

James Meza III  
Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

August 17, 2001

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

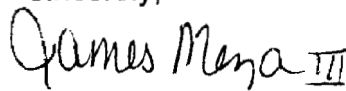
**Re: 960786-TL (Section 271)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s, Motion to Strike Portions of Select Intervenors' Direct Testimony, 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 by Federal Express as shown on the attached Certificate of Service.

Sincerely,

  
James Meza III (KA)

Enclosures

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

DOCUMENT NUMBER DATE  
10193 AUG 17 2001  
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE  
DOCKET NO. 960786-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Hand Delivery (\*) and Federal Express this 17th day of August, 2001 to the following:

Mr. Brian Sulmonetti (+)  
LDDS WorldCom Communications  
Suite 3200  
6 Concourse Parkway  
Atlanta, GA 30328  
Tel. No. (770) 284-5493  
Fax. No. (770) 284-5488  
[brian.sulmonetti@wcom.com](mailto:brian.sulmonetti@wcom.com)

Charles J. Beck  
Office of Public Counsel  
111 W. Madison Street  
Suite 812  
Tallahassee, FL 32399-1400  
Tel. No. (850) 488-9330  
Fax No. (850) 488-4992  
[Beck.Charles@leg.state.fl.us](mailto:Beck.Charles@leg.state.fl.us)

Floyd R. Self, Esq. (+)  
Messer Law Firm  
215 South Monroe Street  
Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-1876  
Tel. No. (850) 222-0720  
Fax. No. (850) 224-4359  
Represents LDDS/ACSI  
[fself@lawfla.com](mailto:fself@lawfla.com)

Richard D. Melson (+)  
Hopping Green Sams & Smith  
123 South Calhoun Street  
P.O. Box 6526  
Tallahassee, FL 32314  
Tel. No. (850) 222-7500  
Fax. No. (850) 224-8551  
Represents MCI, Rhythms  
[RMelson@hgss.com](mailto:RMelson@hgss.com)

Vicki Gordon Kaufman (+)  
Joseph A. McGlothlin (+)  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
Tel. No. (850) 222-2525  
Fax. No. (850) 222-5606  
Represents FCCA  
Represents NewSouth  
Represents KMC  
Represents NuVox Comm.  
Represents ACCESS  
Represents XO  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)

Susan S. Masterton (+)  
Sprint Communications Co.  
Post Office Box 2214 (zip 32316-2214)  
1313 Blair Stone Road  
Tallahassee, FL 32301  
Tel. (850) 599-1560  
Fax (850) 878-0777  
[susan.masterton@mail.sprint.com](mailto:susan.masterton@mail.sprint.com)

Beth Keating, Staff Counsel (\*)  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6212  
Fax. No. (850) 413-6250  
[bkeating@psc.state.fl.us](mailto:bkeating@psc.state.fl.us)

Scott Sapperstein  
Intermedia Comm., Inc.  
One Intermedia Way  
MCFLT-HQ3  
Tampa, Florida 33647-1752  
Tel. No. (813) 829-4093  
Fax. No. (813) 829-4923  
[Sasapperstein@intermedia.com](mailto:Sasapperstein@intermedia.com)

Rhonda P. Merritt  
AT&T  
101 North Monroe Street  
Suite 700  
Tallahassee, FL 32301  
Tel. No. (850) 425-6342  
Fax. No. (850) 425-6361  
[rpmerritt@ATT.com](mailto:rpmerritt@ATT.com)

Kenneth A. Hoffman, Esq. (+)  
Rutledge, Ecenia, Underwood,  
Purnell & Hoffman, P.A.  
215 South Monroe Street  
Suite 420  
P.O. Box 551  
Tallahassee, FL 32302  
Tel No. (850) 681-6788  
Fax. No. (850) 681-6515  
Represents TCG  
Represents US LEC  
[Ken@Reuphlaw.com](mailto:Ken@Reuphlaw.com)

