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PLEASE REPLY TO:
TALLAHASSEE

August 23, 1996

HAND DELIVERED

Blanca S. Bayo, Director
Division of Records and Reporting
101 E. Gaines Street
Tallahassee, Florida 32301

Re: Docket No. 960786-TP, In re: Consideration of
BellSouth Telecommunications, Inc. entry into
InterLATA services pursuant to Section 271 of the
Federal Telecommunications Act of 1996

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and
fifteen copies of the FIXCA's Motion to Compel (First and Second
Sets of Interrogatories: First Request to Produce) in the above
docket.

Please acknowledge receipt of the above on the extra copy
enclosed herein and return it to me. Thank you for your
assistance.

Sincerely,

Joseph A. McGlothlin

- ACK
- AFA
- AP
- CAF
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- EAG E:losures
- IRG
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DOCUMENT NUMBER-DATE
09034 AUG 23 1996
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of BellSouth)
Telecommunications, Inc. entry into)
InterLATA services pursuant to Section)
271 of the Federal Telecommunications)
Act of 1996.)
_____)

Docket No. 960786-TL

Filed: August 23, 1996

**FIXCA'S MOTION TO COMPEL
(FIRST AND SECOND SETS OF INTERROGATORIES: FIRST REQUEST TO PRODUCE)**

Pursuant to Rule 1.380, Florida Rules of Civil Procedure, the Florida Interexchange Carriers Association ("FIXCA"), through its undersigned counsel, moves for an Order compelling answers to the interrogatories and the request to produce documents indicated below, on the basis that the answers provided thus far are unresponsive, and/or evasive, and/or incomplete, as will be delineated below and during the hearing on this motion. In support of its motion, FIXCA states:

I. Interrogatory Items 1, 2, 3, 5, 14 and Request to Produce Item 4.

Interrogatory 1 asks BellSouth to identify each agreement between BellSouth and an unaffiliated competing provider of telephone exchange service on which BellSouth intends to rely in support of an application for entry into the in-region intraLATA market.

Interrogatories 2, 3, and 5 build on the information to be obtained from Interrogatory 1. Item 2 asks BellSouth to identify the particular criteria of Section 271(c)(2)(b)(1-14), BellSouth contends it has satisfied through implementation of an agreement. Item 3 asks BellSouth to describe in detail, with respect to each criterion of Section 271(c)(2)(b)(1-14), the arrangement, services, facilities, or means of access

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that BellSouth is presently and actually providing in conjunction with each agreement identified in the answer to Interrogatory 1. The interrogatory asks BellSouth to provide all "current quantitative, qualitative, technical, and geographical data and all pricing information necessary to fully describe the present ability of BellSouth to provide each service, arrangement, or access . . ."; the "specific facilities being used to provide the service; the extent to which the services, arrangements, and/or access are presently being provided, and the terms on which they are being provided."

Item 5 asks BellSouth to state, with respect to each unaffiliated competitive provider of telephone service, identified in Interrogatory 1, the following information:

- A. The geographical area served (by exchange) with telephone exchange service by each competitor;
- B. A description of each competitor's telephone exchange facilities in BellSouth's service area by exchange;
- C. The number of access lines served by each competitor by exchange;
- D. The number and type of telephone customers served by each competitor on an exchange by exchange basis;
- E. The number and location of BellSouth's switches that are connected to each competitor's local loop.

Item 14 asks BellSouth to provide information concerning the arrangements for access to poles, ducts, and rights-of-way in the agreements identified in its answer to No. 1.

Finally, Item 4 of FIXCA's First Request to Produce asks BellSouth to produce for inspection the agreements identified in its answer to Interrogatory 1.

Thus, interrogatories 1, 2, 3, 5, and 14, and Item 1 of the First Request to Produce are designed to develop information concerning the criteria BellSouth believes it has met to date, the arrangements through which it has met them, the terms and conditions attendant to each such arrangement and the extent to which the

arrangements are in place. All of this information is based upon the requirement that BellSouth provide, in response to interrogatory 1, "each agreement between BellSouth and an unaffiliated competing provider . . . on which BellSouth intends to rely" in support of its application for interLATA authority.

In response to interrogatory 1, BellSouth answered:

"At the time BellSouth files its petition in this proceeding, it will have met the requirements of Section 271(c)(1)(A). As of today, however, the Commission has not approved an agreement which BellSouth believes meets all of the requirements of Section 271(c)(1)(A)."

