

ORIGINAL



Tracy Hatch
Attorney

Suite 700
101 N. Monroe St
Tallahassee, FL 32301
904 425-6364
FAX: 904 425-6361

September 16, 1998

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

Re: Docket No. 980696-TP

Dear Mrs. Bayo:

Enclosed for filing please find an original and fifteen (15) copies of AT&T Communications of the Southern States, Inc.'s Response to BellSouth Telecommunications, Inc.'s Motion to Compel Answers to Its First Request for Production of Documents; Sprint-Florida, Incorporated's Response in Support of BellSouth's Motion to Compel and Motion for Protective Order.

Copies of the foregoing are being served on the parties of record in accordance with the attached certificate of service.

Thank you for your assistance with this matter.

Yours truly,

Tracy Hatch

ACK _____
 AFA 2 _____
 APP _____
 CAF _____
 CMI King _____
 CTR _____
 EAG _____ JH:kfj
 LEG 2 Enclosures
 LIN 5 cc: Parties of Record
 OPC _____
 RCH _____
 SEC 1 _____
 WAS _____
 OTH _____

DOCUMENT NUMBER-DATE

10183 SEP 16 98

FPSC-RECORDS/REPORTING

ORIGINAL

CERTIFICATE OF SERVICE
DOCKET 980696-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via *hand delivery/**Federal Express and U.S. Mail to the following parties of record on this 16th day of September, 1998:

William Cox
Florida Public Service
Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Richard Melson
Hopping Law Firm
Post Office Box 6526
Tallahassee, FL 32314

Jack Shreve
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Kimberly Caswell
GTE Service Incorporated
1 Tampa City Center
201 N. Franklin Street
Tampa, FL 33602

Carolyn Marek
VP of Regulatory Affairs
Southeast Region
Time Warner Communications
Nashville, TN 37221

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves,
McGlothlin, Davidson, Rief &
Bakas, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

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

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

*Nancy B. White
Robert G. Beatty
c/o Nancy Sims
150 S. Monroe Street
Suite 400
Tallahassee, FL 32301

Norman H. Horton, Jr.
Messer, Caparello & Self,
P.A.
215 S. Monroe Street
Suite 701
Tallahassee, FL 32301-1876

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

DOCUMENT NUMBER-DATE

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Laura L. Gallagher
Vice President-Regulatory
Affairs
Florida Cable
Telecommunications
Association
310 N. Monroe Street
Tallahassee, FL 32301

Harriet Eudy
ALLTELL Florida, Inc.
Post Office Box 550
Live Oak, FL 32060

*John P. Fons
J. Jeffrey Wahlen
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32302

David B. Erwin
127 Riversink Road
Crawfordville, FL 32327

Robert M. Post, Jr.
Post Office Box 277
Indiantown, FL 34956

Mark Ellmer
Post Office Box 220
502 Fifth Street
Port St. Joe, FL 32456

Tom McCabe
Post Office Box 189
Quincy, FL 32353-0189

Lynn B. Hall
Vista-United
Telecommunications
Post Office Box 10180
Lake Buena Vista, FL 32830

Lynne G. Brewer
Northeast Florida Telephone
Co.
Post Office Box 485
Macclenny, FL 32063-0485

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

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

Charles J. Rehwinkel
Sprint-Florida, Inc.
1313 Blairstone Rd.
Tallahassee, FL 32301

Kenneth A. Hoffman
John R. Ellis
Rutledge, Ecenia, Underwood
Purnell & Hoffman
Post Office Box 551
Tallahassee, FL 32301

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

Suzanne F. Summerlin
1311-B Paul Russell Road
Suite 201
Tallahassee, FL 32301

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


ATTORNEY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the cost of basic)
local telecommunications service pursuant) Docket No. 980696-TL
to Section 364.025, Florida Statutes) Filed: September 16, 1998

**AT&T'S RESPONSE TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
MOTION TO COMPEL ANSWERS TO ITS
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS;
SPRINT-FLORIDA, INCORPORATED'S
RESPONSE IN SUPPORT OF BELL SOUTH'S MOTION TO COMPEL**

AND

MOTION FOR PROTECTIVE ORDER

AT&T Communications of the Southern States, Inc. (AT&T), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.340, 1.350 and 1.380, Florida Rules of Civil Procedure, hereby submits the following response and Motion for Protective Order regarding BellSouth Telecommunications, Inc.'s (BellSouth's) Motion to Compel Production of its First Request for Production, filed September 4, 1998 and Sprint-Florida, Incorporated's (Sprint's) Response in Support of BellSouth's Motion to Compel, filed September 11, 1998.

AT&T requests that the Florida Public Service Commission (the Commission) deny BellSouth's and Sprint's respective motions to compel on the grounds that the information requested is the proprietary commercially valuable property of an independent third party that is not a party to this proceeding and that the information is not in the possession, custody or control of AT&T. Pursuant to Rule 1.350(a), Florida Rules of Civil Procedure, any party may request any other party to produce and to permit the party making the request to inspect and

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copy any designated documents that constitute or contain matters within the scope of Rule 1.280(b) and that are in the possession, custody or control of the party to whom the request is directed (emphasis supplied). As discussed in greater detail below, the information sought by BellSouth and Sprint is not in the possession, custody or control of AT&T. Accordingly, AT&T requests the Commission to deny BellSouth's and Sprint's motions to compel. Notwithstanding the lack of an appropriate basis upon which to compel production, AT&T continues to offer to arrange for BellSouth and Sprint to visit to the premises of PNR to allow them to review the requested data. In support of its request to deny the motions to compel and for a protective order, AT&T states as follows:

1. On July 29, 1998, BellSouth served its First Request for Production of documents on AT&T. BellSouth's document request No. 1 asked that AT&T produce the DBF file of customer points (geocode information) that is used by PNR to develop the customer clusters upon which HAI 5.0a models its forward looking network.¹

2. On August 4, 1998, AT&T, in accordance with Order No. PSC-98-0813-PCO-TP, filed its objections to BellSouth's request. AT&T's objections are incorporated herein by reference.² As set forth in its objections, AT&T objected to BellSouth's request on the basis that the geocode point information was the proprietary business information of an independent third party, PNR, and that AT&T did not have possession, custody or control of the information. AT&T further objected to the request on the basis that the information sought is commercially available to BellSouth. Notwithstanding AT&T's lack of possession,

¹ For a more complete description of the sources and use of PNR's geocoded to produce the cluster inputs to the HAI 5.0a Model, see the Affidavit of Richard N. Clark attached hereto as Attachment 1.

