

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of AT&T Communications of)	
The Southern States, LLC; MCI WorldCom)	
Communications, Inc. and MCImetro Access)	
Transmission Services LLP; and Access Integrated)	
Networks, Inc. Against)	Docket No. 020507-TL
BellSouth Telecommunications, Inc.)	
And Request for Expedited Relief)	Served: July 14, 2003
_____)	

MCI'S RESPONSES AND OBJECTIONS TO BELLSOUTH'S SECOND SET OF INTERROGATORIES (Nos. 6-15)

MCI WORLDCOM Communications, Inc. and MCImetro Access Transmission Services LLC (collectively, "MCI"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.280(b) and 1.340, Florida Rules of Civil Procedure, hereby provide the following Responses and Objections to the Second Set of Interrogatories of BellSouth Telecommunications, Inc. ("BellSouth").

GENERAL OBJECTIONS

1. MCI objects to each and every request and instruction to the extent that they are overly broad, unduly burdensome, oppressive, not permitted by applicable discovery rules, or would require MCI to disclose information which is privileged.
2. MCI objects to each and every request and instruction to the extent that they would require MCI to provide information about operations in states other than Florida, on the grounds that such requests are irrelevant, overly broad, unduly burdensome, and oppressive.
3. MCI objects to each and every request and instruction to the extent that such request or instruction calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege.

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4. MCI objects to each and every request insofar as the request is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by MCI in response to BellSouth's requests will be provided subject to, and without waiver of, the foregoing objection.

5. MCI objects to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. MCI objects to each and every request and instruction insofar as they seek to impose obligations on MCI which exceed the requirements of the Florida Rules of Civil Procedure or Florida law, including a requirement to supplement any response that was complete and correct when initially furnished.

7. MCI objects to providing information to the extent that such information is has already been provided or is already in the public record before the Florida Public Service Commission.

8. MCI objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes.

9. MCI is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, MCI creates countless documents that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. MCI's responses will provide all of the information obtained by MCI after a reasonable and diligent search conducted in connection with

these discovery requests. MCI will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the discovery requests purport to require more, MCI objects on the grounds that compliance would impose an undue burden or expense.

10. MCI objects to the definitions of "MCI," "you," and "your" to the extent that such definitions seek to impose an obligation to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definitions are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

11. MCI objects to any discovery request that seeks to obtain "all" of particular documents, items, or information to the extent that such requests are overly broad and unduly burdensome. Any answers provided by MCI in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

12. To the extent that any interrogatory calls for information which MCI regards as confidential, such information will be provided only subject to the parties' protective agreement.

INTERROGATORIES

INTERROGATORY NO. 6: As of December 31, 1999; June 30, 2000; December 31, 2000; June 30, 2001; December 31, 2001; June 30, 2002; December 31, 2002; and June 30, 2003 (or the most recent date for which data is available) please state:

- a. The total number of lines that MCI provides using UNE-P loops leased from BellSouth in Florida, designated by Florida deaveraged UNE rate zones 1, 2, and 3;
- b. The total number of lines that MCI provides using unbundled loops (without switching) leased from BellSouth in Florida, designated by Florida deaveraged UNE rate zones 1, 2, and 3;
- c. The total number of lines that MCI provides using resold BellSouth lines in Florida, designated by Florida deaveraged UNE rate zones 1, 2, and 3;

- d. The total number of lines that MCI provides in Florida using exclusively its own facilities, designated by Florida deaveraged UNE rate zones 1, 2, and 3.

RESPONSE: Subject to and without waiving its previous objections, including its specific objections to Interrogatory No. 6, MCI responds to the subparts of Interrogatory No. 6 as follows:

- a. The requested information is provided in the attached confidential chart. Note that a few lines are reflected in the totals that could not be assigned to a deaveraged UNE rate zone based on MCI's current information. It should also be noted that geographic zones 2 and 3 changed in September 2002, and the figures provided beginning December 31, 2002 reflect that change.
- b. The requested information is provided in the attached confidential chart beginning with the first available data as of December 31, 2000. If MCI obtains information breaking down the requested information by deaveraged UNE rate zone, it will be provided in a supplemental response. The attached chart excludes high capacity loops, which are loops at the DS1 level or higher. MCI has objected to providing information on high capacity loops because such information is not relevant to this case.
- c. The requested information is provided in the attached confidential chart. If MCI obtains information breaking down the requested information by deaveraged UNE rate zone, it will be provided in a supplemental response.
- d. The only lines MCI provides in Florida using only its own facilities are high capacity circuits. MCI has objected to providing information on high capacity circuits because such information is not relevant to this case.

