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RECORDS AND  
REPORTING

February 4, 1999

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

Re: Docket No. 981642-TP and 981745-TP

Dear Ms. Bayó:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s Responses and Objections to e:spire™ Communications, Inc.'s First Request for Production of Documents and Motion for Temporary Protective Order. Please file this document 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.

Sincerely,

*Thomas B Alexander (cc)*

Thomas B. Alexander

RECEIVED & FILED

*[Signature]*  
TPSC-BUREAU OF RECORDS

Enclosures

cc: All parties of record  
M. M. Criser, III  
N. B. White  
William J. Ellenberg II (w/o enclosures)

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU Stavanja*
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OT: \_\_\_\_\_

DOCUMENT NUMBER-DATE

01578 FEB-5 99

FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**  
**Docket Nos. 981642-TP and 981745-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by  
Federal Express this 4th day of February, 1999 to the following:

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Thomas B. Alexander (ux)  
Thomas B. Alexander

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Intermedia Communications Inc. )  
For Arbitration with BellSouth Telecommunications, ) Docket No. 981642-TP  
Inc., Pursuant to the Telecommunications Act of 1996 )  
)  
In re: Petition by e.spire Communications, Inc. )  
And American Communication Services of Tampa, )  
Inc., American Communications Services of )  
Jacksonville, Inc. for Arbitration of an ) Docket No. 981745-TP  
Interconnection Agreement with BellSouth )  
Telecommunications, Inc. Pursuant to Section 252(b) )  
Of the Telecommunications Act of 1996 )  
\_\_\_\_\_ ) FILED: Feb. 4, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND  
OBJECTIONS TO E.SPIRE™ COMMUNICATIONS, INC.'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND  
MOTION FOR TEMPORARY PROTECTIVE ORDER**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following Responses, Objections and Motion for Temporary Protective Order to American Communications Services, Inc. – Jacksonville, Inc., d/b/a e.spire™ Communications, Inc.'s ("e.spire") First Request for Production of Documents.

**GENERAL OBJECTIONS**

BellSouth makes the following General Objections to e.spire's First Request for Production of Documents:

DOCUMENT NUMBER-DATE

01573 FEB-5 99

FPSC-RECORDS/REPORTING

1. BellSouth objects to each Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege and/or work product doctrine.

2. BellSouth objects to the instruction to e.spire's Request for Production to the extent e.spire seeks to require BellSouth to produce documents in a form in which such documents are not maintained by BellSouth.

3. BellSouth has interpreted e.spire's Request for Production to apply to BellSouth'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 BellSouth's Florida intrastate operations, BellSouth objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

4. BellSouth objects to providing documents to the extent that such documents are already in the public record.

5. BellSouth is a large corporation with employees located in many different locations in Florida and other states. In the course of its business, BellSouth creates countless documents that are not subject to the Commission or FCC retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document will be provided in response to these Requests for Production. Rather, these responses will provide all the information obtained by BellSouth after a reasonable and diligent search conducted in connection with e.spire's discovery requests. BellSouth will conduct a search of those files that are reasonably expected to

contain the requested information. To the extent that the discovery requests purport to require more, BellSouth objects on the grounds that compliance would be unduly burdensome.

**SPECIFIC RESPONSES**  
**DOCUMENTS REQUESTED**

1. Please provide copies of all interconnection agreements between BellSouth and any CAP, ALEC, other LEC, or IXC referenced in your response to Interrogatory No. 1. Please separately identify non-recurring costs, recurring costs, fixed costs and distance-related costs. In addition, please breakdown the cost information provided to either: (1) specify the localities where e.spire has requested interconnection or, if not available, (2) reflects costs at a disaggregated basis below the statewide level such as by exchange, switching center or density cell.

**Response:** BellSouth objects to this document request to the extent it seeks information concerning agreements other than those between BellSouth and Alternative Local Exchange Carriers ("ALECs") entered into under Section 252 of the Telecommunications Act of 1996 Act (1996 Act"). Because this proceeding is an arbitration under Section 252 of the 1996 Act, information concerning any other agreement is not relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this document request as being overly broad and unduly burdensome in that it seeks information for the past ten years.



