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January 17, 2001

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. 000731-TP (AT&T Arbitration)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to AT&T Communications of the Southern States, Inc.'s Motion to Compel and Request for Expedited Order, 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,



R. Douglas Lackey

(22)

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

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**  
**Docket No. 000731-TP**

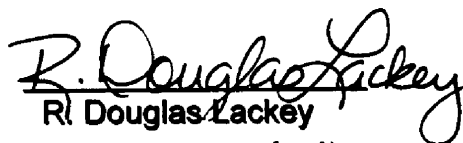
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

(\*) Electronic Mail and Federal Express this 17th day of January, 2001 to the following:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition by AT&T Communications of the )  
Southern States, Inc. for arbitration of ) Docket No. 000731-TP  
certain terms and conditions of a proposed )  
agreement with BellSouth ) Filed: January 17, 2001  
Telecommunications, Inc. pursuant to )  
47 U.S.C. Section 252. )  
\_\_\_\_\_ )

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES  
TO AT&T'S MOTION TO COMPEL AND  
REQUEST FOR EXPEDITED ORDER**

On January 11, 2001, AT&T Communications of the Southern States, Inc. ("AT&T") filed a Motion to Compel and Request for Expedited Order, seeking to have the Florida Public Service Commission ("Commission") order BellSouth Telecommunications, Inc. ("BellSouth") to answer certain interrogatories poised to BellSouth by AT&T. AT&T asserted that it needed BellSouth's responses (presumably assuming that the Commission agreed with AT&T that the interrogatories should be answered) on an expedited basis so that the responses could be used in connection with a deposition scheduled for January 26, 2001.

**GENERAL RESPONSE**

BellSouth opposes AT&T's Motion to Compel. While BellSouth will address the individual discovery requests below, the Commission should simply dismiss this motion out of hand, without wasting its time on the merits or lack thereof, of AT&T's arguments.

AT&T's second set of interrogatories, which contained disputed interrogatories 25, 26, 27, 28, 32, 33 and 35, and second set of requests for production of documents, which contained POD 15, were served on BellSouth on or about November 13, 2000. AT&T's third set of

interrogatories, containing disputed interrogatory 42, was served on BellSouth on November 22, 2000. On November 22, 2000, in accordance with the Procedural Order, PSC-00-1634-PCO-TP, issued on September 13, 2000, BellSouth served upon AT&T its objections to certain interrogatories included in AT&T's second set, including those listed above. On December 1, 2000, BellSouth served upon AT&T its objections to certain of the interrogatories included in AT&T's third set of interrogatories, including interrogatory 42, all in accordance with that same procedural rule.

Pursuant to the Commission's Procedural Order, said objections were filed within 10 days of service. The Commission has imposed such a requirement on parties to litigation before stating that: "This procedure is intended to reduce delay in resolving discovery disputes." Order at page 2. Indeed, the procedure imposed by the Commission is often problematic, requiring parties to file objections before the requests can be fully analyzed; nevertheless, BellSouth has adhered to it.

Now, AT&T has filed its motion to compel responses to certain interrogatories that BellSouth objected to last year. With regard to the second set, BellSouth's detailed objections were filed on November 22, 2001. AT&T's motion to compel was filed January 11, 2001, more than a month and a half later. BellSouth's detailed objection to Interrogatory 42 was filed December 1, 2001, and AT&T's motion to compel was filed January 11, 2001, almost a month and a half later. Moreover, AT&T waited until BellSouth was in the very midst of trying and getting ready to try a dozen cases, most of which involve the same witnesses, before filing the instant motion.

If the Commission's standard order requiring objections to be filed within 10 days is to have any meaning at all, then the parties taking exception to those objections should not be

allowed to sit on their hands for a month and a half before seeking Commission intervention. That certainly does not reduce any delay. BellSouth could have filed its objections to both sets of interrogatories at the normal time required by the Florida Rules of Civil Procedure and AT&T could have still filed its Motion on January 11, 2001.

Moreover, for the most part, AT&T cannot allege that its filing was delayed because it did not know some relevant fact or that it did not know that it would really need the information requested until now. At least 6 of the interrogatories AT&T now seeks to compel are identical or substantially identical to interrogatories filed in another AT&T arbitration in North Carolina. In that proceeding, AT&T filed a motion to compel and received limited responses to some of the interrogatories last June. Indeed, the North Carolina Utilities Commission sustained BellSouth's objections to two of these interrogatories and limited answers to others to North Carolina data.