INTERROGATORY NO. 7: From the time period January 2000 to present, state the total number of customers that refused to migrate voice service to MCI because he or she had FastAccess service with BellSouth. If MCI does not know the exact number of customers, please provide a reasonable estimate of customers and explain with particularity how MCI arrived at any such estimate.

RESPONSE: Subject to and without waiving its previous objections, MCI states that it began providing UNE-P residential service in Florida on or about November 16, 2001. Since that time, MCI customer representatives have not tracked the number of customers who have chosen not to migrate to MCI or the reasons they have chosen not to do so. Such tracking would take away time from the representatives' principal role, which is selling MCI service to potential customers. Accordingly, MCI does not know, and cannot provide a reasonable estimate of, the number of customers that refused to migrate to MCI because they had FastAccess service with BellSouth.

MCI does have evidence, however, that the impact of BellSouth's practice has been significant. Until December 29, 2002, BellSouth rejected MCI's migration orders if the customer had

FastAccess. Despite efforts by MCI to screen out FastAccess customers before submitting migration orders, MCI received a high number of rejects for DSL reasons during this period. For example, from January 1, 2002 to December 12, 2002, MCI received 5,938 rejects because the customers had FastAccess (or DSL from a customer with an ISP that used BellSouth's wholesale DSL service). These rejects related to 5,131 telephone numbers, which means that approximately 807 of the rejects involved subsequent attempts to migrate these customers. (Subsequent migration attempts may have occurred because the customer's CSR was not updated with the correct DSL status on a timely basis by BellSouth; in such cases, the customer could be migrated because he or she no longer had BellSouth DSL service.) Each of the 5,938 rejects in question was received from BellSouth with a reject message indicating that the customer could not migrate because he or she had DSL service on his or her account.

On or about December 29, 2003, BellSouth removed the OSS edit that caused the rejection of migration orders for BellSouth FastAccess customers. As a result, customers may have been migrated to MCI and their FastAccess service disconnected. MCI does not have statistics on these customers, some of whom may have subsequently returned to BellSouth in order to reinstate their FastAccess service. Shortly after the determination that orders for customers with FastAccess were no longer being rejected, MCI implemented process and systems changes that prevent the acceptance of orders from FastAccess customers. Thus, MCI has no data since that time concerning the number of customers that have decided not to migrate their voice service to MCI because they did not wish to relinquish their FastAccess service.

The high number of rejects MCI received from January 1, 2002 to December 12, 2002 gives some indication of the magnitude of the problem. But in reality the problem is much larger than this figure suggests, because the rejects and migrations back to BellSouth do not count the customers that MCI screened out and did not attempt to migrate to UNE-P voice service because MCI learned that the customers had FastAccess. These figures also do not count the customers who did not even bother to call MCI because they knew they were ineligible for UNE-P service. Thus, although the total impact of BellSouth's illegal practice cannot be fully ascertained, there is no doubt that the impact is both large and continuing.

INTERROGATORY NO. 8: Referring to MCI's Confidential Response to FCCA Interrogatory No. 15, MCI has identified certain markets in which it provides DSL service. State whether MCI has set any firm dates to install its own DSL equipment and deploy its own DSL service in markets other than those identified in Response to FCCA Interrogatory No. 15. If so, please provide the dates and associated central office or remote terminal locations. If not, please explain with particularity why not.

RESPONSE: BEGIN CONFIDENTIAL

END CONFIDENTIAL

INTERROGATORY NO. 9: Referring to MCI's Response to FCCA Second Interrogatory No. 7 (iv), please:

- a. Describe with particularity the manner in which MCI "resells DSL service."
- b. State the name of the carrier whose DSL service MCI resells.
- c. State whether MCI has ever resold a BellSouth voice line.
- d. State whether MCI has ever resold a BellSouth voice line over which the end user customer receives FastAccess service from BellSouth.