BellSouth then used the response that "the Commission has not approved an agreement which BellSouth believes meets all of the requirements" as a reason to provide no information at all. Its answer to each of Interrogatories 2, 3, and 5 is "not applicable." Its response to Request to Produce, Item 1 is that it has no responsive documents.

BellSouth answered a question different than the one FIXCA posed. As a result, the answer to number 1 is ambiguous. If by its answer BellSouth means it intends to rely on a single agreement that meets all of the criteria of the checklist, and that it will not attempt to rely (in part or in full) on any agreement that has been approved or that has been executed, but not yet approved, then its response should be so clarified. On the other hand, if BellSouth contends the law allows it to satisfy a portion of the requirements with an agreement, or if BellSouth intends to rely on an agreement that is in existence, but which has not yet been approved, the answer is evasive and incomplete.

II. Interrogatory Item 4

Interrogatory 4 states:

Describe in detail the technical and operational measures BellSouth has taken specifically to implement the competitive checklist of Section 271(c)(2)(B) prior to the filing of BellSouth's petition in this docket. Include all changes made to the network; all features installed for the purpose; and any capabilities added to its network and/or provisioning systems.

BellSouth responded as follows:

"BellSouth has not developed any operational measures specifically to implement Section 271(c)(2)(B). Any such operational measures have been undertaken to promote local competition as Congress intended or to meet the requests of specific parties identified during negotiations."

The answer to Interrogatory 4 is evasive and incomplete. It is also disingenuous. This docket concerns BellSouth's forthcoming application for authority to provide in-region interLATA services. BellSouth hasn't denied that it intends to seek such authority. Before it can offer such service, BellSouth must demonstrate that it has met the provisions of law that require it to open its local market to competition. Requiring BellSouth to describe the technical and operational measures BellSouth has taken to implement the checklist is another way of requiring BellSouth to describe the measures it has undertaken to meet those aspects of the law.

BellSouth can say that it was required to take those measures regardless of whether or not it had any design to file an application for interLATA authority; however, if BellSouth intends to seek interLATA authority it should not be permitted to misuse the word "specifically" to avoid or delay responding to a clear and reasonable request for the pertinent information regarding network modifications

sought by Interrogatory 4.

III. Interrogatory Items 6, 7, 8 and 34(b)

In interrogatories 6, 7, and 8 FIXCA asked BellSouth to provide information on total access lines, business lines, and residential lines, categorized by LATA. Interrogatory 34(b) asks BellSouth to state the number of access lines resold by each of its unaffiliated competitive providers of telephone exchange service. BellSouth's response to each is that the information is "not readily available." Whether information is "readily available" is not the applicable standard. Even a claim that a request is "unduly burdensome", a distinctly more difficult standard, requires support. BellSouth hasn't even made such a claim. The Commission should compel BellSouth to provide the requested information.

IV. Interrogatory Items 15 and 16

These interrogatories ask BellSouth whether it has refused to provide (15) or constrained or limited (16) a network function feature, service, or arrangement that was requested by a competitive provider of telephone exchange service.

BellSouth's answer to each begins with what appears to be an unqualified no. Immediately following, however, is a statement indicating that requests have been denied (15) or constrained (16) on the basis that they were not "technically feasible." For purposes of the discovery question, BellSouth is not the unilateral arbiter of whether its decision to deny or limit access to a function, feature, service, or arrangement, was proper, such that it has no responsibility to provide the particulars in response to the interrogatories. BellSouth should be required to provide the details

of each instance of denial or limitation. If BellSouth then wants to assert a justification for each instance of denial or limitation, it may do so.


V. Interrogatory Items 17 and 18

These interrogatories ask BellSouth to provide a detailed description of procedures it will follow for ordering and provisioning requests from its long distance affiliate (17) and of its business practices for transacting business with the affiliate (18).

The responses are incomplete and insufficient. The cryptic, conclusory statement offered to each provides no description of procedures or of business practices.

The responses of BellSouth that are the subject of this motion are attached for the ready reference of Staff and the Prehearing Officer.

Based on the foregoing, FIXCA requests the Prehearing Officer to enter an Order compelling BellSouth to provide complete responses to the Interrogatories and to the Request to Produce identified above.


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Attorneys for the Florida
Interexchange Carriers
Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Compel has been furnished by U. S. Mail, by hand delivery(*) or by overnight delivery and facsimile(**) on this 23rd day of August, 1996 to the following:

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Florida Public Service
Commission
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Joseph A. McGlothlin

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 1
Page 1 of 1

REQUEST: Does BellSouth intend to assert in this proceeding that it has met the requirements of Section 271(c)(1)(A)? If the answer is yes, identify each agreement between BellSouth and an unaffiliated competing provider of telephone exchange service on which BellSouth intends to rely in support of its contention.

