

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of IDS Long Distance, Inc.)  
n/k/a IDS Telecom, L.L.C., Against )  
BellSouth Telecommunications, Inc., and )  
Request for Emergency Relief. )  
\_\_\_\_\_ )

Docket No. 010740-TP  
Filed August 29, 2001

COMMISSION  
CLERK

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**IDS TELCOM, L.L.C.'S RESPONSE TO BELL SOUTH'S  
MOTION TO COMPEL DISCOVERY AND FOR A CONTINUANCE**

IDS TELCOM, L.L.C. ("IDS"), hereby submits its Response to BellSouth Telecommunications, Inc.'s ("BellSouth's") Motion to Compel Discovery and for a Continuance, and states as follows:

1. BellSouth's Motion to Compel and for a Continuance (hereafter "BellSouth's Motion") requests that the Commission issue an Order Compelling IDS to produce responses to BellSouth's Request for Production of Documents and Interrogatories. In addition, BellSouth states that IDS' failure to produce responses on August 20, 2001, to BellSouth's Request for Production of Documents and Interrogatories has so disadvantaged BellSouth that it must have a continuance of the hearing scheduled for September 21, 2001 and October 1, 2001.

2. BellSouth propounded one hundred and three (103) Interrogatories and one hundred twenty-two (122) Requests for Production of documents to IDS on July 31, 2001. BellSouth's requests for production technically lists twenty (20) items; however, one of BellSouth's twenty items was a request that IDS produce all documentation supporting every response to the 103 Interrogatories that BellSouth had propounded to IDS. In effect, BellSouth propounded 122 requests for production of documents.

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3. Because of the expedited nature of this proceeding, the Order Establishing Procedure in this matter, Order No. PSC-01-1501-PCO-TP, issued July 18, 2001, requires that the parties respond to interrogatories and request for production of document within twenty days.

4. On August 20, 2001, twenty days after BellSouth propounded its discovery, IDS filed its Responses to Interrogatories and Responses to Requests for Production of Documents. While IDS provided responses to the Interrogatories and Requests for Production of Documents, some of the IDS' responses reflected that IDS did not have the human resources to provide the massive amount of documentation required by BellSouth's requests in such a short turn-around time. (Although IDS had devoted a tremendous amount of personnel time to compiling such documentation from the date the requests from BellSouth were received.) Therefore, on August 23, 2001, IDS provided BellSouth with Supplemental Responses to BellSouth's Requests for Production of Documents and on August 24, 2001, IDS provided BellSouth Supplemental Responses to Interrogatories Nos. 1-103. IDS provided over 1,500 pages of documents to comply with this production.

5. IDS made a tremendous effort to produce everything requested by BellSouth in as timely and complete a fashion as possible. On the August 20, 2001, date that the production of the discovery was due, IDS' three key employees and counsel had been taking depositions of BellSouth personnel in Birmingham, Alabama, for three and one-half days of the immediate preceding week and were actually in Atlanta, Georgia, taking depositions of BellSouth personnel on August 20, 2001.

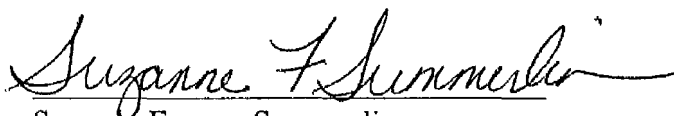
6. Under the Florida Rules of Civil Procedure, a party normally may propound no more than 30 interrogatories and the party to whom those interrogatories are propounded has thirty days plus five for mailing time in which to respond. The amount of discovery propounded by BellSouth to IDS was extraordinary even for a normal 30-day timeframe. Any party, including AT&T and MCI/WorldCom, would have difficulty responding in a timely fashion to such an excessive number of interrogatories and requests for production of documents. Indeed, BellSouth has indicated that it was difficult to provide the limited number of late-filed deposition exhibits that were requested in Birmingham, Alabama, within the twelve days it took BellSouth to provide those responses. This indication was made to IDS and the Staff of the Commission at the same time that BellSouth was propounding and serving a second round of requests for production of documents and interrogatories to IDS. There is no reasonable comparison between the extremely restricted resources at IDS' disposal and the practically unlimited resources at BellSouth's disposal. BellSouth has had at least four attorneys that have signed off on the pleadings filed in this matter. BellSouth has support staff located in Tallahassee, Miami, Atlanta, and Birmingham.

7. BellSouth's Motion to Compel is moot as IDS has provided all the requested discovery and made an extreme good faith effort to do so. BellSouth has not been disadvantaged in its preparation of its case in any fashion. The disadvantage in this expedited proceeding is on IDS. IDS should not have had to file the Complaint in this proceeding to start with and the penalty for IDS attempting to achieve any redress in a Florida Public Service Commission proceeding is the extremely costly and time-

consuming process of responding to discovery requests and a new motion for a continuance or spinning off of issues by BellSouth every day.

8. BellSouth's request for a continuance of this matter should be denied as IDS has substantially and materially complied with the discovery provisions of the Florida Rules of Civil Procedure and the requirements of the Procedural Order in a good faith fashion and BellSouth has not been prejudiced in putting on its defense. IDS is entitled to an expedited resolution of the serious claims it has made against BellSouth and the results of a delay of the hearing to IDS would be catastrophic.

Respectfully submitted, this 29th day of August, 2001.



Suzanne Fannon Summerlin

(signed in the absence of to avoid delay in filing)

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**CERTIFICATE OF SERVICE**

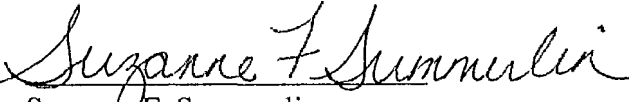
I HEREBY CERTIFY that a true and correct copy of the foregoing

IDS' Response to BellSouth's Motion to Compel Discovery and for a Continuance was furnished by Hand Delivery(\*), Facsimile(\*\*), and U.S. Mail this 29<sup>th</sup> day of August, 2001, to:

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Suzanne F. Summerlin