RESPONSE: Subject to and without waiving its previous objections, MCI answers the subparts of Interrogatory No. 9 as follows:

- a. **BEGIN CONFIDENTIAL**

END CONFIDENTIAL

- b. **BEGIN CONFIDENTIAL** **END**
CONFIDENTIAL

- c. Yes. See response to Interrogatory No. 6.c.
- d. MCI has not resold such lines.

INTERROGATORY NO. 10: Using the most recent date for which data is available, please state the number of MCI UNE-P customers receiving DSL service in Florida.

RESPONSE: Subject to and without waiving its previous objections, MCI states that as of July 11, 2003, MCI had approximately 39 Florida UNE-P customers that were receiving DSL service from MCI.

INTERROGATORY NO. 11: Please state the date when MCI first offered DSL service in Florida.

RESPONSE: Subject to and without waiving its previous objections, MCI states that it began offering DSL service in Florida using the arrangement described in response to Interrogatory No. 9.a. on or about February 5, 2000. MCI has been offering business DSL service in Florida using its own (or leased UNE) facilities in Florida since October 2001.

INTERROGATORY NO. 12: Please state the date that MCI first made available or offered DSL to its UNE-P customers in Florida.

RESPONSE: Subject to and without waiving its previous objections, MCI first made available DSL to certain of its UNE-P customers on May 19, 2003.

INTERROGATORY NO. 13: Referring to MCI's Supplemental Response to BellSouth's Interrogatory No. 4, please state whether MCI actually offers DSL service to UNE-P states in the Qwest states listed.

RESPONSE: Subject to and without waiving its previous objections, MCI began offering limited residential and small business DSL service to Qwest customers via line splitting on May 19, 2003.

INTERROGATORY NO. 14: MCI has requested that BellSouth offer its FastAccess service through its internet service provider to MCI voice customers. Referring to MCI's Supplemental Responses to Interrogatories 4 and 5, MCI indicates that Qwest offers DSL service to CLEC end user voice customers. Please describe with particularity why "Qwest's refusal to permit UNE-P voice customers to retain or obtain DSL service over their UNE-P lines if the DSL service is provided by other ISPs using Qwest's DSL facilities" requires customers to cancel their DSL service before migrating to a UNE-P voice provider.

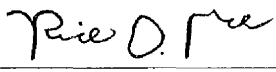
RESPONSE: Subject to and without waiving its previous objections, MCI states that Qwest refuses to permit UNE-P voice customers to retain or obtain DSL service over their UNE-P lines if the DSL provider is an internet service provider ("ISP") that uses Qwest's DSL facilities on a wholesale basis. Thus, if a customer with Qwest voice service and DSL service from an ISP other than Qwest (but using Qwest's DSL facilities) wishes to migrate to MCI for UNE-P voice service, Qwest will not permit the customer to do so unless the customer first cancels his or her DSL service.

INTERROGATORY NO. 15: Describe with particularity why "Qwest's failure to implement its SGAT offerings" requires customers to cancel their DSL service before migrating to a UNE-P voice provider.

RESPONSE: Subject to and without waiving its previous objections, MCI states that Qwest has not implemented its SGAT offerings such that it is possible for MCI to migrate a customer with Qwest voice and DSL service on the same line to MCI's UNE-P voice service. If MCI places a UNE-P migration order, Qwest will not accept and process the order until the customer first cancels its Qwest DSL service.

SERVED this 14th day of July, 2003.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the public (redacted) version of foregoing was served by E-mail and U.S. Mail on the following this 14th day of July, 2003 and that copy of the confidential version was served on Meredith Mays and filed with the Division of Commission Clerk:

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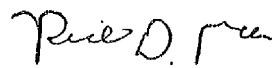
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**PUBLIC (REDACTED) VERSION
ATTACHMENT TO
MCI RESPONSE TO BELLSOUTH INTERROGATORY NO. 6
DOCKET NO. 020507-TL**

Date	Zone	UNE-P loops	UNE loops	Resold Lines
12/31/1999	1			
	2			
	3			
	Total			
6/30/2000	1			
	2			
	3			
	Total			
12/31/2000	1			
	2			
	3			
	Total		*	
6/30/2001	1			
	2			
	3			
	Total			
12/31/2001	1			
	2			
	3			
	Total			
6/30/2002	1			
	2			
	3			
	Total			
12/31/2002	1			
	2			
	3			
	Total			
6/30/2003	1			
	2			
	3			
	Total			

* Information available only for legacy WorldCom loops.