² For ease of reference, a copy of AT&T's Objections to BellSouth's First Request for Production is attached as Attachment 2.

custody or control of the geocode information, AT&T offered to arrange for BellSouth to visit PNR to examine the geocode information.

3. On August 4, 1998, Sprint-Florida served its First Request for Production of Documents No. 1 and its First Set of Interrogatories Nos. 1 and 2. Sprint's document request No. 1 asked for the same information as BellSouth's document request No. 1. Sprint's Interrogatory No. 1 asked for the geocode information and Interrogatory No. 2 asked for the Minimum Spanning Tree Analysis (MST). The MST Analysis is the output of a software program provided by Sprint to PNR from Stopwatch Maps which utilizes the same geocode information that is used to develop HAI 5.0a's clusters. AT&T filed the same objections to Sprint's discovery involving the geocode information. AT&T also offered to arrange a visit to PNR's premises for Sprint to enable it to examine the geocode information.

4. On August 11, 1998, Sprint filed a Motion to Compel production of the information sought in its First Request for Production and its First Set of Interrogatories. AT&T responded in opposition to Sprint's motion on August 18, 1998.³ AT&T's response is included herein by reference.

5. Within the twenty-day time frame for responding to the discovery requests from BellSouth and Sprint, counsel for AT&T discussed with counsel for BellSouth and Sprint AT&T's inability to provide to BellSouth and Sprint the geocode information because such information was not in the possession or control of AT&T. In addition, AT&T forwarded the request for the MST Analysis to PNR and arranged for PNR to run the MST Analysis and provide the results to BellSouth and Sprint. PNR provided the MST Analysis electronically directly to BellSouth and Sprint. PNR billed BellSouth and Sprint directly for the work

required to generate the MST Analysis. Upon receipt of the MST Analysis, counsel for Sprint indicated to counsel for AT&T that there were no longer any disputes regarding Sprint's First Request for Documents or First Set of Interrogatories. After receipt of the MST Analysis, BellSouth gave no indication that it wished to further pursue acquisition of the geocode information until it filed its motion to compel on September 4, 1998.

6. In support of its Motion to Compel, BellSouth states that "despite the representations in AT&T's filed response, AT&T's counsel stated that BellSouth can not obtain the customer location information requested, even if BellSouth goes to the premises of PNR to obtain this information." (emphasis in the original) BellSouth argues that AT&T can not refuse to produce the information on the basis that it is proprietary. It also argues that AT&T should not be allowed to avoid discovery by claiming that the information sought to be discovered belongs to third party vendors. BellSouth further suggests that AT&T has provided the geocoded information in the state of Washington based on an order to compel production of the information issued by the Washington Commission. Finally, BellSouth argues that denying discovery of the geocoded information belies AT&T's claim that the HAI model is open and verifiable. As a final note, BellSouth seeks the opportunity to supplement its rebuttal testimony with the test results it desires from its use of the geocode information on the basis that, notwithstanding that the time for rebuttal is past, there remains sufficient time before the hearing to allow for adequate deposition of the additional testimony.

7. Rule 1.350, Florida Rules of Civil Procedure, states that parties are required to produce documents that are in the possession, custody or control of the person from whom the documents are sought. BellSouth completely misses the point of this rule. The fundamental

³ A copy of AT&T's Response to Sprint's Motion to Compel is attached as Attachment 3.

flaw in BellSouth's arguments that production should be compelled is that it assumes a priori that AT&T has possession, custody or control over the geocode database information. As set forth in AT&T's objections, AT&T does not have nor has it ever had possession, custody or control of the geocode information. AT&T simply can not produce that which it does not have. See the Affidavit of Richard N. Clarke, paragraph 9. See also Attachment 4.⁴

8. BellSouth's claim that it will not be permitted to review the requested data even at PNR's premises is incorrect. As noted in the Affidavit, anyone, including BellSouth may go to PNR's premises to review the geocode information or obtain the data directly from the vendors from which PNR obtains the data. More importantly, in an effort to provide parties nationwide an opportunity to examine the geocode data, PNR has held two "open house" sessions to allow parties to review the data in the form in which it is put into the HAI model. BellSouth and Sprint were both invited to at least one of the open house sessions. Representatives of Sprint were in attendance. BellSouth declined to attend on the basis that it did not have sufficient advance notice in order to be able to send the appropriate persons. Contrary to BellSouth's assertion, AT&T will facilitate a visit to PNR's premises to allow BellSouth to view the geocoded data. As noted in Attachment 4, PNR continues to extend the invitation to view its proprietary business information to parties in need of such review.

9. BellSouth's suggestion that the HAI 5.0a Model violates the requirements that the model be open and verifiable is also incorrect. As noted above, BellSouth and Sprint are free to go to PNR's premises to review the geocode information.

10. BellSouth correctly notes that the Washington Utilities and Transportation Commission (WUTC) has issued an order to compel production of the geocode information.

⁴ Letter from William M. Newman on behalf of PNR dated September 9, 1998, attached hereto as Attachment 4.

However, BellSouth is incorrect in suggesting that the information has been produced. The information has not been produced and the order granting the motion to compel is subject to a motion for reconsideration. Attachment 4 is PNR's statement regarding the Washington Commission's order setting forth the position of PNR regarding production of the information. Attachment 4 reiterates the fact that AT&T does not have possession, custody or control of the information BellSouth and Sprint seek and that Sprint and BellSouth can go to PNR's premises to review the data.

7. Notwithstanding its earlier indication that AT&T and Sprint had resolved Sprint's discovery dispute, Sprint now argues in its second motion to compel that it was "forced to accept information provided by PNR which is inferior to what Sprint actually requires for its analysis of H/I." It is not clear exactly what Sprint was "forced" to accept. The MST Analysis that was provided to Sprint by PNR was exactly what it asked for in its Interrogatory No. 2. As noted above, Sprint indicated to Counsel for AT&T after the MST Analysis was provided to Sprint, that it had no further discovery disputes with AT&T.

8. Sprint also decries as without merit AT&T's contention that the geocode information cannot be produced because it is intellectual property of another. In support, Sprint cites to language from a Washington Utilities and Transportation Commission order that requires "AT&T to provide US West access to the geocoding and clusters data GTE has requested on the same basis as it provides such access to GTE." First, Sprint, like BellSouth, ignores the fundamental prerequisite necessary to produce a document – the document must first be within AT&T's possession, custody or control in order for it to be produced. As AT&T has maintained from the beginning of this ordeal, AT&T does not have nor has it ever had possession, custody or control of the geocode information. See also Attachments 1 and 4.

