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August 4, 1997

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

RE: Docket No. 960786-TL

Dear Mrs. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Objection to FCCA's Amended Third Request for Production of Document and FCCA's Amended Seventh Set of Interrogatories. We ask that this be filed in the captioned matter.

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.

Sincerely,

*J. Phillip Carver*  
J. Phillip Carver (B/W)

Enclosures

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

- ACK ✓
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU Green
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 1
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

07378  
AUG 4 1997  
FPC

In re: Consideration of BellSouth  
Telecommunications, Inc.'s entry  
into InterLATA Services pursuant  
to Section 271 of the Federal  
Telecommunications Act of 1996

)  
)  
) Docket No. 960786-TL  
)  
) Filed: August 4, 1997  
)

BELLSOUTH'S OBJECTION TO FCCA'S AMENDED  
THIRD REQUEST FOR PRODUCTION OF DOCUMENT AND  
FCCA'S AMENDED SEVENTH SET OF INTERROGATORIES

BellSouth Telecommunications, Inc. ("BellSouth"), hereby files, pursuant to the applicable Florida Rules of Civil Procedure and Order Nos. PSC-96-0945-PCO-TL and PSC-97-0703-PCO-TL, its Objection to FCCA's Amended Third Request for Production of Documents and FCCA's Amended Seventh Set of Interrogatories, and states the following:

1. BellSouth objects to the production of documents and the provision of information pursuant to the above-referenced discovery requests for two reasons: 1) They have absolutely no relevance to the issues in this docket; 2) these requests constitute a blatant attempt to misuse the discovery process in this case to obtain information to which FCCA is not entitled, but which it no doubt seeks for other purposes.

2. The entire subject matter of the interrogatories and production request concerns BellSouth's interconnection arrangements with other ILECs. These agreements have nothing whatsoever to do with the question of whether BellSouth has

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FPSC-RECORDS/REPORTING

complied with the 14-point checklist of the Act, or with any other issue in this case. At the same time, this discovery request reflects an improper attempt to obtain irrelevant information that FCCA could use for other improper purposes.

3. In Docket No. 960290-TP, AT&T filed more than a year ago a request that the Florida Public Service Commission ("Commission") require BellSouth and other ILECs to file interconnection agreements. On July 24, 1996, this Commission entered an Order in which it determined that Section 252(a)(1) of the Act requires only the filing of interconnection agreements between competitive carriers in the same geographic markets' entered into before or after enactment of the Act. (Order No. PSC-96-0959-FOF-TP). Shortly thereafter, on August 8, 1996, the FCC issued its Order in CC Docket No. 96-98, which required the filing of certain interconnection agreements between incumbent telecommunications companies. In reliance on this ruling, this Commission entered on June 26, 1997 an Order that required the filing of a list of all interconnection agreements (Order No. PSC-97-0760-FOF-TP). On July 18, 1997, the Eighth Circuit Court of Appeals vacated the pertinent portion of the FCC's requirement.

4. Accordingly, at the time that BellSouth complied with this Commission's Order to file a list of the interconnection agreements, it also filed a letter (copy attached) in which it set forth its position that this Commission is now free to return to its original position, i.e. that the Act does not require the filing of these agreements. No action has yet been taken on this very recent request.

5. At almost exactly the same time as BellSouth filed its list of agreements, FCCA filed discovery to obtain information concerning (and copies of ) these

agreements. These agreements, however, have no relevance to this proceeding. FCCA is misusing this docket to try to obtain the same agreements that one of its primary members, AT&T, has been attempting to obtain for over a year through the process described above. Again, these agreements have no relevance whatsoever to this case. Instead, FCCA is engaging in a strategy reminiscent of its attempts almost a year ago to obtain copies of a wide variety of BellSouth cost studies under the pretense of their having some relevance to the issues in this case. That tactic was rejected (in Order No. PSC-96-1093-PCO-TL, entered August 23, 1996), and the instant attempt should be rejected as well.

Respectfully submitted this 4th day of August, 1997.

BELLSOUTH TELECOMMUNICATIONS, INC.