**Subject to this objection, and without waiving this objection, the information responsive to this request is contained in the agreements between BellSouth and ALECs pursuant to Section 252 of the Act of 1996, which are on file with the Commission and are available on BellSouth's web site at <http://www.interconnection.bellsouth.com/>**

**For nonrecurring and recurring costs, see the responses to POD Nos. 3, 4, 5, 6, 7, and 33 and BellSouth's cost study filings in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP and 981642-TP/981745-TP. These costs are statewide average costs and pertain to all ALECs in the state of Florida. The studies utilize TSLRIC methodology, unless otherwise specified, with fixed costs identified as shared and common costs. Distance-related costs are not an output of the studies. However, the sampling procedures applied in the studies selected loops of varying distances. These loops were used in computation of average loop costs.**

**Studies based on the localities where e.spire has requested interconnection at a disaggregated basis by exchange, switching center or density cell have not been performed.**

**2. Please provide copies of all interconnection agreements into which BellSouth has entered with any cellular telephone PCS, SMR, or other local wireless provider.**

**Response: BellSouth objects to this Request for Production because it seeks copies of agreements other than those between BellSouth and Alternative**

**Local Exchange Carrier ("ALECs") entered into under Section 252 of the Telecommunications Act of 1996 ("1996 Act"). Because this proceeding is an arbitration under Section 252 of the 1996 Act, other agreements are not relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.**

**3. Please provide copies of the most recent cost studies including workpapers and work copy prepared by or for BellSouth which show the recurring and non-recurring cost of providing each of the following types of local loops as an unbundled network element:**

- a) 2-Wire Analog Voice Grade Loop(s)**
- b) 4-Wire Analog Voice Grade Loop(s)**
- c) 2-Wire ISDN Digital Grade Link(s) (BRI ISDN)**
- d) 2-Wire ADSL – Compatible Loop(s)**
- e) 2-Wire HDSL – Compatible Loop(s)**
- f) 4-Wire HDSL – Compatible Loop(s)**
- g) DS1 Loops**
- h) S3 Loops**
- i) OC3 Loops**
- j) OC12 Loops**
- k) OC48 Loops**

**RESPONSE:**

- a) See BellSouth's TSLRIC plus shared and common cost study for Unbundle 2-Wire Analog Voice Grade Loop filed in Docket Nos. 960833-TP/960846-TP/960916-TP.
- b) See BellSouth's TSLRIC plus shared and common cost study for Unbundle 4-Wire Analog Voice Grade Loop filed in Docket Nos. 960833-TP/960846-TP/960916-TP.
- c) See BellSouth's TSLRIC plus shared and common cost study for Unbundle 2-Wire ISDN Digital Grade Loop filed in Docket Nos. 960833-TP/960846-TP/960916-TP.
- d) See BellSouth's cost study filing in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP, Cost Element A.6: 2-Wire ADSL Compatible Loop.
- e) See BellSouth's cost study filing in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP, Cost Element A.7: 2-Wire HDSL Compatible Loop.
- f) See BellSouth's cost study filing in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP, Cost Element A.8: 4-Wire HDSL Compatible Loop.
- g) See attached BellSouth's TSLRIC plus shared and common cost study for Unbundle 4-Wire DS1 Digital Grade Loop filed in Docket Nos. 961150-TP.



- h) See BellSouth's cost study filing in Docket Nos. 981642-TP/981745-TP, Cost Elements A.16.1, A.16.2, & A.16.199: High Capacity Unbundled Local Loop – DS3.
- i) See BellSouth's cost study filing in Docket Nos. 981642-TP/981745-TP, Cost Elements A.16.4, A.16.5, & A.16.499: High Capacity Unbundled Local Loop – OC3
- j) See BellSouth's cost study filing in Docket Nos. 981642-TP/981745-TP, Cost Elements A.16.7, A.16.8, & A.16.799: High Capacity Unbundled Local Loop – OC12.
- k) See BellSouth's cost study filing in Docket Nos. 981642-TP/981745-TP, Cost Elements A.16.10, A.16.11 A.16.13, A.16.1099, & A.16.1399: High Capacity Unbundled Local Loop – OC48.

4. Please provide the most recent cost studies including workpapers and working copy prepared by or for BellSouth which show the recurring and non-recurring cost of providing analog and digital cross-connections required to connect an unbundled local loop to the e.spire system and/or other telecommunications carrier systems. If the cost study pertains to other telecommunications carriers, please identify the carriers.

**RESPONSE:** See BellSouth's cost study filing in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP, Cost Elements H.1: Physical

Collocation and H.2: Virtual Collocation. These costs are statewide average costs and pertain to all ALECs in the state of Florida.