Without possession, custody or control of the geocode information, AT&T can not produce the information. Second, the WUTC order cited by Sprint simply indicates that AT&T is to provide US West that same access to the geocode information as is being provided to GTE. It is AT&T's understanding that the WUTC has initially ordered the production of the underlying databases used by PNR to produce the clusters it provides to AT&T. However, this order is not final and is currently subject to a motion for reconsideration. It appears that the WUTC may, along with BellSouth and Sprint, fail to grasp the fundamental fact that AT&T does not have possession, custody or control of the geocode information nor does it have any legal right to possession, custody or control. All rights to this information lie with PNR. Whatever Sprint and BellSouth desire of PNR must be arranged with PNR.

9. With respect to BellSouth's request to be allowed to file supplemental rebuttal, BellSouth does not explain why it waited until after rebuttal had been filed to file its motion to compel notwithstanding that AT&T had responded to its document request by August 18, 1998. BellSouth made no effort to indicate that it required any further discovery related to its document request No. 1. Had BellSouth made such indication, it may well be that a solution could have been worked out in time to file rebuttal on September 2, 1998. BellSouth should not now be heard to complain that it did not have all it needed to file appropriate rebuttal testimony. AT&T would support BellSouth's request to file supplemental rebuttal if all parties are allowed an equal opportunity to provide supplemental rebuttal testimony in those instances where responses to discovery was delayed, thus affecting the parties abilities to prepare adequate rebuttal testimony.

WHEREFORE, AT&T respectfully requests that the Commission deny BellSouth's and Sprint's respective motion to compel and entry of a protective order directing that

discovery not be had consistent with the above. AT&T further requests that the Commission deny BellSouth's request for leave to file supplemental rebuttal testimony or in the alternative grant all parties leave to file supplemental rebuttal testimony.

Respectfully submitted this 16th day of September, 1998.

A handwritten signature in cursive script, appearing to read "Tracy Hatch", written over a horizontal line.

Tracy Hatch, Esq.
101 N. Monroe St.
Suite 700
Tallahassee, Florida 32301
(850) 425-6364

**ATTORNEY FOR AT&T
COMMUNICATIONS OF THE
SOUTHERN STATES, INC.**

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF MINNESOTA**

Edward Garvey	Chair
Joel Jacobs	Commissioner
Marshall Johnson	Commissioner
Gregory Scott	Commissioner
Leroy Koppendrayer	Commissioner

**IN THE MATTER OF THE STATE
OF MINNESOTA'S POSSIBLE
ELECTION TO CONDUCT ITS OWN
FORWARD-LOOKING ECONOMIC
COST STUDY TO DETERMINE THE
APPROPRIATE LEVEL OF UNIVERSAL
SERVICE SUPPORT**

) **PUC DOCKET NOs. P-999/M-97-909**

) **OAH DOCKET NO. 12-2500-11342-2**

AFFIDAVIT OF WITNESS

I, Richard N. Clarke, being first duly sworn, depose and say as follows:

1. My name is Richard N. Clarke. I am a Division Manager in AT&T's Local Services and Law and Public Policy Divisions. In this position I am responsible for AT&T's economic policies related to local telecommunications services and I have directed AT&T's participation in the development of the Hatfield Model of forward looking economic costs of local exchange networks and services. I have a Bachelor's degree in mathematics and economics from the University of

Michigan, and Master's and Doctoral degrees in economics from Harvard. Prior to joining AT&T with Bell Labs in 1988, I was an Assistant Professor of Economics at the University of Wisconsin-Madison, and worked as an economist with the Antitrust Division of the U.S. Department of Justice.

2. The purpose of this affidavit is to respond to several ill-informed claims made by U S WEST that the customer location data that underlie the placement and engineering of distribution plant in the Hatfield Model 5.0 ("HM 5.0") are insufficiently open and verifiable, thus the entire model should be stricken from the Commission's consideration.

3. Before addressing the individual U S WEST allegations, it is useful to provide a correct description of the basic data used in the HM 5.0, how these data are developed, and what parties are responsible for each stage of this development.

4. Because the HM 5.0 has as its goal the modeling of distribution plant that is engineered as precisely and efficiently as possible to the locations at which customers demand telephone service, the HM 5.0 requires as input the best possible latitude and longitude data on these precise customer locations. These latitude and longitude specifications of customer geographical locations are called "geocodes." There is widespread agreement that such geocodes are superior descriptors of customer location to "surrogate" methods such as use of road locations.¹ The data sources that the HM 5.0 uses for its customer

¹ This is because many roads are devoid of telephone customers; telephone customers may not be located along the set of roads entered in certain limited road databases; and even when customers are located along roads, their concentration along roads is typically uneven.

geocodes are commercially available direct mail address lists from Metromail for residence locations, and Dun and Bradstreet ("D&B") for business locations.² These data are obtained by the HM 5.0's independent data vendor, PNR and Associates, through agreements that PNR has with Metromail and D&B. PNR then converts these address lists into geocode points by processing these data through a commercially available geocoding software program known as Centrus™ Desktop that is distributed by QMS Software.³ PNR continues to use only the geocodes that Centrus Desktop returns with an indicator that the location is accurate to the precise address level, and which identify the Census Block in which the geocode is located. The remaining less accurate geocodes are discarded as being insufficiently precise for current use within the HM 5.0.⁴

5. Because Metromail and D&B data contain only about 90% of all residence and business addresses, and because PNR discards those address geocodes that are not precise to the address level, this data process will typically yield geocodes for only about 70 to 75% of the total number of residence and business customer locations that are believed to exist. This geocode success fraction is computed by dividing the number of successful (or "actual") geocodes for a unit of geography (e.g., a Census Block, a county, a state) by an estimate of the full number of customer locations believed to exist in that unit of

² The Metromail and D&B databases are described in detail in Sections 5.4.1 and 5.4.2 of the *HM 5.0 Model Description*, that has been placed into the record of this proceeding.

³ The procedures used by Centrus Desktop to convert addresses into latitude and longitude geocodes are described in Section 5.4.3 of the *HM 5.0 Model Description*. In addition, the operations manual for Centrus Desktop, which provides even fuller detail about these techniques and procedures was entered by AT&T into the public record of the FCC's universal service proceeding (CC Dkt. No. 96-45) on December 23, 1997.

