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September 25, 2003

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Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket Nos. 981834-TP and 990321-TP

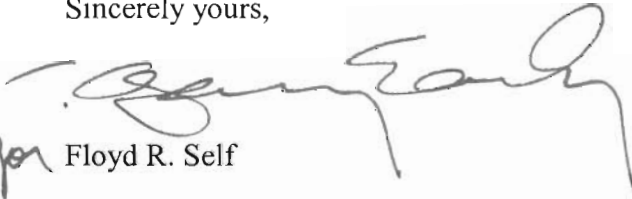
Dear Ms. Bayó:

Enclosed for filing on behalf of AT&T Communications of the Southern States, LLC are an original and fifteen copies of AT&T Communications of the Southern States, LLC Motion to Compel Discovery to BellSouth Telecommunications, Inc. in the above referenced dockets.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,


for Floyd R. Self

FRS/amb
Enclosure
cc: Tracy W. Hatch, Esq.
Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for)
Commission action to support local competition)
in BellSouth Telecommunications, Inc.'s service)
territory.)
_____)

Docket No. 981834-TP

Petition of ACI Corp. d/b/a Accelerated)
Connections, Inc. for generic investigation to)
ensure that BellSouth Telecommunications, Inc.,)
Sprint-Florida, Incorporated, and GTE)
Florida Incorporated comply with obligation)
obligation to provide alternative local exchange)
carriers with flexible, timely, and cost-efficient)
physical collocation)
_____)

Docket No. 990321-TP

**AT&T'S MOTION TO COMPEL DISCOVERY TO
BELLSOUTH TELECOMMUNICATIONS, INC.**

In accordance with Rule 28-106.206, Florida Administrative Code, and Florida Rule of Civil Procedure 1.380(a), AT&T Communications of the Southern States, LLC ("AT&T" or the "Company") requests that the Florida Public Service Commission ("FPSC" or "Commission") or the prehearing officer enter an order compelling BellSouth Telecommunications, Inc. ("BellSouth") to fully answer Interrogatory Nos. 49-51 in AT&T's 7th Set of Interrogatories to BellSouth.

On August 27, 2003, AT&T served BellSouth with its Seventh Set of Interrogatories (Nos. 49-51). On September 8, 2003, BellSouth filed its General Objections to the Interrogatories that incorporated ten general "boilerplate" objections to each Interrogatory. On September 16, 2003, BellSouth interposed identical objections to each interrogatory, and provided an additional objection, with *no* responsive information at all, to Interrogatories 49-

51. As this Commission has recognized, discovery is proper and may be compelled if it is not privileged and is or likely will lead to relevant and admissible information:

The test for determining whether discovery is appropriate is set forth in Rule 1.280(b)(1) of the Florida Rules of Civil Procedure which provides that "parties may obtain discovery regarding any matter, not privileged, that is relevant for the subject matter of the pending action . . . It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Section 90.401 of the Florida Evidence Code defines "relevance" as evidence tending to prove or disprove a material fact.

Order No. PSC-93-0652-PCO-WS, *In Re Jasmine Lakes Utilities Corporation*, Docket No. 920148-WS, dated April 28, 1993.

For the reasons stated below, AT&T's discovery requests are both relevant and likely to lead to the discovery of additional relevant and admissible information. Indeed, the information requested is integral to AT&T's case on pricing issues and is cost related. The information sought regarding BellSouth's usage and usable capacity is essential in determining the existing utilization factor. The same argument holds for the reported Manufacturer's Published List 1 Drains on BellSouth's installed equipment. The information sought in discovery is necessary to determine BellSouth's growth expectations, which are relevant to issues of pricing and cost. BellSouth's refusals to answer are thus improper, and therefore AT&T respectfully submits this Motion to Compel BellSouth to provide immediately full and complete responses, without objection, to each interrogatory in AT&T's Seventh Set.

AT&T's Seventh Set of Interrogatories contains three interrogatories, two with subparts, and the BellSouth responses to those Interrogatories are as follows:

Interrogatory No. 49

REQUEST: Does BellSouth have any central offices where there are no CLEC Collocation arrangements?

