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RECORDS AND
REPORTING

August 24, 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. 990691-TP (ICG Arbitration)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to ICG Telecom Group, Inc.'s First Request for Production, which we ask that you file in the above-referenced matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

RECEIVED & FILED
[Signature]
FPSC BUREAU OF RECORDS

Sincerely,

Michael P. Goggin (ka)
Michael P. Goggin

cc: All Parties of Record
Nancy B. White
Marshall M. Criser III
R. Douglas Lackey

- AFA _____
- APP _____
- CAF _____
- CMU *Javous* _____
- CTR _____
- EAG _____
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- MAS 3 _____
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- SEC I _____
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FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE
Docket No. 990691-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail and (*) Hand-Delivery this 24th day of August, 1999 to the following:

**C. Lee Fordham
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850**

**ICG Telecom Group, Inc.
Mr. Carl Jackson
50 Glenlake Parkway, Suite 500
Atlanta, GA 30328
Tel. No. (678) 222-7342
Fax. No. (678)222-7413
Represented by McWhirter Law Firm**

**McWhirter Law Firm
Joseph McGlothlin *
Vicki Gordon Kaufman
117 South Gadsden Street
Tallahassee, FL 32301
Tel. No. (850) 222-2525
Fax. No. (850) 222-5606
Represents ICG**

Michael P. Goggin (re)
Michael P. Goggin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:)	Docket No. 990691-TP
)	
Petition by ICG TELECOM GROUP, INC.)	
for Arbitration of an Interconnection)	
Agreement with BELLSOUTH)	
TELECOMMUNICATIONS, INC. Pursuant to)	
Section 252(b) of the Telecommunications)	
Act of 1996.)	
<hr/>		Filed: August 24, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
 RESPONSES AND OBJECTIONS TO ICG TELECOM GROUP, INC.'S
FIRST REQUEST FOR PRODUCTION**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), hereby files, pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340, 1.350 and 1.280, Florida Rules of Civil Procedure, the following Responses and Objections to ICG Telecom Group, Inc.'s ("ICG") First Request for Production served on July 21, 1999.

GENERAL RESPONSES AND OBJECTIONS

1. BellSouth objects to the requests for production of documents to the extent they seek to impose an obligation on BellSouth to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to the requests for production of documents to the extent they are intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. BellSouth objects to

such requests for production of documents as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every request for production of documents and instruction to the extent that such request for production of documents 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. BellSouth objects to each and every request for production of documents insofar as the requests for production of documents 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 answers provided by BellSouth in response to these requests for production of documents will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every request for production of documents insofar as the request for production of documents is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. BellSouth will attempt to note in its responses each instance where this objection applies.

6. BellSouth objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission.

7. BellSouth objects to each and every request for production of documents to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. BellSouth also objects to each and every request for production of documents that would require the disclosure of customer specific information, the disclosure of which is prohibited by Section 364.24, Florida Statutes. To the extent that ICG requests proprietary information that is not subject to the "trade secrets" privilege or to Florida Statutes Section 364.24, BellSouth will make such information available to ICG at a mutually agreeable time and place upon the execution of a confidentiality agreement.

8. BellSouth objects to ICG's discovery requests, instructions and definitions, insofar as they seek to impose obligations on BellSouth that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

9. BellSouth objects to each and every request for production of documents, insofar as they are unduly burdensome, expensive, oppressive, or excessively time consuming as written.

10. BellSouth is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, BellSouth 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 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 has been identified in response to these

requests for production of documents. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the requests for production of documents purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

SPECIFIC RESPONSES AND OBJECTIONS

Request 1: Produce all documents, memoranda and any other materials reviewed or relied upon in responding to ICG Interrogatory Nos. 1-64, including but not limited to, any cost studies.

Response: BellSouth will produce the requested documents at a mutually agreeable time and place.