⁴ These geocodes may only have located an address accurate to a Census Block Group or a ZIP or ZIP+4 centroid.

geography. These denominator estimates are developed by PNR for residence and business locations, by Census Block, from PNR's National Access Line Model.⁵

6. The raw estimates that PNR develops from its National Access Line Model are normalized to be specific to a particular collection of wire centers, and to add up to the total business and residence line counts reported by LECs for their study areas through lists of eligible wire centers and study area line count totals provided by AT&T to PNR. These normalized "target" counts, then, become the denominator for the geocode success rate. If the number of successful geocodes for a Census Block falls short of PNR's calculated "target" number of customer locations for that Census Block, PNR creates an additional number of "surrogate" geocodes for that Census Block that are latitude and longitude pairs uniformly spaced along the Census Block's periphery. Thus, the number of "actual" geocodes plus "surrogate" geocodes for each Census Block will add up to the target number of customer locations that PNR has estimated for the Census Block.

7. Once this collection of actual plus surrogate geocodes is complete, these geocodes are associated with a serving wire center through PNR's use of BLR wire center service area data.⁶ A complete wire center's collection of customer geocodes are then processed by PNR's Spatial Clustering Module to identify naturally occurring clusters of customer locations that can be served efficiently

⁵ Indeed, U S WEST's sponsored BCPM3 Model makes use of business line counts purchased from PNR and developed from PNR's National Access Line Model.

⁶ It is my understanding that BLR data are also used by the BCPM3 for this same purpose.

from common distribution and feeder facilities.⁷ The location, the area, the relative North/South to East/West dimensions, and the line counts associated with each of these clusters are then compiled by PNR and returned to AT&T for inclusion in the input data that are used directly by the HM 5.0.

8. It is now useful to review the opportunities available to U S WEST (or any other interested party) to audit each of these stages of the HM 5.0 data development processes. As a threshold point, U S WEST does not appear to provide evidence that any of these data development steps is improperly performed, but, rather, questions the verifiability of the geocoding process. "Without this basic information, U S WEST is deprived of its opportunity to demonstrate the likely errors and deficiencies in the geocoding process and is being deprived of obtaining a fair hearing in this matter" shall now demonstrate that each of these stages is verifiable by U S WEST; and to the extent that U S WEST claims that it is not able to verify these steps, it is either because U S WEST has: (1) ignored information that has been placed on the public record; or (2) has fundamentally misunderstood how the data are developed and used by the HM 5.0; or (3) because U S WEST has failed to make a clear request for the required information to the party that can appropriately provide it to U S WEST.

Claim 1: U S WEST claims that the Metromail residential data have coverage less than that claimed by AT&T.

⁷ The source code for PNR's Spatial Clustering Module was filed with the the FCC in CC Dkt. No. 96-45 on September 30, 1997 and on January 13, 1998.

Although it is difficult to understand how U S WEST can claim both that the Metromail data are unavailable, and at the same time claim that it has found the coverage of these data to be incomplete, both statements are false. As Metromail has stated directly in a memo filed publicly with the FCC on December 23, 1997, the number of address records in their National Consumer Database is approximately 98.2 million - and not the 69 million alleged by INDETEC on behalf of U S WEST. In light of Metromail's correction of U S WEST's erroneous view of its data, it is not clear what subsequent efforts U S WEST may have made to clear up its misunderstanding of the content of the Metromail data and to obtain a complete and appropriate set of these data from Metromail.

Claim 2: U S WEST claims PNR will not provide them with the actual geocode points from the Metromail and D&B data.

9. While it is true that PNR will not provide these geocode points to U S WEST, neither does PNR provide these points to AT&T. The reason is straightforward. The address information PNR obtains from Metromail and Dun & Bradstreet is commercially valuable and provides revenues to Metromail and D&B. Thus, PNR is prohibited by these two vendors from giving their data away. Mr. William Newman, Executive Vice President of PNR, noted this concern in his letter to Mr. Steve G. Parsons, INDETEC, dated January 13, 1998. "Because of the potential negative revenue implications, our data vendors insist that we act responsibly in using their data." Furthermore these vendors' concerns are very real because U S WEST competes with Metromail and Dun & Bradstreet in the mailing list business. One need only look at the U S WEST Yellow Pages in Denver, Colorado under "Mailing Lists." Large advertisements appear for

U S WEST Marketing Resources and for Dun & Bradstreet. Metromail Corporation also has an ad.

10. These competitive concerns aside, the Metromail and D&B databases are available for use by U S WEST, but U S WEST has simply not followed the instructions in the letter from PNR to INDETEC stating that these vendors must be approached directly to seek a license to use their commercial data. Instead, U S WEST states that it has attempted to obtain this basic information from PNR and the Hatfield Sponsors. These entities do not have a right to distribute these data - and in the case of the Hatfield Sponsors, do not even have access to these raw data themselves. U S WEST has not alleged that it approached Metromail and D&B to obtain the basic information and that Metromail and D&B have refused to provide the information after U S WEST executes an acceptable proprietary agreement and pays the requisite sum. Thus, U S WEST has not made any showing that the information is not available from the proper owners of these data.

11. Furthermore, U S WEST may not even need to secure access to the raw data to receive the information it deems essential. Based on further processing, PNR has now been able to develop geocode rate statistics by density zone for each of the 52 state jurisdictions that the HM 5.0 models.⁶ For Minnesota these results are:

⁶These geocode rate data have been filed publicly by MCI with the FCC in CC Dkt. No. 96-45 on February 3, 1998.

Density Zone	Geocode Pct
0 - 5	8%
5 - 100	44%
100 - 200	77%
200 - 650	84%
650 - 850	88%
850 - 2550	91%
2550 - 5000	92%
5000 - 10,000	91%
10,000 +	87%
Average	76%

If U S WEST believes that this level of granularity is insufficient, and that it needs to determine the counts of actual geocoded customer locations individually by Census Block, it must acquire commercially the requisite residential and business addresses from Metromail and D&B, and the Centrus Desktop geocoding software from QMS. With these data and software in hand, U S WEST can develop these counts in the same fashion as PNR - or may request PNR to perform these processes.

