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Legal Department

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September 10, 1996

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RE: Docket No. 960833-TP

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion to Compel Answers to BellSouth's First Set of Interrogatories. Please file these documents in the above-captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

CK ✓
FA _____
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Sincerely,
Nancy B. White
Nancy B. White (fwd)

Enclosures

cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
W. J. Ellenberg

DOCUMENT NUMBER-DATE

09624 SEP 10 96

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
DOCKET NO. 960833-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express this 10th day of September, 1996 to the following:

Tracy Hatch
AT&T Communications of the
Southern States, Inc.
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Tallahassee, FL 32301
(904) 425-6364
(904) 425-6343 (fax)

Donna Canzano
Florida Public Service Commission
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Nancy B. White (pm)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Matter of the)
Interconnection Agreement)
Negotiations Between AT&T) Docket No. 960833-TP
Communications of The)
Southern States, Inc., and) Filed: Sept. 10, 1996
BellSouth Telecommunications,)
Inc. Pursuant to 47 U.S.C. § 252)
_____)

MOTION TO COMPEL ANSWERS TO BELLSOUTH'S FIRST SET OF
INTERROGATORIES

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth" or "Company"), by and through undersigned counsel, and files its Motion to Compel AT&T Communications of the Southern States, Inc. ("AT&T") to answer certain interrogatories and states as follows:

1.

On August 2, 1996, BellSouth served AT&T with its First Set of Interrogatories in this docket, and on August 12, 1996, AT&T objected to responding to 60 of the 126 interrogatories. On August 30, 1996, BellSouth filed a Motion to Compel AT&T to respond to those interrogatories and reserved its right to file a further Motion to Compel after reviewing AT&T's actual answers to the interrogatories to which AT&T had not objected. After having reviewed said answers, BellSouth now files this supplemental Motion to Compel AT&T to further answer certain interrogatories for the reasons stated below.

Interrogatory No. 3

AT&T's response to Interrogatory No. 3 is deficient because it does not fully answer the interrogatory. Rather than identifying each of its services that has a retail and wholesale rate and describing and identifying the rates considered by it to be wholesale, AT&T identified two services and then declared that other services were contained in its general and contract tariffs, without identifying them by name. At a minimum, AT&T should be compelled to identify each applicable service and then refer BellSouth to a specific portion of the tariffs wherein the wholesale and retail rates, clearly identified as such, can be found.

Interrogatory No. 16

AT&T's response to Interrogatory No. 16 is deficient because it does not answer the question. The question asks AT&T if it imposes "any restrictions whatsoever" related to the resale of services. AT&T responded by declaring "that it does not impose unreasonable restrictions" on the resale of the services. AT&T should be compelled to answer the question as asked.

Interrogatories Nos. 27, 28, 37, and 38

These questions sought information regarding AT&T's involvement in any mediation under the Act, particularly its involvement in a mediation proceeding in Alabama. AT&T responded by stating "AT&T Communications of the Southern States, Inc. has not been involved in mediation under the

Federal Telecommunications Act" and "AT&T was not a participant in the Alabama mediation proceeding."

For AT&T to assert that it was not a "participant" in the Alabama mediation proceeding is, at best, disingenuous, and, at worst, a blatant distortion of the truth. As shown in Exhibit 3 to BellSouth's Response to AT&T's Petition for Arbitration, AT&T made the following representations to the Administrative Law Judge in Alabama who was appointed as the mediator in that proceeding: "early on in negotiations AT&T used the mediation process to work through various issues"; "that experience has taught us that mediation can work"; "AT&T fully supports the mediation process"; "AT&T will attend this meeting [mediation] with appropriate representatives."

Further, Tabs 217, 218, 277, and 288 in the binders of "relevant documentation" filed with AT&T's Petition for Arbitration reflect AT&T's plans to participate in the Alabama mediation. In fact, AT&T did attend the mediation in Alabama, but unfortunately eliminated any chance that the mediation could be successful by refusing to accept commonly-used confidentiality restrictions associated with mediations. AT&T should be compelled fully disclose all of the information sought relative to its involvement in any mediation proceeding under the Act, whether or not the mediation actually occurred.

Interrogatory No. 44

Interrogatory No. 44 is deficient because it does not supply the information requested. AT&T should be compelled

to identify the applicable discounts on each resold service and state whether such discounted price produces a profit for AT&T. Its response does not provide this information.

Interrogatory No. 58

Unless AT&T is willing to admit that the one document identified by it is the ONLY document in its possession to "touch upon, describe or otherwise address" the Hatfield Model, its response to Interrogatory No. 58 is incomplete and non-responsive.

Interrogatory No. 59

Unless AT&T is willing to admit the testimony identified by it are the ONLY documents in its possession that could "touch upon, describe or otherwise address" AT&T's evaluations of any resale discount cost studies, its response to Interrogatory No. 59 is incomplete and non-responsive.

Interrogatory No. 61

Unless AT&T is willing to admit that it possesses no documents, including, but not limited to any letters, memoranda, notes, e-mail messages, etc., that "touch upon, describe or otherwise address any analyses performed based upon the resale discount rates" established by the Georgia PSC, its response to Interrogatory No. 61 is incomplete and non-responsive.

Interrogatory No. 62

Unless AT&T is willing to admit that it possesses no documents, including, but not limited to any letters, memoranda, e-mail messages, notes, etc., that "touch upon,

describe or otherwise address any study, analysis, explanation, or reasoning” as to why it requested a wholesale discount rate of “66.7% to 71.7%” in its Petition for Arbitration in Florida, its answer to Interrogatory No. 62 is incomplete and non-responsive.

Interrogatory No. 63

Unless AT&T is willing to admit that it has no documents, other than the two it identified, in its possession, including, but not limited to any letters, memoranda, e-mail messages, notes, etc., “which support or underlie Mr. Art Lerma’s or Mr. Joseph Gillan’s resale discount figures as reported in their prefiled testimony”, AT&T’s answer to this interrogatory is incomplete and non-responsive.

In answering this interrogatory, Mr. Gillan identified BellSouth 1995 ARMIS reports and a “Linear Regression Output” as the only documents responsive to the interrogatory. BellSouth’s document request extends beyond reports and studies and encompasses any document that would “support or underlie” their resale discount figure. This would naturally encompass any letters, memoranda, notes, e-mail messages, etc. that would have been created in the ordinary course of business.

Further, AT&T failed to identify the author, date, or any other information that would allow the “Linear Regression Output” to be identified in a unique way, as it was requested to do by the definition of “identify” in the interrogatories.

Respectfully submitted this 10th day of September, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty

ROBERT G. BEATTY

J. PHILLIP CARVER

c/o Nancy H. Sims

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