



Florida Cable Telecommunications Association

Steve Wilkerson, President

VIA HAND DELIVERY

August 6, 1998

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 980696-TP

Dear Ms. Bayo:

Enclosed for filing in the above referenced docket are the original and 15 copies of Florida Cable Telecommunications Association's Motion for Order Compelling Sprint Responses to Discovery.

Copies of the Motion have been served on the parties of record pursuant to the attached certificates of service. Please acknowledge receipt of filing of the above by stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in process this filing. Please contact me with any questions.

- ACK
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APP
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LEG cc: All Parties of Record
LIN 5 Steven E. Wilkerson
OPC
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OTH

Yours very truly,

Laura L. Gallagher

Vice President, Regulatory Affairs & Regulatory Counsel

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DOCUMENT NUMBER-DATE
08382-AUG-6 98
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the Cost of Providing )  
Basic Local Telecommunications Service, )  
Pursuant to Section 364.025, Florida )  
Statutes )

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Docket No. 980696-TP

Filed: August 6, 1998

**FCTA's MOTION FOR ORDER COMPELLING**  
**SPRINT RESPONSES TO DISCOVERY**

The Florida Cable Telecommunications Association, Inc. (FCTA), by and through undersigned counsel, moves for an order compelling Sprint-Florida, Inc. (Sprint) to respond to FCTA's First Set of Interrogatories Numbers 4 and 5. In support thereof, FCTA states:

1. On July 16, 1998, FCTA propounded its First Set of Interrogatories on Sprint. Also on that date, FCTA served its Second Request for Production of Documents upon Sprint.
2. On July 21, 1998 Sprint timely served its objections to FCTA's Interrogatory Numbers 4 and 5.
3. FCTA's Interrogatory Numbers 4 and 5 are as follows:
  4. Please provide an explanation of Sprint's accounting treatment for the rental of infrastructure (including but not limited to poles, trenches, conduit, etc.) to third parties and affiliates. If the rental fees are classified to an operating revenue account, identify the Part 32 account used to record the rental fees and the rental revenue realized during the years 1995, 1996, and 1997.
  5. Please provide a detailed explanation of the methodology used to develop the rental fees charged by Sprint to third parties and affiliates for the use of its infrastructure (including but not limited to poles, conduit, etc.).
4. In objecting to Interrogatory Number 4, Sprint states that the interrogatory is not relevant to the issues in this matter. Specifically, Sprint states that "historical rental

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fees are not relevant to a forward-looking cost study as required by Paragraph 4(b), section 1 of Chapter 93-277, Laws of Florida."

5. Contrary to Sprint's objections, FCTA's Interrogatory Number 4 is entirely relevant to the issues in this proceeding. Issue Number 2 asks:

For purposes of determining the cost of basic local telecommunications service appropriate for establishing a permanent universal service mechanism, what is the appropriate cost proxy model to determine the total forward looking cost of providing basic local telecommunications service pursuant to section 364.025(4)(b)?

6. Sprint's August 3, 1998 prefiled direct testimony advocates the use of the Benchmark Cost Proxy Model Version 3.1 (BCPM 3.1). Interrogatory Number 4 is directed at Sprint's accounting treatment with respect to the sharing of infrastructure with third parties and affiliates. When Sprint leases its infrastructure, such as a pole or conduit, to a third party, the Company may account for the transaction by classifying the rental fee received as a credit to a miscellaneous revenue account. The capital costs (e.g. depreciation, property taxes, return on investment, etc.) and the recurring expenses for repair and maintenance associated with the leased infrastructure, however, will continue to reside in the Company's expense accounts. To the extent that the BCPM Version 3.1 relies upon annual cost factors to develop estimates of forward-looking expenses, those cost factors will be overstated because the Company's operating expenses will not be reduced for the amount of rental income received through the leasing of its infrastructure to third parties and affiliates.
7. Accordingly, FCTA's Interrogatory Number 4 is appropriately aimed at eliciting the information necessary to test the merits of Sprint's position on Issue Number 2. The question goes right to the heart to the development of cost factors providing the basic

local telecommunications services at issue (Issue Number 1) in this proceeding.