12. Similarly, U S WEST may develop an appropriate set of "target" location counts by Census Block to serve as the denominator in its calculations of geocode percent. As PNR indicated in its letter to INDETEC, PNR will sell its unnormalized National Access Line Model outputs to any interested party. Purchasers may either provide PNR with their own list of eligible wire centers and total line counts by study area for normalization purposes; or in the alternative, provide PNR with the same values for these data items as provided by AT&T to PNR for use in the HM 5.0.* In any event, if U S WEST is unsure

* U S WEST may develop these normalization data by examining the input database provided on the HM 5.0's CD-ROM. This database contains the list of eligible wire centers used in the

how to proceed in this regard, the best way to proceed is to take PNR up its good faith offer to work with them to develop the data that U S WEST requires. If U S WEST chooses to work in this fashion, and to obtain from the data vendors appropriate use licenses for their data, U S WEST would be able to develop and analyze specifics of the data that have not even been available to AT&T – because AT&T is not a direct licensee of the granular Metromail and D&B data. What is key to note, is that it is incumbent upon U S WEST to seek access to the different data sources used in the HM 5.0 from the party who has authority to grant it. U S WEST was misguided in trying to gain access to the D&B and Metromail data through PNR, and similarly misguided in trying to gain access to the inputs that AT&T provided to PNR through PNR. A simple request to the party that originated the particular data item would have been the most availing.

13. In this regard, it is useful to draw an analogy to the openness with which certain input data used by U S WEST's BCPM3 model are available. It is my understanding that the BCPM3 uses terrain data from Stopwatch Maps, and processes these data through MapInfo programs, to develop the average terrain characteristics associated with each wire center. It is also my understanding that U S WEST will not provide these data and software programs to any interested party. Rather, should AT&T wish to verify BCPM3's process, it would have to approach Stopwatch Maps to purchase the base terrain data, and purchase the MapInfo software to process these data – as these data and software programs are not in the public domain.¹⁰

HM 5.0, and also contains the line count totals by type for each study area that were used by PNR to normalize counts to HM 5.0 specifications.

¹⁰ Perhaps less open to potential public view are the Bellcore SCIS or U S WEST SCM models that BCPM3 relies on to develop its switching costs. Furthermore, AT&T has been unable to

14. It is also instructive to note that while the HM 5.0 Sponsors' have made available granular statistical information about the success of their customer geocoding over 488 different state/density zone geographical units across the U.S., I am unaware that BCPM3 has made public any analogous information about the success of its customer location process. It certainly would be useful for BCPM3 to state (a) the number and percent of actual customer locations that are located along the roads that are mapped in the BCPM3 model; (b) a statistical measure indicating how evenly these actual customer locations are dispersed along these roads; (c) the number and percent of actual customer locations that are located within the "road-reduced square" where the BCPM3 lays its distribution plant; and (d) the percent of all road mileage mapped in the BCPM3 model that falls within the "road-reduced square" where the BCPM3 lays its distribution plant. The provision of these statistics on a national basis, by state, and by density zone within each state would add usefully to an informed debate over the relative merits of each of the models.

15. Finally, the use of Metromail and D&B data within the HM 5.0 to determine actual customer geocodes is because the HM 5.0 Sponsors' believe these to be the best current publicly available data. To the extent that the LECs maintain lists of addresses of the locations to which they provide telephone service – or the actual geocodes of these locations, the HM 5.0 Sponsors' would be pleased to substitute this source of customer geocodes for the sources now used. Indeed, the HM 5.0 Sponsors' expect that Commissions will order LECs that seek to be eligible to receive universal service support to make available any data that they might have in this regard to improve the accuracy of the cost

ascertain any avenue for determining the values of the proprietary input parameters that

modeling process. Similarly, to the extent that the LECs have data superior to that developed by the PNR National Access Line Model on the number of lines by type that are demanded by customers in each specific Census Block and wire center, the HM 5.0 Sponsors' also would expect that Commissions would order LECs that seek to be eligible to receive universal service support to make available any such data to improve the accuracy of the cost modeling process.

FURTHER AFFIANT SAYETH NOT.

Respectfully submitted this 4th day of February, 1998.

By: Richard N. Clarke
Richard N. Clarke

STATE OF NEW JERSEY)

)ss.

COUNTY OF SOMERSET)

SUBSCRIBED AND SWORN to before me this 4th day of February, 1998, the above named RICHARD N. CLARKE, as an expert witness for AT&T Communications of the Midwest, Inc., who certifies that the foregoing is true and correct to the best of his knowledge and belief.



NOTARY PUBLIC

My Commission Expires:

KAREN L. REILLY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug 8 2000

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the
cost of basic local
telecommunications service,
pursuant to Section 364.025,
Florida Statutes.

DOCKET NO. 980696-TP

DATED: August 4, 1998

AT&T'S OBJECTIONS TO BELLSOUTH TELECOMMUNICATIONS, INC.'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

AT&T Communications of the Southern States, Inc.
(hereinafter "AT&T"), pursuant to Rules 25-22.034 and 25-22.035,
Florida Administrative Code and Rules 1.350 and 1.280(b), Florida
Rules of Civil Procedure, hereby submits the following Objections
to BellSouth Telecommunications, Inc.'s (hereinafter "BELLSOUTH")
First Request for Production of Documents to AT&T Communications of
the Southern States, Inc.

The Objections stated herein are preliminary in nature and are
made at this time for the purpose of complying with the ten-day
requirement set forth in Order No. PSC-98-0813-PCO-TP issued by the
Florida Public Service Commission (hereinafter the "Commission") in
the above-referenced docket on June 19, 1998. Should additional
grounds for objection be discovered as AT&T prepares its Responses
to the above-referenced set of requests, AT&T reserves the right to
supplement, revise, or modify its objections at the time that it
serves its Responses on BELLSOUTH. Moreover, should AT&T determine

that a Protective Order is necessary with respect to any of the material requested by BELLSOUTH, AT&T reserves the right to file a motion with the Commission seeking such an order at the time that it serves its Responses on BELLSOUTH.

General Objections

AT&T makes the following General Objections to BELLSOUTH's First Set of Requests for Production of Documents which will be incorporated by reference into AT&T's specific responses when its Responses are served on BELLSOUTH.

1. AT&T objects to BELLSOUTH's First Set of Requests for Production of Documents to the extent that it is overly broad, unduly burdensome, oppressive, not permitted by applicable discovery rules, and would require AT&T to disclose information which is privileged.

2. AT&T has interpreted BELLSOUTH's requests to apply to AT&T's regulated intrastate operations in Florida and will limit its Responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, AT&T objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. AT&T objects to each and every request and instruction to the extent that such request or instruction calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege.

4. AT&T objects to each and every request insofar as the request is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any Responses provided by AT&T in response to BELLSOUTH's requests will be provided subject to, and without waiver of, the foregoing objection.

5. AT&T objects to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. AT&T will attempt to note each instance where this objection applies.