John R. Marks, III  
215 South Monroe Street  
Suite 130  
Tallahassee, FL 32301  
Tel. (850) 222-3768  
Fax. (850) 561-0397  
Represents BellSouth  
[JohnM@KMRLaw.com](mailto:JohnM@KMRLaw.com)

Kenneth S. Ruth  
Florida Director CWA  
2180 West State Road 434  
Longwood, FL 32779  
Tel. (407) 772-0266  
Fax. (407) 772-2516  
[Kruth@cwa-union.org](mailto:Kruth@cwa-union.org)  
Marilyn H. Ash

MGC Communications, Inc.  
3301 N. Buffalo Drive  
Las Vegas, NV 89129  
Tel. No. (702) 310-8461  
Fax. No. (702) 310-5689

Rodney L. Joyce  
Shook, Hardy & Bacon, L.L.P.  
600 14th Street, N.W.  
Suite 800  
Washington, D.C. 20005-2004  
Tel. No. (202) 639-5602  
Fax. No. (202) 783-4211  
[rjoyce@shb.com](mailto:rjoyce@shb.com)  
Represents Network Access Solutions

Ms. Monica Barone  
Birch Telecom of South  
8601 Six Forks Road  
Suite 463  
Raleigh, N.C. 27516  
Tel. No. (919) 676-5262

Michael Gross/Charles Dudley (+)  
FCTA, Inc.  
246 E. 6th Avenue  
Suite 100  
Tallahassee, FL 32303  
Tel. No. (850) 681-1990  
Fax. No. (850) 681-9676  
[mgross@fcta.com](mailto:mgross@fcta.com)

Nanette Edwards  
ITC^DeltaCom  
4092 South Memorial Parkway  
Huntsville, AL 35802  
Tel. No. (256) 382-3856  
Fax. No. (256) 382-3969  
Represented by Hopping Law Firm

Donna McNulty  
MCI WorldCom  
325 John Knox Road  
Suite 105  
Tallahassee, FL 32303-4131  
Tel. No. (850) 422-1254  
Fax. No. (850) 422-2586  
[donna.mcNulty@wcom.com](mailto:donna.mcNulty@wcom.com)

Network Access Solutions Corp.  
100 Carpenter Drive  
Suite 206  
Sterling, VA 20164  
Tel. No. (703) 742-7700  
Fax. No. (703) 742-7706  
Represented by Shook, Hardy & Bacon

Karen Camechis (+)  
Pennington Law Firm  
215 South Monroe Street  
2<sup>nd</sup> Floor  
Tallahassee, FL 32301  
Tel. No. (850) 222-3533  
Fax. No. (850) 222-2126  
Represents Time Warner  
[pete@penningtonlawfirm.com](mailto:pete@penningtonlawfirm.com)

Rhythms Links, Inc.  
6933 South Revere Parkway  
Suite 100  
Englewood, CO 80112  
Tel. No. (303) 476-4200  
Represented by Hopping Law Firm

Benjamin Fincher  
Sprint/Sprint-Metro  
3100 Cumberland Circle  
#802  
Atlanta, GA 30339  
Tel. No. (404) 649-5144  
Fax. No. (404) 649-5174  
Represented by Ervin Law Firm

Carolyn Marek  
Time Warner  
Regulatory Affairs, SE Region  
233 Bramerton Court  
Franklin, TN 37069  
Tel. No. (615) 376-6404  
Fax. No. (615) 376-6405  
[carolyn.marek@twtelecom.com](mailto:carolyn.marek@twtelecom.com)  
Represented by Pennington Law Firm

James Falvey  
ACSI  
131 National Business Parkway  
Annapolis Junction, MD 20701  
Represented by Messer Law Firm

Matthew Feil (+)  
Florida Digital Network, Inc.  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
Tel. No. (407) 835-0460  
[mfeil@floridadigital.net](mailto:mfeil@floridadigital.net)