8. Sprint's contention that FCTA's Interrogatory Number 4 should not be answered because only forward looking cost information is relevant under the new law is disingenuous. It contradicts portions of Sprint's own testimony in this proceeding. FCTA just received Sprint's lengthy testimony and has not had time for thorough analysis. However, it is clear from the Company's August 3, 1998 filing that it relies heavily upon historical investment and expense information to develop an estimate of the cost to provide universal service. Sprint relies upon historical patterns of structure sharing as well as labor installation and travel time in the development of the estimate of forward looking investment. The Company also considers the historical relationship between general support assets and central office equipment and outside plant in developing the forward looking level of investment. Sprint uses embedded expense information from 1997 as the base to determine the level of forward looking operating expenses. Clearly, the use of embedded investment and expense information is an integral part in the development of the Company's forward looking cost estimate to provide universal service.
9. Sprint must not be permitted to forestall discovery by alleging that historical data is irrelevant on the one hand while advancing its own case via use of historical data on the other hand. Sprint's objections to Interrogatory Number 4 are meritless and should be overruled.
10. Similar to its objection to Interrogatory Number 4, Sprint objects to Interrogatory Number 5 on the basis that the interrogatory is not relevant to the issues raised in this matter. Sprint states that "the methodology used to develop the rental fees charged by Sprint to third parties and affiliates for the use of its infrastructure is not relevant to a forward looking cost study as required by Paragraph 4(b), section 1 of Chapter 93-

277, Laws of Florida."

11. Despite Sprint's contention, the methodology used to develop rental fees for use of Sprint infrastructure is indeed relevant to the issues in this docket. The data is relevant to Issue Number 2 which asks:

For purposes of determining the cost of basic local telecommunications service appropriate for establishing a permanent universal service mechanism, what is the appropriate cost proxy model to determine the total forward looking cost of providing basic local telecommunications service pursuant to section 364.025(4)(b)?

12. Sprint's August 3, 1998 prefiled direct testimony advocates the use of the BCPM 3.1. Through Interrogatory Number 5, FCTA is attempting to elicit information concerning Sprint's methodology used to develop rental fees with respect to the sharing of infrastructure with third parties and affiliates. When Sprint leases its infrastructure, such as a pole or conduit, to a third party, the Company may account for the transaction by classifying the rental fee received as a credit to a miscellaneous revenue account. The capital costs (e.g. depreciation, property taxes, return on investment, etc.) and the recurring expenses for repair and maintenance associated with the leased infrastructure, however, will continue to reside in the Company's expense accounts. To the extent that the BCPM Version 3.1 relies upon annual cost factors to develop estimates of forward-looking expenses, those cost factors will be overstated because the Company's operating expenses will not be reduced for the amount of rental income received through the leasing of its infrastructure to third parties and affiliates. To the extent that Sprint's expenses are overstated, the cost factor used in BCPM 3.1 and advocated by Sprint will be overstated.
13. Sprint's contention that FCTA's Interrogatory Number 5 should not be answered because only forward looking cost information is relevant under the new law is

disingenuous. It contradicts portions of Sprint's own testimony in this proceeding. Again, FCTA has not had opportunity for thorough analysis of Sprint's lengthy testimony. However, it is clear from the Company's August 3, 1998 filing that it relies heavily upon historical investment and expense information to develop an estimate of the cost to provide universal service. Sprint relies on historical patterns of structure sharing as well as labor installation and travel time in the development of the estimate of forward looking investment. The Company also considers the historical relationship between general support assets and central office equipment and outside plant in developing the forward looking level of investment. Sprint uses embedded expense information from 1997 as the base to determine the level of forward looking operating expenses. Clearly, the use of embedded investment and expense information is an integral part in the development of the Company's forward looking cost estimate to provide universal service.

14. Again, Sprint must not be permitted to forestall discovery by alleging that historical data is irrelevant on the one hand while advancing its own case via use of historical data on the other hand. FCTA's Interrogatory Number 5 is appropriately aimed at eliciting the information necessary to test the merits of Sprint's position on Issue Number 2. Sprint's objections to Interrogatory Number 5 are meritless and should be overruled.

#### CONCLUSION

15. As a result of Sprint's meritless objections to the above-described interrogatories, FCTA has been unnecessarily delayed in obtaining necessary information for rebuttal testimony and the upcoming hearing and may be prevented from properly preparing for said hearing.

WHEREFORE, FCTA respectfully requests that Sprint's objections be overruled and that Sprint be ordered to fully respond to the above-described discovery requests.

Respectfully submitted this 6<sup>th</sup> day of August, 1998.

