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March 18, 2002

BY HAND DELIVERY

Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 990649B-TP

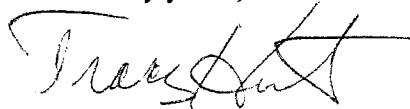
Dear Ms. Bayó:

Enclosed for filing on behalf of AT&T Communications of the Southern States, LLC, MCI WorldCom, Inc. and Florida Digital Network., Inc. is an original and fifteen copies of the Response to Verizon Florida's Motion to Compel Discovery in the above referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,



Tracy W. Hatch

TWH/amb
Enclosures

cc: Claudia Davant-DeLoach, Esq.
Parties of Record

DOCUMENT NUMBER-DATE

03113 MAR 18 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into pricing of unbundled
network elements (Sprint/Verizon track))
_____)

Docket No. 990649B-TP
Filed: March 18, 2002

**RESPONSE OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES,
LLC., MCI WORLDCOM, INC. AND FLORIDA DIGITAL NETWORK, INC.
TO VERIZON FLORIDA’S MOTION TO COMPEL DISCOVERY**

AT&T Communications of the Southern States, Inc. ("AT&T"), MCI WorldCom, Inc. ("WorldCom") and Florida Digital Network, Inc. (FDN) (collectively the ALEC Coalition) through its undersigned counsel, responds to the motion of Verizon Florida, Inc. ("Verizon") to compel discovery in this proceeding, and states:

1. On March 11, 2002, Verizon filed its motion to compel discovery, in which Verizon requests that the ALEC Coalition be compelled to supplement their responses to Verizon’s First Request for Production of Documents. In support of its motion, Verizon states that it served thirteen requests for production on the ALEC Coalition and that that Coalition’s responses are “entirely vague and unresponsive.” Verizon further alleges that the Coalition’s responses are insufficiently specific to determine which documents noted in the responses go to which requests. Essentially what Verizon wishes is for a restatement of each of the Coalition’s responses in a manner more agreeable to Verizon.

2. The conduct of Discovery is governed by the Rule 28-106.206, Florida Administrative Code, and Rules 1.280 through 1.400, Florida Rules of Civil Procedure. Under the Rules of Civil Procedure, a party is only required to produce documents that are within the possession custody or control of the producing party. Further, a party is not required to produce records that are already within the possession of the requesting party or could be as reasonably obtained by the requesting party from public sources.

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FPSC-COMMISSION CLERK

3. The ALEC Coalition provided accurate sufficient responses to the requests made by Verizon. The fact that a particular response did not meet with Verizon's particular wishes does not determine the accuracy or sufficiency of the response. Generally the responses are fully accurate and sufficient. Notwithstanding, in an effort to be helpful and cooperative, the ALEC Coalition supplements its responses to Verizon's First Request for Production of Documents as follows:

Response to Request No. 1 - As was indicated in response to Interrogatory No. 1, Dr. Ankum's testimony is not specific to Florida or particular actions of the Florida Public Service Commission but is generic to traditional modes of regulation that fostered regulatory protection of incumbent Local Exchange Company revenues flows from competitive alternatives to foster other public policies such as universal service. There are no responsive documents in the possession custody or control of the Coalition.

Response to Request No. 2 - Interrogatory 5 seeks Dr. Ankum's recommendation for the appropriate fill factor for distribution plant. Fill factors are discussed in Dr. Ankum's testimony and are shown in Exhibit AHA-6 attached to his testimony. Consistent with the Coalition's initial response, these documents have already been produced to Verizon as part of the Coalition's filing of Rebuttal testimony. No other responsive documents are in the possession custody or control of the Coalition or Dr. Ankum.

Response to Request No. 3 - Interrogatory 7 seeks Dr. Ankum's recommendation for appropriate fill factors. Fill factors are discussed in Dr. Ankum's testimony and are shown in Exhibit AHA-6 as well as compared to

Verizon's apparent fills for certain facilities in Exhibit AHA-10. Consistent with the Coalition's initial response, these documents have already been produced to Verizon as part of the Coalition's filing of Rebuttal testimony. No other responsive documents are in the possession custody or control of the Coalition or Dr. Ankum.

Request No. 4 – Interrogatory 11 seeks information related to the reinforcement of copper feeder facilities with fiber feeder facilities. The response to Interrogatory 11 notes that Verizon's engineering guidelines support Dr. Ankum's claim that fiber will be placed to reinforce copper feeder facilities. The documents noted by Dr. Ankum are Verizon's own documents that are already in the possession of Verizon. The Coalition has asked for these documents in discovery but have yet to receive them. Hence the Coalition does not have possession custody or control of these documents. No other documents were identified in Interrogatory 11 and there are no other documents responsive to the request within the possession custody or control of the Coalition or Dr. Ankum.

Request No. 5 – Interrogatory 12 seeks information supporting Dr. Ankum's recommended fill factors for channel units, RT electronics and COTs. See the Supplemental response to Request No. 2 above.

Request No. 6 – As described in Dr. Ankum's testimony, the source of the requested information is Verizon's model which Verizon already possesses. There are no other responsive documents in the possession custody or control of the Coalition or Dr. Ankum.

Request No. 7 – Interrogatory 16 requests information regarding Dr.