Michael Sloan (+)  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W.  
Suite 300  
Washington, D.C. 20007-5116  
Tel. No. (202) 295-8458  
Fax No. (202) 424-7645  
Represents FDN  
[mcsloan@swidlaw.com](mailto:mcsloan@swidlaw.com)

Katz, Kutter Law Firm (+)  
Charles J. Pellegrini/Patrick Wiggins  
106 E. College Avenue  
Tallahassee, FL 32301  
Tel. No. 850-224-9634  
Fax. No. 850-224-9634  
[pkwiggins@katzlaw.com](mailto:pkwiggins@katzlaw.com)

Lori Reese  
Vice President of Governmental Affairs  
NewSouth Communications  
Two Main Street  
Greenville, South Carolina 29609  
Tel. No. (864) 672-5177  
Fax. No. (864) 672-5040  
[lreese@newsouth.com](mailto:lreese@newsouth.com)

Genevieve Morelli  
Andrew M. Klein  
Kelley Drye & Warren LLP  
1200 19th Street, NW  
Suite 500  
Washington, DC 20036  
Represents KMC

John D. McLaughlin, Jr.  
KMC Telecom  
1755 North Brown Road  
Lawrenceville, Georgia 30043

Suzanne F. Summerlin, Esq.  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, Florida 32301  
Tel. No. (850) 656-2288  
Fax. No. (850) 656-5589  
Represents IDS Telecom

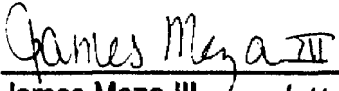
Henry C. Campen, Jr. (+)  
Parker, Poe, Adams & Bernstein, LLP  
P.O. Box 389  
First Union Capital Center  
150 Fayetteville Street Mall  
Suite 1400  
Raleigh, NC 27602-0389  
Tel. No. (919) 890-4145  
Fax. No. (919) 834-4564  
Represents US LEC of Florida  
Represents NuVox Comm.  
Represents XO

Catherine F. Boone  
Covad Communications Company  
10 Glenlake Parkway, Suite 650  
Atlanta, Georgia 30328-3495  
Tel. No. (678) 222-3466  
Fax. No. (678) 320-0004  
[cboone@covad.com](mailto:cboone@covad.com)

Bruce Culpepper, Esq.  
Akerman, Senterift & Eidson  
301 South Bronough Street  
Suite 200  
Post Office Box 10555  
Tallahassee, FL 32302-2555  
Attys. for AT&T

Mark D. Baxter  
Stone & Baxter, LLP  
557 Mulberry Street  
Suite 1111  
Macon, Georgia 31201-8256  
Represents ACCESS

Dana Shaffer  
XO Communications, Inc.  
105 Molloy Street, Suite 300  
Nashville, Tennessee 37201-2315  
Tel. (615) 777-7700  
Fax. (615) 345-1564  
[dana.shaffer@xo.com](mailto:dana.shaffer@xo.com)

  
James Meza III (LLA)

**(+) Signed Protective Agreement**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Consideration of BellSouth )  
Telecommunications, Inc.'s entry into )  
interLATA services pursuant to Section )  
271 of the Federal Telecommunications )  
Act of 1996. )  
\_\_\_\_\_ )

Docket No. 960786-TL

Filed: August 17, 2001

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
MOTION TO STRIKE PORTIONS OF SELECT  
INTERVENORS' DIRECT TESTIMONY**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits this Motion to Strike Portions of Select Intervenors' Direct Testimony ("Motion to Strike"). The Florida Public Service Commission ("Commission") should strike the portions of Intervenors' testimony identified below because said testimony relates to BellSouth's Operational Support System ("OSS"). The Commission has previously determined that OSS issues are not appropriate for the hearing process because such information is being addressed via third-party OSS testing. In support of this Motion to Strike, BellSouth states the following:

1. On April 24, 2001, an Issues Identification Conference was conducted between the Prehearing Officer and all the parties to discuss the issues that needed to be identified for resolution in this proceeding. After considering the arguments presented at the conference, on April 25, 2001, the Prehearing Officer issued Order No. PSC-01-1025-PCO-TL (the "Order"), which set forth the issues to be addressed in this proceeding.