  
Laura L. Gallagher  
Vice President-Regulatory Affairs  
Florida Cable Telecommunications Association  
310 N. Monroe Street  
Tallahassee, FL 32301  
Tel: 850/681-1990  
Fax: 850/681-9676

Attorney for FCTA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Order Compelling Sprint Responses to Discovery has been furnished hand delivery (\*) and U.S. Mail this 6th day of August, 1998, to the following:

Monica Barone, Esquire  
Sprint  
3100 Cumberland Circle  
Atlanta, GA 30339

Thomas Bond  
MCI  
780 Johnson Ferry Rd  
Suite 700  
Atlanta, GA 30342

Lynne Brewer  
Northeast Florida Telephone Company  
P.O. Box 485  
MacClenny, FL

Steven Brown  
Intermedia Communications, Inc.  
3625 Queen Palm Drive  
Tampa, FL 33619-1309

Kimberly Caswell, Esquire  
GTE Florida, Inc.  
106 E. College Avenue  
Tallahassee, FL 32301

Kimberly Caswell, Esquire  
GTE Florida Incorporated  
201 N. Franklin St., 16<sup>th</sup> Floor  
Tampa, FL 33602

William Cox  
Staff Counsel  
FPSC  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850

Peter Dunbar  
Barbara Auger  
Pennington, Moore, Wilkinson, & Dunbar  
P.O. Box 10095  
Tallahassee, FL 32302

Mark Ellmer  
GTC Inc.  
P.O. Box 220  
Port St. Joe, FL 32457

David Erwin, Esquire  
Attorney at Law  
127 Riversink Road  
Crawfordville, FL 32327

Harriet Eudy  
ALLTEL Florida  
P.O. Box 550  
Live Oak, FL 32060

James Falvey, Esq.  
e.spire Communications, Inc.  
133 National Business Pkwy, Suite 200  
Annapolis Junction, MD 20701

\*John Fons, Esquire  
Ausley & MacMullen  
227 S. Calhoun St.  
Tallahassee, FL 32301

Kelly Goodnight  
Frontier Communications  
180 S. Clinton Avenue  
Rochester, NY 14646

Stan Greer  
BellSouth Telecommunications, Inc.  
150 S. Monroe Street, Suite 400  
Tallahassee, FL 32301-1556

Michael Gross  
Asst. Attorney General  
Office of the Attorney General  
PL-01 The Capitol  
Tallahassee, FL 32399-1050



John Guthrie  
Susan Masterton  
418 Senate Office Bldg  
Tallahassee, FL 32399

Lynn Hall  
Vista-United Telecommunications  
P.O. Box 10180  
Lake Buena Vista, FL 32830

Tracy Hatch  
AT&T  
101 N. Monroe Street  
Suite 700  
Tallahassee, FL 32301

Kenneth Hoffman, Esq.  
John Ellis, Esq.  
Rutledge, Ecenia, Underwood, Purnell,  
& Hoffman  
P.O. Box 551  
Tallahassee, FL 32301

Norman Horton, Esquire  
Messer, Caparello & Self, P.A.  
P.O. Box 1876  
Tallahassee, FL 32302

Paul Kouroupas  
Michael McRae  
Teleport Communications Group, Inc.  
2 Lafayette Centre  
1133 21<sup>st</sup> Street, NW, Suite 400  
Washington, DC 20036

Carol Marek  
Vice President of Regulatory Affairs  
Southeast Region  
Time Warner Communications  
P.O. Box 210706  
Nashville, TN 37221

Tom McCabe  
TDS Telecom  
P.O. Box 189  
Quincy, FL 32353-0189

Joe McGlothlin  
McWhirter, Reeves, McGlothlin, Davidson,  
Rief & Bakas, P.A.  
117 S. Gadsden St.  
Tallahassee, FL 32301

Richard Melson, Esquire  
Hopping, Green, Sams & Smith, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314

Charlie Murphy  
Booter Imhof  
428 House Office Bldg  
Tallahassee, FL 32399-1300

Robert Post  
ITS Telecommunications Systems, Inc.  
P.O. Box 277  
Indiantown, FL 34956

\*Charles Rehwinkel  
Sprint-Florida, Inc.  
1313 Blair Stone Road, MC FLTH00107  
Tallahassee, FL 32301

Floyd Self, Esquire  
Messer, Caparello & Self, P.A.  
215 S. Monroe Street, Suite 701  
Tallahassee, FL 32301-1876

Jack Shreve, Esquire  
Charles Beck, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Rm 812  
Tallahassee, FL 32399-1400

Brian Sulmonetti  
WorldCom, Inc.  
1515 S. Federal Highway  
Suite 400  
Boca Raton, FL 33432

Jeff Wahlen, Esquire  
Ausley & McMullen  
227 S. Calhoun St.  
Tallahassee, FL 32301

Nancy White  
Robert Beatty  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 S. Monroe Street, Suite 400  
Tallahassee, FL 32301

Patrick Wiggins  
Donna Canzano  
Wiggins & Villacorta  
P.O. Drawer 1657  
Tallahassee, FL 32302

  
Laura L. Gallagher