 41 is anything other than an unqualified affirmative answer with regard to AT&T, does AT&T intend to charge BellSouth for the use of such spectrum and if so, at what rate?

The FCCA objects to this interrogatory as it requests information about an FCCA member company that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from an FCCA member that is not a party to the case. Without waiving this objection, the FCCA will provide a response.

13. BellSouth Interrogatory No. 45 states:

Does Mr. Bradbury dispute that "BellSouth's wholesale DSL service was developed solely for use with BellSouth voice customers?" If so, please provide a detailed explanation of the facts upon which Mr. Bradbury relies in reaching such a conclusion.

The FCCA objects to this interrogatory to the extent that the source of the quoted language is not identified. The FCCA further objects that the question is vague and overbroad. Without waiving this objection, the FCCA will provide a response.

14. BellSouth Interrogatory No. 46 states:

Does Mr. Bradbury dispute that “When the provisioning flows, methods, and procedures were developed, the assumption was made that since all customers of BellSouth’s wholesale DSL service or its FastAccess® service would be BellSouth voice customers, it would be most efficient to use the “telephone number” as the driver for provisioning, maintenance, billing and record-keeping purposes?” If so, please provide a detailed explanation of the facts upon which Mr. Bradbury relies in reaching such a conclusion.

The FCCA objects to this interrogatory to the extent that the source of the quoted language is not identified nor is the source of the "assumption." The FCCA further objects on the basis that the question is vague and overbroad. Without waiving this objection, the FCCA will provide a response.

15. BellSouth Interrogatory No. 47 states:

Does Mr. Bradbury dispute that “Accordingly, all of BellSouth’s systems (and the hundreds of supporting sub-systems) were developed using the telephone number as the identifier?” If so, please provide a detailed explanation of the facts upon which Mr. Bradbury relies in reaching such a conclusion.

The FCCA objects to this interrogatory to the extent that the source of the quoted language is not identified. The FCCA further objects on the grounds that the request is vague and overbroad in its reference to "all of BellSouth's systems" and "hundreds of supporting sub-systems" without identifying such systems. Without waiving this objection, the FCCA will provide a response.

16. BellSouth Interrogatory No. 48 states:

Does Mr. Bradbury dispute that “When an ALEC acquires a stand-alone unbundled loop or the UNE-P, the ALEC now becomes the voice provider, and accordingly there no longer is a working BellSouth telephone number in some of BellSouth’s systems?” If so, please provide a detailed explanation of the facts upon which Mr. Bradbury relies in reaching such a conclusion.

The FCCA objects to this interrogatory to the extent that the source of the quoted language is not identified. The FCCA further objects because the question is vague and overbroad in its reference to "some of BellSouth's systems" without identifying such systems. Without waiving this objection, the FCCA will provide a response.

17. BellSouth Interrogatory No. 49 states:

Does Mr. Bradbury dispute that "if the ALEC acquires a stand-alone unbundled loop and attaches such loop to the ALEC's own switch, any assigned telephone number is in the ALEC's switch rather than in BellSouth's switch?" If so, please provide a detailed explanation of the facts upon which Mr. Bradbury relies in reaching such a conclusion.

The FCCA objects to this interrogatory to the extent that the source of the quoted language is not identified. Without waiving this objection, the FCCA will provide a response.

18. BellSouth Interrogatory No. 51 states:

Please provide a detailed statement of the facts upon which Mr. Bradbury relies if he claims that he has more experience, more understanding or has more knowledge of the operation of BellSouth's provisioning systems (and also the ordering, billing, repair, and maintenance systems), than Mr. Milner, such that Mr. Bradbury's opinion regarding whether it would take a very large, complex, and detailed internal system change to convert BellSouth's wholesale DSL service of FastAccess® service into offerings available to ALECs, is more accurate than Mr. Milner's opinion.

The FCCA objects to this interrogatory as overbroad, vague and argumentative. Without waiving this objection, the FCCA will provide a response.

19. BellSouth Interrogatory No. 57(iv) states:

(iv) Please provide the name and telephone number of 20 of these customers. (Since these customers presumably remained customers of BellSouth because of the policy Ms. Lichtenberg complains about, there should be no proprietary MCI information involved in providing just 20 such names and telephone numbers so that BellSouth can verify the accuracy of Ms. Lichtenberg's claims).

The FCCA is still reviewing whether it has the ability to obtain the information requested. Further, such information is confidential proprietary business information and, if available, will be provided only after execution of an appropriate protective agreement. Further, the FCCA objects on the basis that this interrogatory is burdensome.

20. BellSouth Interrogatory No. 58 states:

In her testimony, Ms. Lichtenberg provides the number of potential MCI customers who had BellSouth FastAccess® service who supposedly refused to move to MCI's local service because of the Bellsouth policy Ms. Lichtenberg is complaining about. For the same period that Ms. Lichtenberg reports upon, how many BellSouth customers with FastAccess® service did in fact move to WorldCom Inc.'s local service in Florida?

The FCCA objects on the basis that this interrogatory is burdensome. Without waiving this objection, the FCCA states that there is no way to track or retrieve this information.

21. BellSouth Interrogatory No. 59 states:

At page 3, lines 18-20, of the rebuttal testimony of Sherry Lichtenberg, she refers to 5,233 rejects "because the customer had FastAccess service." State the total number of Purchase Order Numbers (PONs) submitted to BellSouth in Florida over the same timeframe referred to in the rebuttal testimony.

The FCCA objects on the basis that this is confidential proprietary business information. It will be provided upon the execution of an appropriate protective agreement.