Request 2: Provide copies of the most recent cost studies prepared by or for BellSouth which show the recurring and non-recurring costs of providing each of the following types of unbundled local loops:

- (a) 2-Wire Analog Voice Grade Loop;**
- (b) 4-Wire Analog Voice Grade Loop;**
- (c) 2-Wire ISDN (BRI) Digital Grade Loop;**
- (d) 2-Wire ADSL-Compatible Loop;**
- (e) 2-Wire HDSL-Compatible Loop;**
- (f) 4-Wire HDSL-Compatible Loop**

Separately identify non-recurring costs, recurring costs, fixed costs and distance-related costs. Provide the complete working copy of 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 work papers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation.

Response: For nonrecurring and recurring costs, the following cost studies have been filed with the Florida Public Commission:

Cost Study	Docket No(s).
2-Wire Analog Voice Grade Loop	960833-TP; 960846-TP; 960916-TP
4-Wire Analog Voice Grade Loop	960833-TP; 960846-TP; 960916-TP
2-Wire ISDN Digital Grade Loop	960833-TP; 960846-TP; 960916-TP
2-Wire ADSL Compatible Loop	960833-TP; 960846-TP; 960916-TP; 960757-TP; 971140-TP
2-Wire HDSL Compatible Loop	960833-TP; 960846-TP; 960916-TP; 960757-TP; 971140-TP
4-Wire HDSL Compatible Loop	960833-TP; 960846-TP; 960916-TP; 960757-TP; 971140-TP

Fixed costs are 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.

These cost studies are considered proprietary information and paper and electronic copies will be made available for viewing at the BellSouth Birmingham office upon the execution of an appropriate nondisclosure agreement.

Request 3: Provide the most recent cost studies prepared by or for BellSouth which show the recurring and non-recurring cost of providing interoffice transport to ICG 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. Identify the cost separately for DS-1 dedicated and DS-3 dedicated transport. Provide the complete working copy of

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 work papers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation.

Response: For nonrecurring and recurring costs, the following cost studies have been filed with the Florida Public Commission:

Cost Study	Docket No(s).
Interoffice Channel Voice Unbundled Exchange Access	961150-TP
Interoffice Transport-Dedicated-DS1	960833-TP; 960846-TP; 960916-TP
Interoffice Transport-Dedicated-DS0-56/64 KBPS	981745-TP
Interoffice Transport-Dedicated-DS3	981745-TP
Interoffice Transport-Dedicated-OC3	981745-TP
Interoffice Transport-Dedicated-OC12	981745-TP
Interoffice Transport-Dedicated-OC48	981745-TP

These cost studies are considered proprietary information and paper and electronic copies will be made available for viewing at the BellSouth Birmingham office upon the execution of an appropriate nondisclosure agreement.

REQUEST 4: Provide the most recent cost studies 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 ICG system and/or other telecommunications carrier systems. Provide the complete working copy of 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 work papers with all special studies,

data sources, data inputs and assumptions; and a complete set of cost study documentation.

Response: For nonrecurring and recurring costs, the following cost studies have been filed with the Florida Public Commission:

Cost Study	Docket No(s).
Physical Collocation	960833-TP; 960846-TP; 960916-TP
Virtual Collocation	960833-TP; 960846-TP; 960916-TP

These cost studies are considered proprietary information and paper and electronic copies will be made available for viewing at the BellSouth Birmingham office upon the execution of an appropriate nondisclosure agreement.

Request 5. Provide copies of the most recent cost studies prepared or for BellSouth which show the recurring and non-recurring costs established for these types of entrance facilities as UNEs for each type of facility. Separately identify non-recurring costs, recurring costs, fixed costs and distance-related costs. Provide the complete working copy of each cost study, including a complete working copy of all computerized models involved in preparing the costs estimate with data intact; a complete set of work papers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation. If cost-based rates have not been established for these types of entrance facilities as unbundled network elements, please explain why not.

Specific Objection: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is not relevant to any issue in this proceeding, nor is it reasonably calculated to lead to the discovery of admissible evidence.

