

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:)	
)	
Determination of the cost of)	
basic local telecommunications)	Docket No. 980696-TL
service pursuant to Section)	Filed: October 9, 1998
364.025, Florida Statutes)	
)	

AT&T'S MOTION TO ACCEPT SUPPLEMENTAL REBUTTAL TESTIMONY

AT&T Communications of the Southern States, Inc. (hereinafter "AT&T") hereby moves the Florida Public Service Commission to accept the supplemental rebuttal testimony and accompanying exhibits of Catherine E. Petzinger. In support thereof, AT&T states as follows:

1. The direct testimony was filed in this proceeding on 3, 1998. After receiving the direct testimony and exhibits of BellSouth, AT&T commenced its review of BellSouth's filing.

2. In the course of its review of the BCPM model proposed by BellSouth, AT&T propounded its second set of interrogatories and third request for production of documents to BellSouth. Certain of the interrogatories and requests for production were directed to discovery of BellSouth's switching costs both as to its existing switches in its network and the development of its

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switching costs for use in the BCPM model. This discovery was hand-delivered to BellSouth on August 5, 1998.

BellSouth's responses were provided on August 28, 1998.

3. BellSouth's responses indicated that certain of the documents involving the SCIS model and the switching vendor pricing information would be provided subject to a second proprietary agreement that is specific to BellSouth's SCIS model and switching vendor information. Further, BellSouth indicated that the switch vendor information could only be made available to AT&T at BellSouth's premises in Atlanta.

4. Ms. Petzinger is AT&T's switching cost expert. She filed rebuttal testimony on September 2, 1998, based on the information that she had available at the time. As acknowledged in Ms. Petzinger's rebuttal testimony, there was insufficient time to obtain and analyze all the necessary information before the time rebuttal had to be filed. In addition, it was simply not possible for Ms. Petzinger to travel to Atlanta and review the switch vendor contracts, digest the information and include the information in the time available before rebuttal was due. Ms. Petzinger was finally able to review BellSouth's switching vendor contracts on October 5, 1998. The nature

of the information obtained necessitated the filing of Ms. Petzinger's supplemental rebuttal testimony.

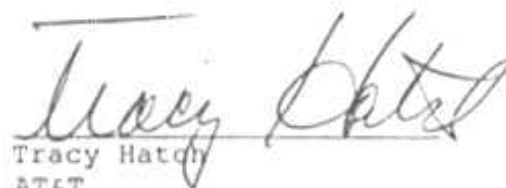
5. The time constraints necessitated by this proceeding are a heavy burden on all parties. In an ideal world, there would be sufficient time to conduct full and complete discovery regarding the direct testimony before the filing of rebuttal testimony. The expedited process in this case precludes that opportunity. There was 30 days between the filing of direct testimony and the filing of rebuttal testimony. There was a twenty-day response time for discovery. This leaves precious little time to adequately analyze the filing, seek appropriate discovery, analyze the results of discovery and prepare rebuttal testimony.

6. AT&T clearly acknowledges that all parties are in the same "boat" regarding the problems with discovery. AT&T sought the discovery as soon as it could. Further, AT&T does not criticize BellSouth in this instance for the manner in which it responded to discovery. Base on the nature of the switching cost information, it must be treated differently than typical discovery. It is not supplied to parties on the same terms as other confidential information can be.

7. Notwithstanding that the discovery was actually accomplished beyond the time for rebuttal testimony, the nature of the information acquired from BellSouth regarding its actual switching costs would tremendously impact not only the switch price inputs used in the BCPM, but the underlying cost structure of the BCPM switch module methodology as well. AT&T submits that the magnitude of this information's impact on this proceeding necessitates that the Commission accept the prefiled supplemental rebuttal testimony of Ms. Petzinger.

WHEREFORE, AT&T requests that the Supplemental Rebuttal Testimony of Catherine E. Petzinger be allowed in this proceeding.

Respectfully submitted this 9th day of October, 1998.


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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 9th day of October, 1998:

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