22. BellSouth Interrogatory No. 60 states:

Describe with particularity all facts and identify all documents that relate to the statement of Ms. Sherry Lichtenberg "BellSouth has acknowledged that in early 2001 it provisioned DSL service to 718 UNE-P customers."

The FCCA objects on the basis that this question is vague and overbroad. Without waiving this objection, the FCCA will provide a general answer to this question.



23. BellSouth Interrogatory No. 61 states:

How many WorldCom, Inc. local service customers in Florida have some sort of Broadband service, that provides the same or similar functions to BellSouth's FastAccess® service, and what percentage of WorldCom, Inc.'s total local customers in Florida does this comprise?

The FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA further objects to this interrogatory as it requests information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from its members who are not parties to the case. Without waiving this objection, the FCCA states that neither it nor WorldCom possess such information.

24. BellSouth Interrogatory No. 63 states:

At page 6 of her rebuttal testimony, Ms. Lichtenberg states, in pertinent part, that "ALECs are willing to permit BellSouth to provide its DSL service over UNE loops at no cost to BellSouth. With regard to this statement, please state whether Ms. Lichtenberg has actually spoken to or communicated with any ALECs to ascertain the truth or accuracy of this statement and if she claims she has, please:

(i) Identify the ALECs with which she spoke or communicated regarding this matter, and state whether said ALECs specifically authorized ms. Lichtenberg to make this representation.

(ii) Identify the person with whom she spoke or communicated.

(iii) Provide the date on which the communication occurred.

(iv) Provide a detailed description of what was said or communicated.

The FCCA objects to this interrogatory as it seeks information protected by the attorney-client and work product privileges. Without waiving this objection, the FCCA will provide a response to this question.

25. BellSouth Interrogatory No. 64 states:

State whether the ALECs, if any, that authorized Ms. Lichtenberg to make this representation discussed the issue of whether the high frequency portion of the loop would be made available to BellSouth at no charge to BellSouth, as Ms. Lichtenberg suggests at page 6 of her testimony. If this issue was discussed or otherwise touched upon in any way, please provide, in detail, the substance of the discussion.

The FCCA objects to this interrogatory as it seeks information protected by the attorney-client and work product privileges. Without waiving this objection, the FCCA will provide a response to this question.

26. BellSouth Interrogatory No. 65 states:

If Ms. Lichtenberg has not in fact discussed this matter with all of the ALECs in Florida, or even all of the ALECs that are members of FCCA, will WorldCom, Inc. agree to make the high frequency portion of any UNE-P or UNE-L purchased from BellSouth available at no charge for BellSouth's use in providing FA Service to BellSouth's FA customers in the event that the Florida Public Service Commission orders BellSouth to provide FA service over such facilities?

The FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA further objects to this interrogatory as it requests information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from its members who are not parties to the case. Without waiving these objections, the FCCA will provide a response.

27. BellSouth Interrogatory No. 66 states:

Referring to the rebuttal testimony of Mr. Joseph Gillan, p. 18, lines 6-7, describe with particularity whether any FCCA members have explored "partner[ing] with competing DSL providers." Also, describe with particularity when "partner[ing] with competing DSL provides [sic]. . .ma[kes] sense." State all facts and identify all documents that support your response.

The FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA further objects to this interrogatory as it requests information about the FCCA's member companies that is not in its possession or control. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from its members who are not parties to the case.

28. BellSouth Interrogatory No. 67 states:

Referring to the rebuttal testimony of Jay Bradbury, p. 8, lines 9-11, is it AT&T's practice to provide discounts available when customers elect bundled service offerings generally available when the customer no longer purchases the entire bundle? State all facts and identify all documents that support your response.

The FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA further objects to this interrogatory as it requests information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from its members who are not parties to the case.

#### **Specific Objections to Production Requests**

29. BellSouth Production Request No. 6 states:

Produce all documents identified, or otherwise described in FCCA's responses to BellSouth's Third Interrogatories.

The FCCA objects to this request on the basis that it is overbroad, vague and burdensome.

30. BellSouth Production Request No. 7 states:

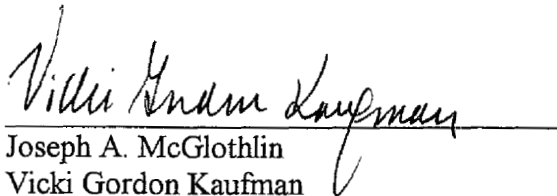
Produce all documents relied upon by Mr. Bradbury, Ms. Lichtenberg or Mr. Gillan in preparing their testimony.

The FCCA objects to this request on the basis that it is overbroad, vague and burdensome.

31. BellSouth Production Request No. 8 states:

Produce all documents that Mr. Bradbury, Ms. Lichtenberg or Mr. Gillan have in their possession or control that they claim supports the testimony they have submitted in this proceeding, whether identified in response to an interrogatory or not.

The FCCA objects to this request on the basis that it is overbroad, vague and burdensome.



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**CERTIFICATE OF SERVICE**

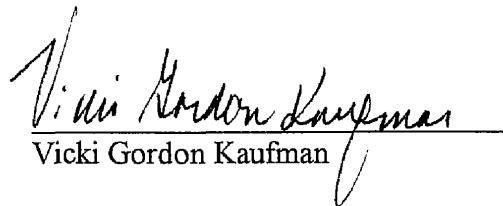
I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s Third Set of Interrogatories (Nos. 37 – 67) and Third Request for Productions of Documents (Nos. 6 – 8) has been furnished by (\*) hand delivery, (\*\*) electronic mail, or U.S. Mail this 6<sup>th</sup> day of January 2003, to the following:

(\*) (\*\*) Patricia Christensen  
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