5. Please provide the most recent cost studies including workpapers and work copy prepared by or for BellSouth which show the recurring and non-recurring cost of providing channelization and/or multiplexing required to convert (a) voice-grade unbundled loops to DS-1 level for connection with the e.spire and/or other telecommunications carrier point of interface and (b) DS-1 unbundled loops to DS-3 level for connection with the e.spire and/or other telecommunications carrier point of interface. If the cost study pertains to other telecommunications carriers, please identify the telecommunications carriers.

**Response:** See BellSouth's cost study filing in Docket Nos. 981642-TP/981745-TP, Cost Element A.3: Loop Channelization and Central Office Interface. These costs are statewide average costs and pertain to all ALECs in the state of Florida.

6. Please provide the most recent cost studies including workpapers and work copy prepared by or for BellSouth which show the recurring and non-recurring cost of providing interoffice transport to e.spire or other telecommunications carriers as may be required to transport traffic from BellSouth's end office where unbundled loops are ordered to another BellSouth end office or tandem switch. Please identify the cost separately for DS-1 dedicated, DS-3 dedicated and tandem switched transport. To the extent cost

studies for higher bandwidth interoffice transport are available, please provide same separately.

**Response:** See attached BellSouth's TSLRIC plus shared and common cost study for Special Access Voice Grade Service – Interoffice Channel Voice – Unbundled Exchange Access filed in Docket Nos. 961150-TP.

Also, see BellSouth's cost study filing in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP, Cost Element D.4: Interoffice Transport – Dedicated – DS1 and BellSouth's cost study filing in Docket Nos. 981642-TP/981745-TP, Cost Element Elements D.3: Interoffice Transport: Dedicated – DS0 – 56/64 Kbps, D.6: Interoffice Transport – Dedicated – DS3, D.7: Interoffice Transport – Dedicated – OC3, D.8: Interoffice Transport – Dedicated – OC12, D.9: Interoffice Transport – Dedicated – OC48.

These costs are statewide average costs and pertain to all ALECs in the state of Florida.

7. Please provide the most recent cost studies including workpapers and work copy prepared by or for BellSouth relating to local traffic transport and termination (including end office switching, transport and tandem switching).

**Response:** See attached BellSouth's TSLRIC plus shared and common cost study for Unbundled Local Usage filed in Docket Nos. 961150-TP. Also, see BellSouth's cost study filing in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP, Cost Element D.5: Local Channel – Dedicated.

8. Please identify each cost study prepared by or for BellSouth or any of its affiliates or prepared for BellSouth or any of its affiliate, for services

utilizing the network components included in the network elements identified below. The materials sought includes a complete working copy of all computerized cost study modules with data intact; a complete set of workpapers including all special studies, data inputs and data sources used; a complete set of cost study documentation.

- a) 2 or 4 wire analog voice grade loops
- b) ISDN digital grade loops
- c) xDSL compatible loops
- d) DS0, DS1 or DS3 loops
- e) OC3, OC12 or OC48 loops
- f) Local channels
- g) DS1, DS3, OC3, OC12, OC48 interoffice transport

**Response:** BellSouth objects to this Request for Production (which is actually in the form of an Interrogatory) to the extent it seeks information concerning the cost of BellSouth's retail services, which is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate rates for certain unbundled network elements, the costs BellSouth incurs in connection with its retail services is irrelevant to this issue because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as*

*amended, to Provide In-Region, InterLATA Services in South Carolina, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Service in Michigan, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).*

Subject to this objection, and without waiving this objection, BellSouth will make the latest version of the appropriate proprietary cost studies available at 675 West Peachtree Street, Atlanta, Georgia or 3535 Colonnade Parkway, Birmingham, Alabama subject to the execution of the appropriate nondisclosure agreement.

9. Please provide all cost studies including workpapers and work copy which identify the non-recurring costs associated with switching an existing BellSouth local exchange customer to e.spire.

**Response:** See response to POD Item No. 3.

10. Please provide all cost studies including workpapers and work copy which identify the costs to perform activities required of BellSouth to provide an unbundled loop to e.spire (See Interrogatory No. 2)

**Response:** See response to POD Item No. 3.

11. Please provide copies of any written explanations which describe the manner in which BellSouth's existing non-recurring charges (NRCs) for local exchange service were established. Also provide any cost studies which have been prepared by or on behalf of BellSouth to support those NRCs, and for each



cost study identify the pricing methodology existing non-recurring charges (NRCs) for local exchange service were established. Also provide any cost studies which have been prepared by or on behalf of BellSouth to support those NRCs, and for each such cost study identify the pricing methodology.