RESPONSE: BellSouth objects to this interrogatory because it seeks information that is irrelevant. This interrogatory goes to the technical, power issues that were part of the first phase of this proceeding. The deadline for discovery relating to those issues has long since passed. This interrogatory is irrelevant to the cost issues that are within the proper scope of the second phase of the proceeding. AT&T previously filed a Motion to consolidate the evidence of these two phases, and that request was denied by Order of the Commission. This interrogatory by AT&T appears to be yet another attempt by AT&T to interject into phase two issues that the Commission has already ruled do not belong.

Interrogatory No. 50

REQUEST: If yes, please provide the following information for the three largest (based on total access lines served) central offices that provide switched services where collocations are not located in the buildings:

- a. The total power plant rectifier capacity.
- b. The total inventory of manufacturer's List 1 drains for the equipment installed in the central office.
- c. The latest inventory of the total current usage measurements of the power plant that depicts the total usage

RESPONSE: BellSouth objects to this interrogatory because it seeks information that is irrelevant. This interrogatory goes to the technical, power issues that were part of the first phase of this proceeding. The deadline for discovery relating to those issues has long since passed. This interrogatory is irrelevant to the cost issues that are within the proper scope of the second phase of the proceeding. AT&T previously filed a Motion to consolidate the evidence of these two phases, and that request was denied by Order of the Commission. This interrogatory by AT&T appears to be yet another attempt by AT&T to interject into phase two issues that the Commission has already ruled do not belong.

Interrogatory No. 51

REQUEST: For the three largest (based on access lines served) central offices that provide switched services where collocations are located in the central office building, please provide the following information:

- a. The total power plant rectifier capacity.

- b. The total inventory of manufacturer's List 1 drains for the equipment installed in the central office.
- c. The latest inventory of the total current usage measurements of the power plant that depicts the total usage.

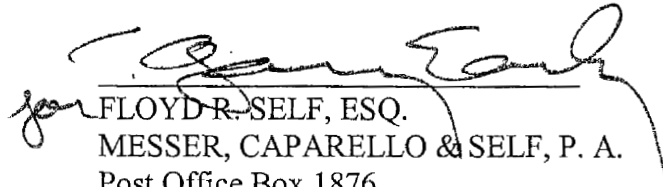
RESPONSE: BellSouth objects to this interrogatory because it seeks information that is irrelevant. This interrogatory goes to the technical, power issues that were part of the first phase of this proceeding. The deadline for discovery relating to those issues have long since passed. This interrogatory is irrelevant to the cost issues that are within the proper scope of the second phase of the proceeding. AT&T previously filed a Motion to consolidate the evidence of these two phases, and that request was denied by Order of the Commission. This interrogatory by AT&T appears to be yet another attempt by AT&T to interject into phase two issues that the Commission has already ruled do not belong.

While the information sought would have been relevant to the technical phase of this proceeding, that does not as a consequence make it irrelevant in the cost phase of this proceeding. As noted above, the information sought in the three interrogatories above is both relevant and likely to lead to the discovery of additional relevant and admissible information in the cost phase of this proceeding. The information will provide BellSouth's usage and usable capacity and is essential in determining the existing utilization factor, as well as providing BellSouth's Manufacturer's Published List 1 Drain which will provide essential information regarding BellSouth's growth expectations. That type of information directly bears on the current and projected pricing of collocation and the overall cost to competitors seeking entry to the market. As a result, it is most definitely cost related and relevant to this phase of the proceeding.

CONCLUSION

For the foregoing reasons, AT&T respectfully requests that the Commission grant this Motion to Compel Discovery, and require that BellSouth provide full, complete and accurate responses to Interrogatories 15-17 as set forth herein.

Respectfully submitted this 25th day of September, 2003.


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Hand Delivery (*) and/or U. S. Mail this 25th day of September, 2003.

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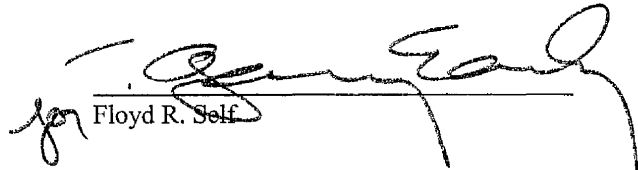
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