2. In the Order, the Prehearing Officer determined that issues relating to BellSouth's OSS were not appropriate because they were "already being addressed in the third-party OSS testing . . . ." PSC-01-1025-PCO-TL at 4. In reaching this conclusion, the Prehearing Officer focused on previous Orders in this proceeding – Order No. PSC-99-1568-PAA-TP and Order

No. PSC-00-0104-PAA-TP – wherein the Commission found that (1) third-party testing will provide “better, more accurate information about the status of BellSouth’s systems than might be obtained through further administrative proceedings on this issue[;]” and (2) third-party testing was being “conducted in lieu of addressing our concerns through the hearing process.” Order No. PSC-99-1568-PAA at 10; Order No. PSC-0101025-PCP-TL at 5 (citing Order No. 00-0104-PAA-TP at 5). As succinctly stated by the Commission, “if BellSouth’s OSS systems pass the third-party testing in Florida, then BellSouth shall be considered to have remedied the OSS concerns that we identified in Order No. PSC-97-1459-FOF-TL.” Order No. PSC-99-1568-PAA-TP at 9-10.

3. BellSouth’s OSS and OSS interface system provides preordering, ordering, provisioning, maintenance and repair, and billing functions to ALECs. Order No. PSC-99-1568-PAA-TP at 8. Certain of the testimony filed by AT&T (witnesses Wheeler, Turner, Seigler, Norris, Berger and Bradbury), NuVox (witness Campbell), Covad (witness Davis), KMC (witnesses Espin and Sfakianos), XO (witness Padfield), and Sprint (witness Felton) relate or pertain to BellSouth’s OSS and BellSouth’s provisioning of the above-described functions to ALECs.<sup>1</sup>

4. As stated above, in Order No. PSC-01-1025-PCO-TL, the Commission determined that issues addressing BellSouth’s OSS were inappropriate for hearing. Thus, the referenced direct testimony should be stricken because it relates or pertains to issues that the Commission has determined will be addressed via third party process and not through the hearing process.

---

<sup>1</sup> BellSouth will provide a page/line summary of the improper testimony to be stricken by Tuesday, August 21, 2001.

5. To allow the referenced testimony to remain in the record would violate the Commission's Order and would defeat the stated goal of the Commission for the third-party test to be the sole determining factor as to whether BellSouth has addressed the Commission's OSS concerns.<sup>2</sup>

WHEREFORE, for the foregoing reasons, BellSouth respectfully requests that the Commission grant this Motion to Strike.

Respectfully submitted this 17th day of August 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

---

NANCY B. WHITE  
JAMES MEZA III  
c/o Nancy Sims  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5561

---

LISA FOSHEE  
FRED MCCALLUM  
E. EARL EDENFIELD JR.  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0763

406447

---

<sup>2</sup> Pursuant to the Procedural Order, BellSouth will file its Rebuttal testimony on Monday, August 20, 2001. As this Motion to Strike will still be pending at that time, the Rebuttal testimony will address the improperly raised portions of the Intervenors' testimony. In the event this Motion to Strike is granted, BellSouth will withdraw those portions of the Rebuttal testimony addressing the OSS issues improperly raised by the Intervenors.