**Response:** BellSouth objects to this request on grounds that the information requested is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the nonrecurring rates for certain unbundled network elements, the charges a customer pays when it changes long distance carriers, the charges a BellSouth retail customer pays or the cost to BellSouth of providing service to a retail customer are irrelevant because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

Subject to this objection, and without waiving this objection, BellSouth will make the latest version of the appropriate proprietary cost study available at 3535 Colonnade Parkway, Birmingham, Alabama subject to the execution of the appropriate nondisclosure agreement.

12. Provide any cost studies including workpapers and work copy which have been prepared to support the NRC assessed when a customer changes its present long distance carrier. (See Interrogatory No. 5) For each such cost study, explain the pricing methodology used (e.g., TELRIC, TSLRIC, LRIC, etc.)

**Response:** BellSouth objects to this request on grounds that the information requested is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the nonrecurring rates for certain unbundled network elements, the charges a customer pays when it changes long distance carriers, the charges a BellSouth retail customer pays or the cost to BellSouth of providing service to a retail customer are irrelevant because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 93-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*,

CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

Furthermore, BellSouth has not developed a cost study for Florida for the requested NRC. Subject to this objection, and without waiving this objection, BellSouth will make the latest version of the appropriate interstate cost study available at 675 West Peachtree Street, Atlanta. BellSouth believes the interstate costs are similar to those costs in other jurisdictions.

13. Please provide copies of any documents in the possession of BellSouth relating to the ability or advisability of multiple telecommunications carriers which are collocated in the same BellSouth central office cross-connecting with one another.

**Response:** The documents responsive to this request are BellSouth's Standard Collocation Agreement and the BellSouth Collocation Handbook, copies of which already have been provided to e.spire. These documents also are available on BellSouth's website, <http://www.interconnection.bellsouth.com/>

14. Please provide copies of the relevant sections of all such orders issued by the FPSC granting BellSouth customer specific contracting authority.

**Response:** BellSouth objects to this Interrogatory on grounds that the information requested is not relevant to any issue in this proceeding nor reasonable calculated to lead to the discovery of admissible evidence. Neither e.spire's arbitration petition nor BellSouth's response raises any issue that

concerns the source or extent of BellSouth's contracting authority or extent of BellSouth's contracting authority.

15. If the answer is in the affirmative, for each of the items enumerated in interrogatory no. 21, provide:

- a) the relevant cost study,
- b) an explanation of the costing methodology used.

**Response:** BellSouth objects to this Request for Production (which also is in the form of an Interrogatory) on grounds that it is unclear what cost information BellSouth is being asked to provide.

16. With respect to BellSouth's ADSL Service referenced in BellSouth's FCC Transmittal No. 476 (dated Aug. 18, 1998), have cost studies been prepared by or on behalf of BellSouth? If the answer is in the affirmative, please (a) describe the cost studies, (b) provide any and all documents relating to the cost studies, (c) identify the costing methodology used, (d) state whether loop recurring costs are reflected in the cost studies, (e) state whether loop conditioning costs are reflected in the cost studies, and (f) state whether electronics are included in the cost studies. Please provide a complete copy of the ADSL service cost studies. Please provide the complete working copy or each cost study, including a complete working copy of all computerized models involved in preparing the cost estimate with data intact; a complete set of workpapers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation.

**Response:** See response to Production of Documents Request No. 11.



17. Identify and provide copies of any frame relay interconnection arrangements that BellSouth has executed with any other provider of frame relay services. For purposes of this request, a frame relay interconnection agreement is any agreement that contains provisions related to the connection of one or more of BellSouth's frame relay switches in, or serving customers in, this state to one or more frame relay switches of the other provider for the transport of frame relay traffic from one frame relay switch to another. Frame relay interconnection agreements are limited to such agreements entered into by BellSouth since February 6, 1996 and includes any such agreement whether or not submitted to the Commission for approval under the 1934 Act.

**Response:** BellSouth objects to this Request for Production to the extent it seeks copies of agreements other than those between BellSouth and ALECs entered into under Section 252 of the Telecommunications Act of 1996 ("1996 Act"). Because this proceeding is an arbitration under Section 252 of the 1996 Act, other agreements are not relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, and without waiving this objection, the information responsive to this request is contained in the agreements between BellSouth and ALECs pursuant to Section 252 of the Act of 1996, which are on file with the Commission and are available on BellSouth's website,

<http://www.interconnection.bellsouth.com>



18. Please provide all nonrecurring cost studies performed in the last five years pertaining to unbundled loops or to any service that includes the loop (e.g., local residential or local business).