In short, AT&T has acted in a dilatory fashion. If it needed the requested information, it has had plenty of time to file its motion. It is patently unfair to require BellSouth to answer these discovery requests at all, because AT&T has sat on its hands. To require BellSouth to answer them on an expedited basis would simply be an injustice. AT&T's Motion to Compel and Request for Expedited order should be denied.

### **SPECIFIC RESPONSES**

**REQUEST 25:** Please state whether BellSouth has a time frame for issuing clarifications, jeopardy notices, and rejections from the time of the receipt of the LSR. If yes, please provide the time frame(s) and a detailed explanation for these time frames.

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that will be addressed in Florida's performance measurements docket and that this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together

with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

According to AT&T, this interrogatory relates to Issue 31 (b). Issue 31 (b), as is explained in BellSouth's prefiled testimony, relates to the question of whether every order that AT&T wants to submit to BellSouth has to be submitted electronically, or whether it is acceptable for BellSouth to require that some AT&T orders be submitted manually. As the testimony explains, some complex orders, for both AT&T and BellSouth's own retail operations, have to be written down (either literally written down or taken down electronically and printed out) and then submitted to the appropriate place, either BellSouth's Local Carrier Service Center (LCSC) for ALECs or a BellSouth service representative with access to ROS for BellSouth's retail operations, where it is then entered into BellSouth's system for further processing. The issue presented is whether allowing some orders to be submitted manually instead of electronically means that BellSouth has somehow failed to provide AT&T with nondiscriminatory access.

The interrogatory on its face, however, relates to what occurs after the Local Service Request (LSR) is received by BellSouth. That is, and as BellSouth's testimony indicates, a clarification or a jeopardy notice would only issue after the LSR has actually resulted in a service order being issued. That has nothing at all to do with electronic ordering, which is what Issue 31(b) addresses. As for the rejection notice, it could occur after the LSR is submitted, but before the Firm Order Confirmation (FOC) is issued, but again, that has nothing to do with whether the order is submitted electronically or manually.

AT&T is simply stretching. This interrogatory has nothing to do with this docket and BellSouth properly objected to it.

**REQUEST 26:** Describe in detail the methodology utilized by BellSouth to calculate the “Percent Flow Through Service Requests Report” and “LNP Percent Flow through Service Requests Report” for service requests submitted on or after September 1, 2000, including a description of any changes to that methodology that have been implemented since that date. Include descriptions for all sub-sections of each report (Summary, Detail, Residence Detail, Business Detail, UNE Detail, Flow Through Error Analysis, LNP Summary, and LNP Aggregate Detail).

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that will be addressed in Florida’s performance measurements docket and that this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

**REQUEST 27:** List, identify and describe all products or services contained in BellSouth Flow through Reports under the following categories:

- a) LNP;
- b) UNE;
- c) Business; and
- d) Residence.

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that will be addressed in Florida’s performance measurements docket and that this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of

responding to interrogatories that, on their face, do not relate to this docket.

**REQUEST 42:** Please describe in detail the methodology utilized by BellSouth to calculate the "Percent Flow Through Service Requests" for BellSouth's retail operations. Provide the methodology for requests placed using the Regional Negotiation System (RNS) and using the Regional Ordering System (ROS).

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that relate to performance measures and such issues are not being arbitrated in this proceeding. Therefore, this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

AT&T asserts that these three interrogatories relate to Issue 31 (b), discussed above, and Issue 31 (c). Issue 31(b) deals with whether BellSouth has a duty to create a system where all of AT&T's orders can be submitted by AT&T electronically. Issue 31 (c) deals with the situation where an order can be submitted electronically, and is, but "falls" out for manual handling once it reaches BellSouth. The question here is whether BellSouth is required to create a system where an order processes through BellSouth's systems without human intervention, not whether the system that it has created is allowing the orders to "flow through" in a nondiscriminatory manner. In this regard, as BellSouth has clearly stated in its testimony, such flow through is not required, even by the FCC, in order to demonstrate that BellSouth is providing AT&T with nondiscriminatory access to unbundled network elements.