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Consideration of BellSouth )  
Telecommunications, Inc.'s entry into )  
interLATA services pursuant to Section )  
271 of the Federal Telecommunications )  
Act of 1996. )  
\_\_\_\_\_ )

Docket No. 960786-TL

Filed: August 17, 2001

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
MOTION TO STRIKE PORTIONS OF SELECT  
INTERVENORS' DIRECT TESTIMONY**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits this Motion to Strike Portions of Select Intervenors' Direct Testimony ("Motion to Strike"). The Florida Public Service Commission ("Commission") should strike the portions of Intervenors' testimony identified below because said testimony relates to BellSouth's Operational Support System ("OSS"). The Commission has previously determined that OSS issues are not appropriate for the hearing process because such information is being addressed via third-party OSS testing. In support of this Motion to Strike, BellSouth states the following:

1. On April 24, 2001, an Issues Identification Conference was conducted between the Prehearing Officer and all the parties to discuss the issues that needed to be identified for resolution in this proceeding. After considering the arguments presented at the conference, on April 25, 2001, the Prehearing Officer issued Order No. PSC-01-1025-PCO-TL (the "Order"), which set forth the issues to be addressed in this proceeding.

2. In the Order, the Prehearing Officer determined that issues relating to BellSouth's OSS were not appropriate because they were "already being addressed in the third-party OSS testing . . . ." PSC-01-1025-PCO-TL at 4. In reaching this conclusion, the Prehearing Officer focused on previous Orders in this proceeding – Order No. PSC-99-1568-PAA-TP and Order

No. PSC-00-0104-PAA-TP – wherein the Commission found that (1) third-party testing will provide “better, more accurate information about the status of BellSouth’s systems than might be obtained through further administrative proceedings on this issue[;]” and (2) third-party testing was being “conducted in lieu of addressing our concerns through the hearing process.” Order No. PSC-99-1568-PAA at 10; Order No. PSC-0101025-PCP-TL at 5 (citing Order No. 00-0104-PAA-TP at 5). As succinctly stated by the Commission, “if BellSouth’s OSS systems pass the third-party testing in Florida, then BellSouth shall be considered to have remedied the OSS concerns that we identified in Order No. PSC-97-1459-FOF-TL.” Order No. PSC-99-1568-PAA-TP at 9-10.

3. BellSouth’s OSS and OSS interface system provides preordering, ordering, provisioning, maintenance and repair, and billing functions to ALECs. Order No. PSC-99-1568-PAA-TP at 8. Certain of the testimony filed by AT&T (witnesses Wheeler, Turner, Seigler, Norris, Berger and Bradbury), NuVox (witness Campbell), Covad (witness Davis), KMC (witnesses Espin and Sfakianos), XO (witness Padfield), and Sprint (witness Felton) relate or pertain to BellSouth’s OSS and BellSouth’s provisioning of the above-described functions to ALECs.<sup>1</sup>

4. As stated above, in Order No. PSC-01-1025-PCO-TL, the Commission determined that issues addressing BellSouth’s OSS were inappropriate for hearing. Thus, the referenced direct testimony should be stricken because it relates or pertains to issues that the Commission has determined will be addressed via third party process and not through the hearing process.

---

<sup>1</sup> BellSouth will provide a page/line summary of the improper testimony to be stricken by Tuesday, August 21, 2001.

5. To allow the referenced testimony to remain in the record would violate the Commission's Order and would defeat the stated goal of the Commission for the third-party test to be the sole determining factor as to whether BellSouth has addressed the Commission's OSS concerns.<sup>2</sup>

WHEREFORE, for the foregoing reasons, BellSouth respectfully requests that the Commission grant this Motion to Strike.

Respectfully submitted this 17th day of August 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Nancy B. White*

---

NANCY B. WHITE (KA)  
JAMES MEZA III  
c/o Nancy Sims  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5561

*Lisa S. Foshee*

---

LISA FOSHEE (KA)  
FRED MCCALLUM  
E. EARL EDENFIELD JR.  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0763

406447

---

<sup>2</sup> Pursuant to the Procedural Order, BellSouth will file its Rebuttal testimony on Monday, August 20, 2001. As this Motion to Strike will still be pending at that time, the Rebuttal testimony will address the improperly raised portions of the Intervenor's testimony. In the event this Motion to Strike is granted, BellSouth will withdraw those portions of the Rebuttal testimony addressing the OSS issues improperly raised by the Intervenor.