6. AT&T objects to BELLSOUTH's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on AT&T which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. AT&T objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission.

8. AT&T objects to each and every request, general instruction, or definition insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. AT&T objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that BELLSOUTH's requests seek proprietary confidential business information which is not the subject of the "trade

secrets" privilege, AT&T will make such information available to counsel for BELLSOUTH pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. AT&T is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, AT&T creates countless documents that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Rather, these responses will provide all of the information obtained by AT&T after a reasonable and diligent search conducted in connection with this discovery request. AT&T will comply with BELLSOUTH's request that a search be conducted of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more, AT&T objects on the grounds that compliance would impose an undue burden or expense.

Objections to Specific Requests

Subject to, and without waiver of, the foregoing general objections, AT&T enters the following specific objections with respect to BELLSOUTH's requests:

Request No. 1: AT&T objects to Request for Production of Documents No. 1 on the grounds that the information that BellSouth is requesting is the intellectual property of of third aparty vendors and is only available from PNR. It is not and never as been in the prosession of AT&T. This information is commercially available to

BellSouth. BellSouth and others were invited previously to visit PNR's premises in Henkintown, Pennsylvania to obtain the data requested. AT&T and MCI assumed the expense at that time when other parties obtained this data for other states. BellSouth declined to participate in the PNR site visit but now apparently seeks to require AT&T to provide again for a special viewing of the information. This is unduly burdensome on AT&T. AT&T will arrange a visit to PNR to enable BellSouth to view this information as long as BellSouth makes arrangements to visit PNR and assume the expense of obtaining the requested data.

SUBMITTED this 4th day of August, 1998.



Tracy Hatch
101 N. Monroe St.
Suite 700
Tallahassee, FL 32301
(904) 425-6364

ATTORNEY FOR AT&T COMMUNICATIONS
OF THE SOUTHERN STATES, INC.

**CERTIFICATE OF SERVICE
DOCKET 980696-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via *hand delivery/**Federal Express and U.S. Mail to the following parties of record on this 4th day of August, 1998:

William Cox
Florida Public Service
Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Richard Melson
Hopping Law Firm
Post Office Box 6526
Tallahassee, FL 32314

Jack Shreve
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Kimberly Caswell
GTE Service Incorporated
1 Tampa City Center
201 N. Franklin Street
Tampa, FL 33602

Carolyn Marek
VP of Regulatory Affairs
Southeast Region
Time Warner Communications
Nashville, TN 37221

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves,
McGlothlin, Davidson, Rief &
Bakas, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

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

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

*Nancy B. White
Robert G. Beatty
c/o Nancy Sims
150 S. Monroe Street
Suite 400
Tallahassee, FL 32301

Norman H. Horton, Jr.
Messer, Caparello & Self,
P.A.
215 S. Monroe Street
Suite 701
Tallahassee, FL 32301-1876

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

Laura L. Gallagher
Vice President-Regulatory
Affairs
Florida Cable
Telecommunications
Association
310 N. Monroe Street
Tallahassee, FL 32301

Harriet Eudy
ALLTELL Florida, Inc.
Post Office Box 550
Live Oak, FL 32060

J. Jeffrey Wahlen
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

David B. Erwin
127 Riversink Road
Crawfordville, FL 32327

Robert M. Post, Jr.
Post Office Box 277
Indiantown, FL 34956

Mark Ellmer
Post Office Box 220
502 Fifth Street
Port St. Joe, FL 32456

Tom McCabe
Post Office Box 189
Quincy, FL 32353-0189

Lynn B. Hall
Vista-United
Telecommunications
Post Office Box 10180
Lake Buena Vista, FL 32830

Lynne G. Brewer
Northeast Florida Telephone
Co.
Post Office Box 485
Macclenny, FL 32063-0485

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

Patrick Knight Wiggins
Donna L. Canzano
Wiggins & Villacorta, P.A.
Post Office Drawer 1657
Tallahassee, FL 32302

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

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

Charles J. Rehwinkel
Sprint-Florida, Inc.
1313 Blairstone Rd.
Tallahassee, FL 32301

Kenneth A. Hoffman
John R. Ellis
Rutledge, Ecenia, Underwood
Purnell & Hoffman
Post Office Box 551
Tallahassee, FL 32301

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

Suzanne F. Summerlin
1311-B Paul Russell Road
Suite 201
Tallahassee, FL 32301

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

Tracy Kelly
ATTORNEY

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AUG 18 PM 4:23

Tracy Hatch
Attorney

August 18, 1998

RECORDS AND
REPORTING

Suite 700
101 N. Monroe St.
Tallahassee, FL 32301
904 425-6364
FAX: 904 425-6361

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

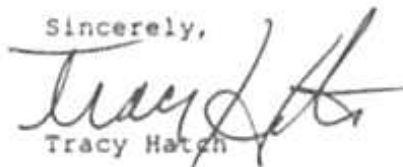
RE: Docket No. 980696-TP

Dear Mrs. Bayo:

Enclosed for filing in the above referenced dockets is AT&T of the Southern States, Inc.'s (AT&T) Response to Sprint's Motion to Compel responses to Sprints First Request for Production of Documents and First Set of Interrogatories.

Copies of the foregoing are being served on all parties or record in accordance with the attached Certificate of Service. Thank you for your assistance in this matter.

Sincerely,



Tracy Hatch

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FPSC-BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the
cost of basic local
telecommunications service,
pursuant to Section 364.025,
Florida Statutes.

DOCKET NO. 980696-TP

DATED: August 18, 1998

AT&T'S RESPONSE TO SPRINT FLRODIA INCORPORATED'S
MOTION TO COMPEL ANSWERS TO ITS
FIRST SET OF INTERROGATORIES
AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

AT&T Communications of the Southern States, Inc. (AT&T), pursuant to Rules 25-22.034, 25-22.035 and 25-22.037, Florida Administrative Code, hereby responds to Sprint-Florida, Incorporated's (Sprint's) Motion to Compel AT&T to respond to Sprint's First Request for Production of Documents, (No. 1) and Sprint's First Set of Interrogatories, (Nos. 1 and 2). AT&T requests the Florida Public Service Commission (Commission) deny Sprint's motion for the reasons set forth below.

In support of its request to deny Sprint's motion to compel, AT&T states the following:

1. Sprint served its First Request for Production of Documents (No. 1) and its First Set of Interrogatories (Nos. 1 and 2) on AT&T on August 4, 1998.

