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November 29, 2000

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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. 000907-TP (Level 3 Arbitration)

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Response to the Motion to Compel by Level 3 Communications, LLC which we ask that you file in the captioned docket.

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.

Sincerely,

Patrick W. Turner
Patrick W. Turner
(26)

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

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CERTIFICATE OF SERVICE
Docket No. 000907-TP

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

U. S. Mail and Hand Delivery* this 29th day of November, 2000 to the following:

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

Ms. Felicia R. Banks*
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Patrick W. Turner
(af)

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

ORIGINAL

In re:)
) Docket No. 000907-TP
Petition by Level 3 Communications, LLC for)
Arbitration of Certain Terms and Conditions of a) Filed: November 29, 2000
Proposed Agreement with BellSouth Telecommunications,)
Inc.)
_____)

**RESPONSE OF BELL SOUTH TELECOMMUNICATIONS, INC. TO
THE MOTION TO COMPEL BY LEVEL 3 COMMUNICATIONS, LLC**

BellSouth Telecommunications, Inc. (“BellSouth”) respectfully submits its Response to Level 3 Communications, LLC’s Motion to Compel. BellSouth has discussed the Motion with counsel for Level 3 and, based on those conversations, BellSouth is optimistic that the parties can resolve the Motion without the need of a hearing. In an abundance of caution, however, BellSouth submits this Response.

I. The Motion is Moot with regard to Interrogatories Nos. 15 & 17 and Document Requests Nos. 9 & 10.

Each these requests seeks information only if BellSouth’s responded in a particular manner to a prior request. In each instance, BellSouth did not respond to the prior request in a manner that would require it to provide any additional information. Level 3’s motion, therefore, is moot with regard to these items.

As an example, Interrogatory No. 15 seeks information only “[i]f the answer to Interrogatory No. 14 is in the affirmative.” BellSouth’s response to Interrogatory No. 14, however, is “no.” Interrogatory No. 15, therefore, does not seek to require BellSouth to

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provide any additional information. The same is true of Interrogatory No. 15 and Document Requests Nos. 9 and 10.

II. BellSouth has provided the information requested in Interrogatories Nos. 55 & 57 and Request Nos. 24-25.

Each of these requests seeks information regarding the legal support for BellSouth's position that: reciprocal compensation payments are not due for ISP-bound traffic under the parties' current agreement; and reciprocal compensation should not be due for ISP-bound traffic under the agreement being arbitrated in this docket. In addition to the information set forth in BellSouth's pre-filed testimony, BellSouth's response to Interrogatory No. 57 quotes the relevant portion of the parties' existing agreement, and BellSouth's response to Interrogatory No. 54 explains its position and provides citations to legal rulings supporting its position. BellSouth's response to these requests, therefore, are appropriate, and Level 3's motion with regard to these items should be overruled.

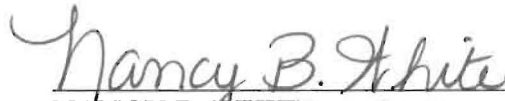
III. BellSouth's objections with regard to Interrogatory Nos. 30 and 31 are valid and should be upheld.

Level 3 asks BellSouth to explain whether certain charges are or are not compliant "with a Total Element Long Run Incremental Cost methodology adopted by the Federal Communications Commission and/or the Commission" and with "the pricing standards of section 252(d) of the Act." These requests clearly seek to require BellSouth to perform a legal analysis (which by definition would constitute attorney work product) and provide that analysis to Level 3 prior to any hearings. This clearly is improper, as legal strategy and legal analysis are protected from discovery by the work product doctrine and/or attorney-client privilege.


Without waiving these objections, BellSouth is discussing these items with counsel for Level 3 in a good-faith effort to resolve this discovery dispute, and BellSouth is optimistic that the parties will be able to reach a mutually agreeable resolution of this issue.

Respectfully submitted this 29th day of November 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



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