RESPONSE: At the time BellSouth files its petition in this proceeding, it will have met the requirements of Section 271(c)(1)(A). As of today, however, the Commission has not approved an agreement which BellSouth believes meets all of the requirements of Section 271(c)(1)(A).

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 2
Page 1 of 1

REQUEST: With respect to each agreement between BellSouth and a competing provider of telephone exchange service identified in the response to Interrogatory 1, identify the particular criteria of Section 271(c)(2)(B)(i)-(xiv) BellSouth contends it has satisfied through implementation of the agreement.

RESPONSE: Not applicable. See response to Item No. 1.

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 3
Page 1 of 1

REQUEST: With respect to each criterion of Section 271(c)(2)(B)(i)-(xiv) identified in the response to Interrogatory 2 above, described in detail with respect to each agreement through which BellSouth contends it has satisfied the criterion, the arrangement, services, facilities, or means of access that BellSouth is presently and actually providing and that are related to BellSouth's claim that it has satisfied the criterion. Include in the description all quantitative, qualitative, technical, and geographical data and all pricing information necessary to fully describe the present ability of BellSouth to provide each service, arrangement, or access (in terms of maximum capacity or quantities, or in terms of time needed for response); the specific facilities being used to provide the service; the extent to which the services, arrangements, and/or access are presently being provided; and the terms on which they are being provided.

RESPONSE: Not applicable. See response to Item No. 2.

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 5
Page 1 of 1

REQUEST: With respect to each unaffiliated competitive provider of telephone service identified in Interrogatory No. 1 above, please provide the following information:

- A. The geographical area served (by exchange) with telephone exchange service by each competitor;
- B. A description of each competitor's telephone exchange facilities in BellSouth's service area by exchange;
- C. The number of access lines served by each competitor by exchange;
- D. The number and type of telephone customers served by each competitor on an exchange by exchange basis;
- E. The extent to which each competitor is using its own facilities to provide telephone service;
- F. The number and location of BellSouth's switches that are connected to each competitor's local loop.

RESPONSE: Not applicable. See response to Item No. 1.

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 14
Page 1 of 1

REQUEST: With respect to access to poles, ducts, and rights-of-way, are there any differences in the terms and conditions on which access is available to the competitive providers identified in response to Interrogatory 1 and the terms on which access is available to BellSouth? Please explain your answer fully if the answer is yes.

RESPONSE: Not applicable. See response to Item No. 1.

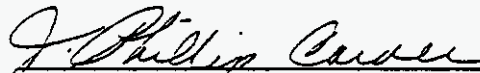
BellSouth August 13, 1996. BellSouth will provide a response to the Amended Request on August 16, 1996.

3. In response to Request No. 4, BellSouth has no responsive documents in its possession or control.

4. In response to Request No. 5, BellSouth agrees to produce the requested documents. However, those documents are confidential and, therefore, will be produced only after execution of an appropriate non-disclosure agreement.

Respectfully submitted this 15th day of August, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.



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BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 4
Page 1 of 1

REQUEST: Describe in detail the technical and operational measures BellSouth has taken specifically to implement the competitive checklist of Section 271(c)(2)(B) prior to the filing of BellSouth's petition in this docket. Include all changes made to the network; all features installed for the purpose; and any capabilities added to its network and/or provisioning systems.

RESPONSE: BellSouth has not developed any operational measures specifically to implement Section 271(c)(2)(B). Any such operational measures have been undertaken to promote local competition as Congress intended or to meet the requests of specific parties identified during negotiations.

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 6
Page 1 of 1

REQUEST: Please state the total number of loops provided by BellSouth:

- a) within the State of Florida, and
- b) on a LATA by LATA basis within Florida.

RESPONSE: a. The total number of access lines (including ESSX NARs) provided by BellSouth Telecommunications, Inc., as of June, 1996 is 5,484,755.

- b. Access line quantities are not readily available summarized by LATA. In an effort to be responsive, we have provided the requested quantities on an Exchange by Exchange basis.

See ATTACHMENT I.