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**CERTIFICATE OF SERVICE**  
**DOCKET NO. 960786-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express this 4th day of August, 1997 to the following:

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July 28, 1997

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

RE: Docket No. 960290-TP

Dear Mrs. Bayo:

Pursuant to the Commission's order, PSC-97-0760-FOF-TP, issued June 26, 1997 in the above-mentioned docket, enclosed please find for filing one original and 5 copies of the list of all interconnection agreements between BellSouth Telecommunications, Inc. and the Florida non-Class A independent telecommunications companies. On June 30, 1997, in compliance with the 47 CFR §51-303, BellSouth filed its interconnection agreement with Sprint-Florida, Incorporated.

As stated in the Commission's Order, the Commission's decision to require the filing of a list of all interconnection agreements was largely based upon the Federal Communications Commission's ("FCC") interpretation of the Telecommunications Act of 1996 (the "Act"). The above-mentioned docket was opened as a result of a request from AT&T Communications of the Southern States, Inc., ("AT&T") to require BellSouth and other incumbent local exchange companies to file all existing interconnection agreements pursuant to section 252(a)(1) of the Act. On July 24, 1996, the Commission issued Proposed Agency Action Order No. PSC-96-0959-FOF-TP, ("PAA Order") where it determined that section 252(a)(1) required only the filing of interconnection agreements between competitive carriers in the same geographic markets entered into before or after the enactment of the Act.

On August 8, 1996, the Federal Communications Commission issued its Order in CC Docket 96-98 and required all interconnection agreements with Class A telecommunications companies be filed with the state commissions by June 30, 1997. Based upon the FCC's interpretation of the requirements of section 252(a)(1) of the Act, the PAA Order was protested by MCI Telecommunications and MCImetro Access Transmission Services,

Inc., ("MCI") and AT&T. On June 26, 1997 the Commission issued the instant Order requiring the filing of the list of all interconnection agreements. The Order relied heavily on the then in effect FCC requirement regarding the filing of pre-existing interconnection agreements. On July 18, 1997, the 8th Circuit Court of Appeals vacated the FCC's requirement as being beyond the jurisdiction of the FCC. The Court stated:

We emphasize that our conclusion that the FCC exceeded its jurisdiction in promulgating Rule 51.303 in no way reflects any view of the merits of the Commission's interpretation of subsection 252(a)(1), and we leave the determination of whether and which preexisting interconnection agreements must be submitted for state commission approval to the state commissions.

In light of the 8th Circuit Court's decision, the Commission is now in the position of determining the requirements of the Act for itself and reaffirming its initial decision of July 24, 1996, over one year ago. In construing the requirements of section 252(a)(1), the Commission determined that:

...the Act only requires that the types of interconnection agreements that are required to be filed with the State commissions are all of those interconnection agreements which an incumbent local exchange carrier has entered into pursuant to the Act. This section, read in context of Part II of the Act, means the types of existing interconnection agreements that must be filed are those interconnection agreements between competitive carriers in the same markets that were entered into before or after the enactment of the Act.

PSC Order No. PSC-96-0959-FOF-TP at 586. The July 24th decision was sound and in accordance with the requirements of the Act.

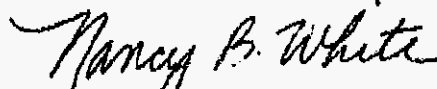
If the Commission determines that it must be approve the interconnection agreements on the attached lists, BellSouth requests that the schedule for filing of these agreements allow for a period of renegotiation between the affected parties under the Act. The interconnection agreements listed were, as the Commission found, "entered into during the old regime of rate-of-return regulation prior to the passage of the Act....[and] [i]t does not make sense to require those types of agreements to be filed for approval under Section 252 because they were entered into under a different regulatory regime in a non-competitive market." PSC Order No. PSC-96-0959-FOF-TP at page 586. A period of renegotiation would allow the affected parties to



update these interconnection agreement to reflect the requirements of the Act and state regulatory changes.

Thank you for your consideration in this matter.

Sincerely,

  
Nancy B. White

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