The issue that the interrogatories go to, however, is not whether BellSouth has an obligation to create a system that will allow AT&T's orders to pass through BellSouth's systems



untouched by human hands (which the FCC has made clear is not BellSouth's obligation), but whether BellSouth is discriminating against AT&T. The "Flow Through Reports" and "Flow Through Service Request Reports" that AT&T is addressing deal with how orders are processed and whether AT&T is receiving parity or has a "meaningful opportunity to compete."

AT&T attempts to tie these requests to BellSouth Witness Pate's testimony, where he talks about developing software to allow complex orders to be submitted electronically and why all electronic orders cannot flow through BellSouth's systems. That testimony has nothing to do with the interrogatories that AT&T is seeking to have answered. They will not address the merits of his claims as to why something has not happened, they would, at best, address what has happened. Those subjects have to be addressed in the generic performance measures docket and not this one. BellSouth's objections to these interrogatories were appropriate.

**REQUEST 32:** For each month beginning May 2000 through October 2000, across all nine BellSouth states and for Florida specifically, provide the total number of ALEC trouble reports received by BellSouth by interface/process.

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that will be addressed in Florida's performance measurements docket and that this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

**REQUEST 33:** For each month beginning May 2000 through October 2000, across all nine BellSouth states and for Florida specifically, provide the total number of BellSouth retail trouble reports received by BellSouth by interface/process.

**OBJECTION:**

BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that will be addressed in Florida's performance measurements docket and that this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

These two interrogatories, according to AT&T, relate to issue 32, which deals with the functionality of Trouble Analysis and Facilitation ("TAFI") and Work Force Administration ("WFA") in the Electronic Communications Trouble Administration ("ECTA"). Basically, TAFI and WFA are the human-to-machine interfaces that BellSouth uses for repair and maintenance. BellSouth has provided full access to TAFI, which AT&T does not dispute. Indeed, the ALECs' access to TAFI provides them with the functionality that requires BellSouth to use two systems (TAFI and WFA) to achieve. In addition to TAFI, BellSouth provides AT&T with access to ECTA, which is a machine-to-machine maintenance and repair system. The problem embodied in this issue is that ECTA does not have all of the functionality of TAFI, which everyone agrees about, and that ECTA can be integrated into AT&T's back office systems, and TAFI cannot. As a result, AT&T wants BellSouth, at no charge, to build AT&T a system like ECTA that can be integrated into AT&T's back office systems, but that contains all of the functionality of TAFI.

BellSouth's position, as is clear from its testimony, is that such a system could be built, but it would not be an industry standard system and AT&T would have to pay for it, which of course AT&T does not want to do. Beyond that, the FCC has made it clear that BellSouth is not obligated to provide for free a system that has all of the functionality of TAFI, but can be

integrated into AT&T's systems. The issue to be resolved here is whether BellSouth's position, which is consistent with the FCC's rulings, is correct.

The interrogatories, on the other hand, ask for ALEC and BellSouth trouble report volumes submitted via each of the interfaces that are under discussion. This information has nothing to do with the issue of whether AT&T is entitled to have BellSouth build for it, at no cost to AT&T, a new interface.

Any claim that AT&T is not getting nondiscriminatory access to BellSouth's maintenance and repair systems is an issue for the performance measures docket. The questions that AT&T has asked, in addition to improperly covering nine states, has nothing to do with the issues before the Commission. BellSouth's objections were appropriate.

**REQUEST 28:** For each month beginning January 2000 through October 2000, across all nine BellSouth states and for Florida specifically, identify the volume of BellSouth employee input service requests that failed to be accepted by SOCS as valid service orders and thus did not reach assignable order (AO) status.

**OBJECTION:** BellSouth objects to this interrogatory on the ground that the interrogatory will neither lead to the discovery relevant evidence nor to the discovery of admissible evidence related to the remaining issues in this proceeding. The number of requests for service that BellSouth has received and the number of service orders it has issued have nothing to do with any issue that remains in this proceeding. Furthermore, it appears that BellSouth does not retain this information.

**REQUEST 35:** For each month beginning May 2000 through October 2000, across all nine BellSouth states and for Florida specifically, identify the volume of BellSouth service requests for retail local exchange services and the volume of service orders (SOs) subsequently issued.