FLORIDA
JUNE 1996 DATA

EXCHANGE NAME	RESIDENCE LINES	BUSINESS LINES	TOTAL LINES
ARCHER	2,532	210	2,742
BALDWIN	1,762	398	2,160
BIG PINE	4,267	937	5,204
BROOKSVILLE	16,008	4,557	20,565
BELLE GLADE	6,617	2,961	9,578
BOCA RATON	118,805	52,613	171,418
BOYNTON BEACH	50,928	10,164	61,092
BRONSON	2,239	304	2,543
BUNNELL	4,071	1,114	5,185
CHIEFLAND	3,385	930	4,315
CHIPLEY	4,238	1,074	5,312
CEDAR KEY	820	192	1,012
CORAL SPRINGS	52,417	13,421	65,838
CENTURY	1,609	414	2,023
COCOA BEACH	16,001	6,100	22,101
COCOA	49,530	16,748	66,278
CROSS CITY	2,626	630	3,256
CANTONMENT	6,515	923	7,438
DAYTONA BEACH	100,049	34,936	134,985
DEBARY	17,207	2,278	19,485
DELRAY BEACH	61,691	16,047	77,738
DELEON SPRINGS	1,910	332	2,242
DELAND	20,135	7,425	27,560
DUNNELLON	10,016	1,281	11,297
DEERFIELD BEACH	42,346	15,765	58,111
EAU GALLIE	47,162	11,842	59,004
EAST ORANGE	4,301	550	4,851
FLAGLER BEACH	3,556	583	4,139
FERNANDINA BEACH	11,866	3,298	15,164
FORT GEORGE	360	98	458
FORT LAUDERDALE	305,176	148,242	453,418
FORT PIERCE	37,157	12,881	50,038
GULF BREEZE	12,084	2,920	15,004
GREEN COVE SPRINGS	6,232	1,657	7,889
GENEVA	2,036	186	2,222
GAINESVILLE	67,186	31,086	98,272
GRACEVILLE	2,715	548	3,263
HAVANA	4,032	580	4,612
HAWTHORNE	3,056	453	3,509
HOLLYWOOD	183,252	52,273	235,525
HOMESTEAD	28,963	8,686	37,649

FLORIDA
JUNE 1996 DATA

EXCHANGE NAME	RESIDENCE LINES	BUSINESS LINES	TOTAL LINES
HOLLEY NAVARRE	7,139	989	8,128
HOBE SOUND	8,511	1,326	9,837
ISLAMORADA	3,133	1,295	4,428
JAY	2,098	398	2,496
JENSEN BEACH	12,354	3,361	15,715
JACKSONVILLE	276,392	128,433	404,825
JACKSONVILLE BEACH	24,206	7,357	31,563
JULINGTON	4,330	531	4,861
JUPITER	36,236	9,968	46,204
KEYSTONE HEIGHTS	4,972	705	5,677
KEY LARGO	12,984	3,693	16,677
KEY WEST	16,426	8,657	25,083
LAKE CITY	16,756	5,671	22,427
LYNN HAVEN	9,183	1,230	10,413
MAXVILLE	1,121	108	1,229
MIDDLEBURG	10,359	1,001	11,360
MELBOURNE	60,245	21,959	82,204
MIAMI	667,907	351,325	1,019,232
MICANOPY	1,333	221	1,554
MILTON	14,174	3,084	17,258
MUNSON	460	52	512
MARATHON	7,616	2,869	10,485
NORTH DADE	120,861	41,534	162,395
NEWBERRY	3,385	376	3,761
NORTH KEY LARGO	1,887	567	2,454
NEW SMYRNA BEACH	27,157	5,097	32,254
OAK HILL	1,858	170	2,028
OLD TOWN	3,254	255	3,509
ORANGE PARK	28,569	8,739	37,308
ORLANDO	234,957	127,121	362,078
OVIEDO	24,381	4,095	28,476
PACE	8,986	1,250	10,236
PAHOKEE	2,569	785	3,354
PALM COAST	12,378	2,183	14,561
PANAMA CITY	33,944	14,065	48,009
PANAMA CITY BEACH	18,427	6,162	24,599
PENSACOLA	100,670	37,372	138,042
PIERSON	2,064	458	2,522
PALATKA	13,815	4,141	17,956
POMONA PARK	2,703	151	2,854
POMPANO BEACH	142,579	45,517	188,096

FLORIDA
JUNE 1996 DATA

EXCHANGE NAME	RESIDENCE LINES	BUSINESS LINES	TOTAL LINES
PERRINE	71,520	20,524	92,044
PORT ST. LUCIE	46,636	8,242	54,878
PONTE VEDRA BEACH	13,550	3,174	16,724
SANFORD	36,301	14,497	50,798
SEBASTIAN	17,513	2,984	20,497
SUGARLOAF KEY	3,388	438	3,826
SUNNY HILLS	1,154	100	1,254
ST AUGUSTINE	32,070	10,017	42,087
STUART	36,501	14,170	50,671
TRENTON	2,952	715	3,667
TITUSVILLE	26,034	6,206	32,240
VERNON	1,603	215	1,818
VERO BEACH	41,318	14,143	55,461
WELAKA	2,161	190	2,351
WEST PALM BEACH	273,450	107,537	380,987
WEEKIWACHEE SPRINGS	39,488	5,904	45,392
YOUNGSTOWN FOUNTAIN	2,661	244	2,905
YANKEETOWN	1,962	316	2,278
YULEE	2,969	753	3,722
State-Wide Total	3,952,478	1,532,277	5,484,755