**Response:** BellSouth objects to this Data Request on grounds that it seeks information concerning BellSouth's retail services which is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the nonrecurring rates for certain unbundled network elements, the rates a BellSouth customer pays for a BellSouth retail service is irrelevant to this issue because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 18, 1997).

Subject to this objection, and without waiving this objection, please refer to POD Item No. 3 for cost studies pertaining to unbundled loops filed in recent Dockets. BellSouth objects to the provision of all cost studies performed in the

last five years pertaining to unbundled loops on the grounds that this information is not relevant since a ruling has been issued by the Commission in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP. For nonrecurring cost studies pertaining to any service that includes the loop (e.g., local residential or local business), See response to Item No. 11.

19. Please provide the most recent cost study corresponding to each service identified in the preceding question. For each study, identify the date prepared, the purpose of the study (e.g., to be presented in a Commission proceeding, used in conjunction with a CSA, etc.), the cost methodology (LRIC, TSLRIC, TELRIC, etc.). Provide workpapers.

**Response:** BellSouth objects to this Data Request on grounds that it seeks information concerning BellSouth's retail services which is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the nonrecurring rates for certain unbundled network elements, the rates a BellSouth customer pays for a BellSouth retail service is irrelevant to this issue because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina,*

CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

Subject to this objection, and without waiving this objection, See response to POD Item No. 18.

20. The Florida TELRIC includes a table of contents describing an "Appendix A" as containing a complete description of the loop types included in the sample used in the study CD-ROM made available to e.spire. Please provide a copy of "Appendix A" in hard copy and in electronic format.

**Response:** The requested information is not available in electronic format. As a party to Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP, e.spire received a hard copy of Appendix A in the approved cost study filed with the Florida Public Service Commission.

21. If not provided in the response to a previous question, please provide the data in Appendix B for all loops and all loops segments included in Appendix A. Specifically, for each loop and sub-loop element reported in Appendix A, provide the Loop #, Circuit Id, COS, CLLI, Route Length, Item, FRC, Description, F/D, Size, Gauge Mode, PLCMT DB Level, Units and Unit inv. Please provide the response as a hard copy and as an electronic copy in a format compatible with the BellSouth TELRIC model.

**Response:** As a party to Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP, e.spire received electronic and hard copies of

Appendix B in the approved cost study filed with the Florida Public Service Commission.

22. Please provide a complete copy of the BellSouth TELRIC cost study on CD-ROM containing all changes to the study procedure by the Commission in its order in the generic TELRIC investigation.

**Response:** A recast of BellSouth's cost study filing in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-TP/971140-TP containing all of the changes ordered by the Commission is not available. However, the cost study filed by BellSouth in Docket Nos. 981642-TP/981745-TP conforms to the ordered changes.

23. Please provide the study or the estimates of required time and tasks upon which BellSouth based its quotes for collocation construction to ALECs for each construction job completed or closed.

**Response:** BellSouth objects to this Request for Production on grounds that it is overly broad and unduly burdensome. To date, BellSouth has completed more than 100 physical and virtual collocation arrangements in Florida and approximately 500 in the region. In order to provide the documents requested, BellSouth would have to consult seven different Network organizations, two or more BellSouth Network contractors, and three or more property management contractors (depending on the scope of the work). Based on input from these participants, who are involved in the various aspects of the work associated with collocation, BellSouth conservatively estimates that it would require in excess of 2,000 man-hours to provide the requested information just



for those collocation projects completed in Florida. Furthermore, the individuals who would have to gather these documents are the same individuals responsible for fulfilling active, in-progress collocation requests for BellSouth's ALEC customers. To impose such onerous discovery burdens upon these individuals would impede BellSouth's ability to timely fulfill its collocation obligations to these ALECs. BellSouth also objects to this Request for Production to the extent it seeks information about the work performed by BellSouth to permit ALECs other than e.spire to collocate on BellSouth's premises. Such information would tend to reveal the marketing and network plans of e.spire's competitors, including the types of facilities such competitors have elected to deploy to service their customers and the locations where they intend to compete. Although the Commission has been asked to arbitrate certain issues concerning the rates, terms, and conditions that should apply when e.spire physically collocates on BellSouth's premises, e.spire should not be permitted to delve into trade secret and other confidential commercial information of e.spire's competitors. See *Everco Industries, Inc. v. OEM Products Co.*, 362 F. Supp. 204, 206 (N.D. Ill. 1973) (rejecting open-ended discovery request for company's confidential documents, recognizing that confidential documents should not be disclosed between business competitors absent sufficient cause).