**OBJECTION:** BellSouth objects to this interrogatory on the ground that the interrogatory will neither lead to the discovery relevant evidence nor to the discovery of

admissible evidence related to the remaining issues in this proceeding. The number of requests for service that BellSouth has received and the number of service orders it has issued have nothing to do with any issue that remains in this proceeding.

AT&T asserts that these two interrogatories also relate to Issue 31 (b) and (c). BellSouth's objections are essentially the same as those raised to the other interrogatories related to these issues, including the fact that AT&T is seeking information that is relevant only to states other than Florida, which is not permissible in this proceeding. As previously stated, the question is whether BellSouth is obligated to allow all orders to flow through electronically without human intervention. The FCC has already addressed this issue and found that the mere fact that some ALEC orders "fall" out for manual handling does not mean that the incumbent local exchange carrier is providing discriminatory access. That should be a dead issue.

Both of these interrogatories ask about service order requests submitted by BellSouth employees, presumably on behalf of BellSouth retail customers. Interrogatory 28 asks how many of these service order requests were rejected and therefore never had a service order issued. Interrogatory 35 asks how many service order requests were submitted by BellSouth employees and were accepted. Both requests ask for the information broken down by month and by the system used to place the order.

AT&T's rationale for wanting this information simply makes no sense. AT&T claims that this information relates to its request for OSS functionality equivalent to that available to BellSouth. All these interrogatories request are the number of service requests submitted and then either the "failures" in the case of Interrogatory 28 or the "successes" in the case of Interrogatory 35. That is, of course, dependent at least in part on whether the service order request was submitted correctly. Even AT&T will admit that it edits the service order requests

are subjected to have been made available to AT&T and that AT&T has the ability to incorporate these edits into its own systems.

AT&T also asserts that it is entitled to understand all “aspects of BellSouth’s manual processing of ALEC orders and to compare those operations with BellSouth’s manual processing of its own orders.” The data that is requested here, however, has to do with what happens to an order after it is submitted electronically using one of the systems set out in the interrogatories. The information that AT&T has requested is neither relevant, nor calculated to lead to the discovery of admissible evidence. BellSouth’s objections were appropriate.

**REQUEST NO. 15:**

Produce any and all documents, including, but not limited to, all reports, underlying work papers and guidelines that describe or from which one can calculate the percentage of orders for BellSouth’s retail business customers that flowed through BellSouth’s legacy systems, without human intervention, after input to ROS by a BellSouth employee for each month from May 2000 through October 2000 inclusive.

**OBJECTION:**

BellSouth objects to this interrogatory on the ground that the interrogatory will neither lead to the discovery relevant evidence nor to the discovery of admissible evidence related to the remaining issues in this proceeding.

Once again, AT&T asserts that this Request for Production of Documents is somehow relevant to Issues 31 (b) and (c). Once again, BellSouth states that these issues relate to BellSouth’s obligation, which does not exist, to create a system that will allow AT&T to submit every one of its order to BellSouth electronically, and for every order to flow through to the creation of a service order without human intervention. BellSouth has no legal obligation to create such a system. The FCC, in approving Bell Atlantic and SBC’s requests for interLATA relief, has address the question of whether every order has to flow though without human intervention and has determined that it does not. The question of what happens to orders when

they are entered into BellSouth's current version of its Regional Ordering System is simply not relevant to that issue.

There is another important issue that AT&T continues to ignore that can be illustrated very clearly in this context and that is the meaning of the term "flow through." That term, as the FCC uses it, and as BellSouth uses it, relates to whether an order, placed by AT&T, "flows" over the interface that links AT&T to BellSouth's legacy systems, or whether it drops out for manual handling and subsequent entry into BellSouth's systems through its Direct Order Entry (DOE) or SONGS (Service Order Negotiation System). BellSouth's basic (not complex) orders start at the point where the order is entered into the equivalent of DOE or SONGS. There is no equivalent flow through for BellSouth's orders, an issue that AT&T simply wants to ignore.

The material that AT&T is seeking through POD 15 is not relevant to any remaining issue in this proceeding, nor is it calculated to lead to the discovery of admissible evidence in this proceeding. BellSouth's objection was proper.

Respectfully submitted this 17th day of January, 2001.

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