2. AT&T filed its Objections to Sprint's First Request for Production of Documents, (No. 1) and Sprint's First Set of Interrogatories, (Nos. 1 and 2) on August 10, 1998. AT&T incorporates herein by reference its Objections to Sprint's First Request for Production and Sprint's First Set of Interrogatories.

3. On August 11, 1998, Sprint filed its Motion to Compel responses to its First Request for Production of Documents (No. 1) and its First Set of Interrogatories (Nos. 1 and 2).

4. Sprint's document request No. 1 asks AT&T to provide "all records from the PNR DBF file of customer points for the entire state of Florida . . ." (hereinafter "geocode point data") As AT&T stated in its objections, the geocode point data is the intellectual property of a third party, PNR. The geocode point information is regarded by PNR as highly sensitive proprietary information. This information is the commercial property of PNR and is available to persons other than AT&T on a commercial basis. PNR does not allow AT&T to remove any of the geocode information from PNR's premises.

5. In support of its Motion to Compel, Sprint argues that just because the information is the intellectual property of another is not a valid objection. Sprint further argues that because this information is at the heart

of the HAI model, it is relevant and should be produced. Notwithstanding Sprint's arguments, Sprint fails to address or to even mention the most important point set forth in AT&T's objections. As noted in AT&T's objections to document request No. 1, AT&T does not have nor has it ever had possession, custody or control of this information. PNR retains possession, custody and control of its geocode information. AT&T simply can not provide Sprint that which it does not have. Moreover, this information is commercially available to Sprint as easily as it is to AT&T. It is patently unreasonable and an abuse of discovery for Sprint to seek to have AT&T compelled to purchase PNR's data in order to provide it to Sprint. In order to accommodate various parties desires to examine PNR's geocode point data, AT&T arranged in April 1998, at AT&T's expense, for an open visit to PNR's premises. During that visit PNR allowed interested parties to examine the geocode point information. Sprint was invited and attended. Sprint has already examined the information it now seeks. In order to be as responsive as possible and as stated in its objections, AT&T has again agreed to make arrangements for Sprint to visit PNR's premises to examine the geocode point data at Sprint's expense.

6. Sprint's Interrogatory No. 1 asks AT&T to provide the "For all customer locations, the exact geocoded points

that are used as inputs to the clustering algorithm described in the HAI Model . . ." This interrogatory seeks the same geocode point information as was sought in Sprint's document request No. 1. As noted above, this information is not in AT&T's possession custody or control. This information is the intellectual property of PNR and is commercially available to Sprint just as it is to AT&T. AT&T incorporates its response set forth above in paragraphs 4 and 5.

7. Sprint's Interrogatory No. 2 asks "For each set of geocoded points, either actual or surrogate, associated with each main cluster . . ." This interrogatory again seeks the same geocode point information as was sought in Sprint's document request No. 1. As noted above, this information is not in AT&T's possession custody or control. This information is the intellectual property of PNR and is commercially available to Sprint just as it is to AT&T. Without the geocode data AT&T can not run the program provided by Stopwatch Maps. Sprint has already provided the program to PNR. Sprint can easily obtain what it asks for by requesting that PNR run the program using its geocode data base and pay PNR for the cost of such activity. Attempting to compel AT&T under the guise of discovery to purchase a third party's work product is inappropriate and

an abuse of discovery. AT&T incorporates its response set forth above in paragraphs 4 and 5.

Where, for the reasons stated above, AT&T respectfully requests the Commission deny Sprint's motion to compel responses to Sprint's First Request for Production of Documents, (No. 1) and Sprint's First Set of Interrogatories, (Nos. 1 and 2).

Respectfully submitted, this 18th day of August, 1998.



Tracy Hatch
101 N. Monroe St.
Suite 700
Tallahassee, FL 32301
(904) 425-6364

ATTORNEY FOR AT&T
COMMUNICATIONS OF THE
SOUTHERN STATES, INC.

**CERTIFICATE OF SERVICE
DOCKET 980696-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via *hand delivery/**Federal Express and U.S. Mail to the following parties of record on this 14th day of August, 1998:

William Cox
Florida Public Service
Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Richard Melson
Hopping Law Firm
Post Office Box 6526
Tallahassee, FL 32314

Jack Shreve
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Kimberly Caswell**
GTE Service Incorporated
1 Tampa City Center
201 N. Franklin Street
Tampa, FL 33602

Carolyn Marek
VP of Regulatory Affairs
Southeast Region
Time Warner Communications
Nashville, TN 37221

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves,
McGlothlin, Davidson, Rief &
Bakas, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

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

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

Nancy B. White
Robert G. Beatty
c/o Nancy Sims
150 S. Monroe Street
Suite 400
Tallahassee, FL 32301

Norman H. Horton, Jr.
Messer, Caparello & Self,
P.A.
215 S. Monroe Street
Suite 701
Tallahassee, FL 32301-1876

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

Laura L. Gallagher
Vice President-Regulatory
Affairs
Florida Cable
Telecommunications
Association
310 N. Monroe Street
Tallahassee, FL 32301

Harriet Eudy
ALLTELL Florida, Inc.
Post Office Box 550
Live Oak, FL 32060

John P. Fons
J. Jeffrey Wahlen
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32302

David B. Erwin
127 Riversink Road
Crawfordville, FL 32327

Robert M. Post, Jr.
Post Office Box 277
Indiantown, FL 34956

Mark Ellmer
Post Office Box 220
502 Fifth Street
Port St. Joe, FL 32456

Tom McCabe
Post Office Box 189
Quincy, FL 32353-0189

Lynn B. Hall
Vista-United
Telecommunications
Post Office Box 10180
Lake Buena Vista, FL 32830

Lynne G. Brewer
Northeast Florida Telephone
Co.
Post Office Box 485
Macclenny, FL 32063-0485

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

Patrick Knight Wiggins
Donna L. Canzano
Wiggins & Villacorta, P.A.
Post Office Drawer 1657
Tallahassee, FL 32302

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

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

Charles J. Rehwinkel
Sprint-Florida, Inc.
1313 Blainstone Rd.
Tallahassee, FL 32301

Kenneth A. Hoffman
John R. Ellis
Rutledge, Ecenia, Underwood
Purnell & Hoffman
Post Office Box 551
Tallahassee, FL 32301

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

Suzanne F. Summerlin
1311-B Paul Russell Road
Suite 201
Tallahassee, FL 32301

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

Tracy A. H.