Response: BellSouth has no responsive documents in its possession, custody or control. BellSouth has not filed the requested cost studies for Florida.

Request 6. Provide copies of the most recent cost studies prepared by or for BellSouth which show the recurring and non-recurring costs of each type of transport as an unbundled network element. Separately identify non-recurring costs, recurring costs, fixed costs and distance-related costs. Provide the complete working copy of 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 work papers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation. If cost-based rates have not been established for these types of transport as unbundled network elements, please explain why not.

Specific Objection: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is not relevant to any issue in this proceeding, nor is it reasonably calculated to lead to the discovery of admissible evidence.

Request 7. Provide copies of the most recent cost studies prepared or for BellSouth which show the recurring and non-recurring costs of each type of connectivity. Separately identify non-recurring costs, recurring costs, fixed costs and distance-related costs. Provide the complete working copy of each cost study, including a complete working copy of all computerized models involved in preparing the costs estimate with data intact; a complete set of work papers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation. If cost-based rates have not been established for these types of channelization and/or multiplexing as unbundled network elements, please explain why not.

Specific Objection: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is not relevant to any issue in this proceeding, nor is reasonably calculated to lead to the discovery of admissible evidence.

Request 8. Provide the complete working copy of each cost study demonstrating the cost differences, if any between transporting and terminating ISP-bound traffic and other types of local traffic, including a complete working copy of all computerized models involved in preparing the cost estimate with data intact; a complete set of work papers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation.

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

Request 9: Provide the most recent cost studies prepared by or for BellSouth relating to local traffic transport and termination (including end office switching, transport and tandem switching). Provide the complete working copy of all computerized models involved in preparing the cost estimate with data intact; a complete set of work papers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation.

Response: For nonrecurring and recurring costs, the following cost studies have been filed with the Florida Public Commission:

Cost Study	Docket No.
Unbundled Local Usage	961150-TP

These cost studies are considered proprietary information and paper and electronic copies will be made available for viewing at the BellSouth Birmingham office upon the execution of an appropriate nondisclosure agreement.

Request 10: Provide any cost studies prepared by or for BellSouth relating to:

- (a) LIGHTgate/SMARTgate;**
- (b) SMARTpath;**
- (c) SMARTring.**

For each of the items enumerated above, provide an explanation of the costing methodology used.

Response: The following cost studies have been completed for Florida:

LightGate® Service (Private Line)
SmartGate® Service (Special Access)
SmartPath® Service (Private Line and Special Access)
SmartRing® Service (Private Line and Special Access)

An explanation of the TSLRIC methodology is provided in the narrative of the SMARTRing® cost study. These TSLRIC studies are proprietary and will be provided upon execution by ICG of an appropriate nondisclosure agreement.

Request 12. Provide copies of all contracts or agreements between BellSouth and any IXC, ALEC, or CMRS that contain self-effectuating enforcement mechanisms, including but not limited to, liquidated damages provisions.

Specific Objections: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is overly broad and burdensome.

Response: In an effort to be responsive, BellSouth offers the following. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, BellSouth has entered into 282 interconnection agreements with ALECs operating in Florida and 20 CMRS contracts. All such agreements are filed with the Florida Public Service Commission as a public document. ICG may wish to

review such agreements to obtain the date on which such agreements were executed and the nature of the agreements.

Request 13. Provide copies of any CSAs, tariffs, or any other type of agreement with retail customer(s) that contains self-effectuating enforcement mechanisms, including, but not limited to, liquidated damage provisions and/or credits or rebates for non-performance.

Specific Objections: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is overly broad and burdensome.

Response: BellSouth would have to manually sort through 1207 CSAs, 3196 tariff contracts, and even thousands more of other types of agreements. In addition, these contracts reflect customer specific information, and/or, vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. In an effort to be responsive, however, the attached tariff pages represents an example of what BellSouth has agreed to do.

Respectfully submitted this 24th day of August, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

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