24. Please provide the actual costs BellSouth incurred for each physical collocation arrangement that has been completed to date, as well as invoices and other documents supporting those cost figures, separately for the following categories:



- a. **Physical construction, including creation of the physical collocation cage spaces;**
- b. **The creation of any conduit runs for electrical and telecommunications-related cabling;**
- c. **Electrical work including but not limited to backup battery power supplies;**
- d. **Mechanical work associated with the addition or extension of air conditioning (HVAC) systems and associated duct work and control systems; and**
- e. **Any other physical collocation construction and/or space preparation costs not identified in BellSouth's responses to subparts (1) through (5) above.**

**Response: See response in Request for Production No. 23.**

**25. In its TELRIC cost study filed with the Tennessee Regulatory Authority, BellSouth gathered and reported investment data on the unbundled 2-wire loop for distribution and feeder plant separately. Please provide the data Florida 2-wire loops in that same format. In your response, please include all the cost study modules, data inputs and workpapers used in preparing these estimates.**

**Response: See response to POD Item No. 3. BellSouth provided all cost study documentation for unbundled 2-wire loop for distribution and feeder plant separately in its filings of Cost Element A.2.1: Loop Feeder Per 2-Wire**

**Analog Voice Grade Loop and Element A.2.2: Loop Distribution Per 2-Wire Analog Voice Grade Loop. Specific locations of the investment data are:**

<b>Loop Type</b>	<b>Cost Filing Docket Nos.</b>	<b>Page No.</b>
<b>Distribution</b>	<b>960833-TP/960846-TP/960916-TP/960757-TP/971140-TP</b>	<b>106 to 109</b>
<b>Feeder</b>	<b>981642-TP/981745-TP</b>	<b>84 to 87</b>

26. Please provide a complete list of each BellSouth switch, and for each provide the CLLI and the number of residence, business and other loops (with residence, business and other summing to total loops). Please also provide the effective date of the data.

**Response:** BellSouth objects to this Data Request to the extent it seeks the breakdown of loops served by each BellSouth switch for residence, business, and other loops. Such information is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection and without waiving same, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place.

27. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 14.

**Response:** BellSouth objects to this request to the extent it seeks information concerning the cost of BellSouth's retail services, which is not

relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate rates for certain unbundled network elements, the costs BellSouth incurs in connection with its retail services is irrelevant to this issue because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. See *In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); See *In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

28. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 15.

**Response:** See response to POD Item No. 3.

29. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 16.

**Response:** See response to POD Item No. 3.

30. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 20.

**Response:** See BellSouth's cost study filing in Docket Nos. 981642-TP/981745-TP, Cost Elements A.13: 2-Wire Copper Loop and A.14: 4-Wire Copper Loops.

31. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 21.

**Response:** BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place.

32. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 22.

**Response:** Please see response to Request for Production Item No. 11.

33. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 23.

**Response:** BellSouth objects to this Data Request to the extent it seeks information concerning the cost of BellSouth's retail services, which is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate rates for certain unbundled network elements the costs BellSouth incurs in connection with its retail services is irrelevant to this issue because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. See *In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long*

*Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

Subject to this objection, and without waiving this objection, BellSouth will make the latest version of the appropriate proprietary cost studies available at 675 West Peachtree Street, Atlanta, Georgia subject to the execution of the appropriate nondisclosure agreement.

For frame relay cost applicable to ALECs, see BellSouth's cost study filing in Docket Nos. 981642-TP/981745-TP, Cost Element N.1: Unbundled Packet Switching Frame Relay Service.

34. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 24.

**Response:** See response to POD Item No. 33.

35. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 27.

**Response:** See response to POD Item No. 33.

36. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 31.



**Response:** BellSouth has no responsive documents in its possession, custody or control.

37. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 32.

**Response:** See response to Interrogatory Item No. 32(b).

38. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 90.

**Response:** BellSouth will produce responsive documents that are in its possession, custody, and control at a mutually convenient time and place subject to the Motion for Temporary Order set forth above and subject to e.spire entering into a Protective Agreement with BellSouth.

39. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 92.

**Response:** See BellSouth's cost study filing in Docket Nos. 960833-TP/960846-TP/960916-TP/960757-U/971140-TP.

Respectfully submitted this 4th day of February, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

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