REQUEST: Please state the total number of business loops provided by BellSouth:

- a) within the State of Florida, and
- b) on a LATA by LATA basis within Florida.

RESPONSE: a. The total number of business access lines (including ESSX NARs) provided by BellSouth Telecommunications, Inc., as of June 1996 is 1,532,277.

b. See response to Item No. 6b.

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 8
Page 1 of 1

REQUEST: Please state the total number of residential loops provided by BellSouth:

- a) within the State of Florida, and
- b) on a LATA by LATA basis within Florida.

RESPONSE: a. The total number of residence access lines provided by BellSouth Telecommunications, Inc., as of June 1996 is 3,952,478.

- b. See response to Item No. 6b.

REQUEST: With respect to all entities asserted by BellSouth to be unaffiliated competitive providers of telephone exchange service who are presently competing with BellSouth, please provide the following information:

- a. State the number of unbundled loops provided by BellSouth to each such competitor.
- b. State the number of BellSouth access lines resold by each such competitor.
- c. State the average provisioning interval, by end office, for unbundled loops provided to such competitors.
- d. State the average maintenance time, by end office, for unbundled loops provided to such competitors.
- e. State the average provisioning interval, by end office, for resold access lines provided to such competitors.
- f. State the average maintenance time, by end office, for resold access lines provided to such competitors.

RESPONSE:

- a. One unbundled loop has been provided to SprintMetro.
- b. BellSouth had resold 136 access lines as of July 31, 1996. The information by competitor is not readily available.
- c. BellSouth does not compute "average provisioning interval" for unbundled loops provided to unaffiliated competitive providers of telephone exchange service.
- d. BellSouth does not compute "average maintenance time" for unbundled loops provided to unaffiliated competitive providers of telephone exchange service.
- e. BellSouth does not compute "average provisioning interval" for resold access lines provided to unaffiliated competitive providers of telephone exchange service.
- f. BellSouth does not compute "average maintenance time" for resold access lines provided to unaffiliated competitive providers of telephone exchange service.

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 15
Page 1 of 1

REQUEST: Has BellSouth ever refused to provide a network function, feature, service, or arrangement that was requested by a competitive provider of telephone exchange service? If the answer is yes, explain fully. Provide for each instance of detail the nature of the request; and the basis or reason for the denial.

RESPONSE: BellSouth has never refused to provide to anyone network functions, features, services, or arrangements as provided for under the Telecommunications Act of 1996. This is not to say that requests have not been made for items not technically feasible, but BellSouth is not required to provide functions, features, services, or arrangements that are not technically feasible under the Act.

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FIXCA's First Set of Interrogatories
July 26, 1996
Item No. 16
Page 1 of 1

REQUEST: Has BellSouth ever limited or constrained a function, feature, service, or arrangement that was requested by a competitive provider of telephone exchange service, such that the item was or is not being provided in the manner requested, in the quantities requested, or within a time frame requested by the competitor? If the answer is yes, for each instance provide the name of the competitor; the nature of the request; the response made by BellSouth; and the basis or reason for the limitation or constraint.

RESPONSE: BellSouth has never limited or constrained requested functions, features, services, or arrangements when the requested arrangement was appropriate under the Telecommunications Act of 1996. This is not to say that requests have not been made for items not technically feasible, but BellSouth is not required to provide functions, features, services, or arrangements that are not technically feasible under the Act.

BellSouth Telecommunications, Inc.
Docket No. 960786-TL
FLXCA's First Set of Interrogatories
July 26, 1996
Item No. 17
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REQUEST: Describe in detail the procedures BellSouth currently has in place and/or will put in place for ordering and provisioning requests received from its long distance affiliate.

RESPONSE: BellSouth will utilize the same procedures for handling ordering and provisioning requests received from its long distance affiliate as those used today for all such requests from IXCs.

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REQUEST: Describe in detail the business office practices BellSouth will use when transacting business with its long distance affiliate.

RESPONSE: See response to Item No. 17.