ATTORNEY



Statistics | Solutions | Strategic Advantage

September 9, 1998

AT&T Communications of the Northwest, Inc.
Susan D. Proctor
Senior Attorney
1875 Lawrence Street, Suite 1575
Denver CO 80202

MCI Telecommunications Pacific Corporation
Rogelio Pena
Senior Attorney
707 17th Street, Room 600
Denver CO 80202

VIA FACSIMILE (360-586-1150)

Dear Ms. Proctor and Mr. Pena,

The purpose of this letter is to respond to the requests of GTE Northwest Incorporated ("GTE") and U S WEST Communications, Inc. ("U S WEST") for the data underlying the HAI Model which has been submitted to the Washington Utilities and Transportation Commission. GTE and U S WEST are requesting electronic copies of the following:

1. Dun and Bradstreet National Database
2. Metromail, Inc. National Database
3. PNR National Access Line Model ("NALM"), Version 2.0. along with all associated inputs used to run the HAI model for Washington
4. CENTRUS Geocoding Software
5. Point-Coding Reference Data for that Software
6. Wire Center Mapping Mapping Boundaries

All items, with the exception of item 3, are publicly available from their respective owners. PNR has the rights to use each item either via purchase or special contractual arrangements. However, this information is proprietary to our vendors and cannot be resold or provided by PNR to any third party. Item 3, PNR's NALM, is a custom version of a commercially available product. This custom version is proprietary to AT&T and MCI.

In the past, other companies have requested this or similar information and we have been consistent in our response. To accommodate these requests without violating the agreements with our data vendors, PNR has hosted two opportunities for companies to come to our offices and review the above data in the form in which it is input into the HAI model. This arrangement was the only one to which our vendors would agree. GTE took advantage of this review opportunity on both occasions (first on April 16th and again

Economic, Statistical and Market Research Consultants
101 Greenwood Avenue, Suite 502, Jenkintown, Pennsylvania 19046
215-886-9200 • 215-886-9912 (Fax) • <http://www.pnr.com>

on May 12th and 13th), and U S WEST participated in just the second meeting. While the sessions were originally established to examine data for Nevada and Minnesota, other companies requested and received access to review the data from other states.

Representatives from GTE and U S WEST are welcome to visit our offices at their convenience. If you have any questions please call me on (215) 686-9200.

Sincerely,



William M. Newman

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the cost of
Basic local telecommunications
Service pursuant to Section 364.025
Florida Statutes

) Docket No. 980696-TP
)
) Filed: Sept.16,1998
)

MCI's NOTICE OF SERVICE OF
FIRST REQUEST FOR PRODUCTION
TO GTE FLORIDA, INCORPORATED

MCI Telecommunications Corporation (MCI), hereby gives
notice of service of MCI's First Request for Production of
Documents to GTE Florida, Incorporated in accordance with the
attached service list.

FILED this 16th day of September, 1998.

RECEIVED & FILED

[Signature]
FPSC BUREAU OF RECORDS

HOPPING GREEN SAMS & SMITH, P.A.

By:

[Signature]
Richard D. Melson
Post Office Box 6526
Tallahassee, FL 32314
850-425-2313

and

MICHAEL J. HENRY
MCI TELECOMMUNICATIONS CORPORATION
780 Johnson Ferry Road, Suite 700
Atlanta, GA 30342

Attorneys for MCI

REC'D
REPORTING

SEP 17 AM 9:04

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DOCUMENT NUMBER-DATE

10214 SEP 17 98

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U.S. mail or Hand Delivery (*) this 16th day of September, 1998.

Will Cox
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Charles J. Beck
Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Fl 32399

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

Joseph A. McGlothlin
Vicki Gordon Kaugman
McWhirter, Reeves, McGlothlin
Davidson, Rief & Bakas, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

Floyd R. Self, Esq.
Messer, Caparello & Self, P.A.
215 S. Monroe St. Ste 701
Tallahassee, FL 32301

Mr. Brian Sulmonetti
WorldCom, Inc.
1515 S. Federal Hwy, Suite 400
Boca Raton, Florida 33432

Robert G. Beatty
Nancy B. White
c/o Nancy H. Sims
150 S. Monroe St., Suite 400
Tallahassee, FL 32301

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

Kimberly Caswell
GTE Florida Incorporated
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110

Patrick Knight Wiggins
Donna L. Canzano
Wiggins & Villacorta, P.A.
2145 Delta Boulevard
Suite 200
P.O. Drawer 1657
Tallahassee, FL 32302

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

David B. Erwin
127 Riversink Road
Crawfordville, FL 32327

Tom McCabe
P.O. Box 189
Quincy, Florida 32353-0189

Mark Ellmer
P.O. Box 220
502 Fifth Street
Port St. Joe, Florida 32456

Robert M. Post, Jr.
P.O. Box 227
Indiantown, Florida 34956

Kelly Goodnight
Frontier Communications
180 South Clinton Avenue
Rochester, NY 14646

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

J. Jeffry Wahlen
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Lynne G. Brewer
Northeast Flor'da Telephone Co.
P.O. Box 485
Macclenny, FL 32063-0485

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

Laura L. Gallagher
Vice President-Regularoty Affairs
Florida Cable Tel. Asso.
310 N. Monroe Street
Tallahassee, FL 32301

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

Paul Kouroupas
Michael McRae, Esq.
Teleport Com. Group, Inc.
2 Lafayette Centre
1133 Twenty-First Street, N.W.
Suite 400
Washington, DC 20036

Suzanne F. Summerlin, Esq.
1311-B Paul Russell Rd., Ste.201
Tallahassee, FL 32301

Charles J. Rehwinkel
Sprint-Florida, Incorporated
P.O. Box 2214
MS: FLTLHO0107
Tallahassee, FL 32316

Norman H. Horton, Jr.
Messer, Capareello & Self, Esq.
215 S. Monroe Street
Suite 701
Tallahassee, FL 32301-1876

James C. Falvey, Esq.
e.spire(TM) Communications, Inc.
133 National Business Parkway
Suite 200
Annapolis Junction, MD 20701

Peter M. Dunbar, Esq.
Barbara D. Auger, Esq.
Pennington, Moore, Wilkinson,
Bell & Dunbar, P.A.
P.O. Box 10095
Tallahassee, FL 32302

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

Charles Murphy
Utilities and Communications
Committee
428 House Office Building
402 S. Monroe Street
Tallahassee, FL 32399-1300

Kimberly Caswell*
GTE Florida Incorporated
106 E. College Avenue
Suite 810
Tallahassee, FL 32301

Kimberly Caswell

Attorney