Ankum's recommended concentration ratios. The response to Interrogatory 16 indicates that the documents supporting Dr. Ankum's recommended concentration are those identified in Dr. Ankum's testimony pp. 51-56. Presumably Verizon, having read the testimony of Dr. Ankum, noted that there are three documents referenced in those pages: Newton's Telecom Dictionary, Panel Testimony of Verizon's witnesses in NY Case 98-C-1357, and the Administrative Law Judge's Recommended Order in NY Case 98-C-1357. Newton's Telecom Dictionary is a publicly available widely used reference text used in Telecommunications. It is also a copyrighted document that precludes the Coalition from copying the book for Verizon. The panel testimony of Verizon's witnesses in the referenced New York proceeding are already in the possession of Verizon. Verizon, as a party to the referenced New York proceeding already has a copy of the recommended order of the ALJ in that case. Moreover, it is also a public document that Verizon could easily secure.

Request No. 8 – This request seeks information related to Dr. Ankum's observation that in the context of switching costs, the cost of growth lines can be two to three times the cost of new/cutover lines. Dr. Ankum's testimony discusses the costs of growth versus new lines in his testimony explaining the difference in costs for each. Attached to Dr. Ankum's testimony is Exhibit AHA-11 which further illustrates the effects of the differences in the cost of growth versus new lines. Consistent with the ALEC Coalition's response, Verizon already has Dr. Ankum's testimony regarding this issue and the attached exhibit AHA-11. There are no other responsive documents in the possession custody or

control of the ALEC Coalition or Dr. Ankum.

Request No. 9 – Interrogatory No. 17 seeks information regarding Dr. Ankum's recommended drop lengths. As noted in the response to Interrogatory 17, Dr. Ankum's recommended drop lengths are based on his experience in a number of cost proceedings in which he has participated over a number of years. The information supporting his recommended drop lengths is based on his experience in these cost proceedings. All the documents acquired in these various proceedings are no longer in the possession custody or control of Dr. Ankum or the ALEC Coalition.

Request No. 10 – Interrogatory 18 seeks information related to those jurisdictions in which the costs of features are included in the port charge. As noted in the ALEC Coalition's interrogatory response, no documents are specifically identified that are in the Coalition's possession custody or control, but references were listed to those jurisdictions in which Dr. Ankum has knowledge that the features costs are included in the monthly port charges. Those jurisdictions are: Illinois, Indiana, Michigan, Ohio, and Wisconsin. Without performing additional research into publicly available information which can be performed as easily by Verizon as by the ALEC Coalition, Dr. Ankum does not possess the specific citations to the decisions in those jurisdictions. As noted, this information is publicly available on those jurisdictions respective websites. There are no responsive documents in the possession custody or control of the Coalition or Dr. Ankum.

Request No. 11 – Interrogatory 19 seeks information relating to those

jurisdictions in which the features charges are included in the per-minute switching charges. As noted in the ALEC Coalition's interrogatory response 19, references were listed to those jurisdictions in which Dr. Ankum has knowledge that the features costs are included in the monthly port charges. The interrogatory response noted that there are two Verizon jurisdictions, New York and New Jersey, in which the features charges are included in the per-minute-of use charges. These documents are already in Verizon's possession custody or control. This information is also publicly available from these two respective regulatory utility commission's websites.

Request No. 12 – This request seeks all written testimony submitted by Dr. Ankum in regulatory proceedings in the years 2000, 2001 and 2002 other than Florida. All the testimony submitted by Dr Ankum during the requested time frame is listed in Dr. Ankum's Exhibit AHA-1 attached to his testimony. This testimony is a matter of public record and can be as easily obtained by Verizon as the ALEC Coalition.

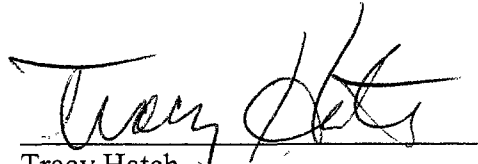
Request No. 13 – Interrogatory 23 seeks a forecast by wire center by year and by ALEC of the number of unbundled loops that each member of the ALEC Coalition will order from Verizon for the period 2003 – 2005. The ALEC Coalition specifically objected to this interrogatory on the basis that it is undeterminable. Verizon has not voiced any disagreement with this response. Hence there can be no documents responsive to the request.

4. The ALEC Coalition continues to disagree that any particular supplements to its responses are required by the Rules of Civil Procedure. However, to the extent that

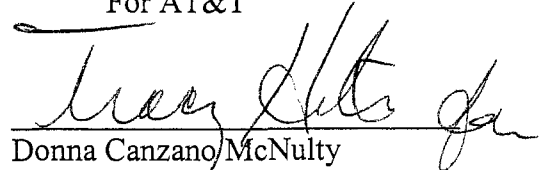
there is any basis for compelling a further response to Verizon's First Request for Production, the supplemental responses provided above should easily resolve Verizon's concerns with the ALEC Coalition's responses to Verizon's First Request for Production of Documents.

WHEREFORE, AT&T, WorldCom and FDN oppose Verizon's Motion to Compel Production and request that the Motion be denied. In the alternative, the supplemental responses provided above moot Verizon's instant Motion to Compel

RESPECTFULLY SUBMITTED 18th day of March, 2002.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of AT&T, MCI and FDN's Response to Verizon Florida's Motion to Compel Discovery in Docket 990649B-TP has been served on the following parties by Hand Delivery (*) and/or U. S. Mail this 18th day of March, 2002.

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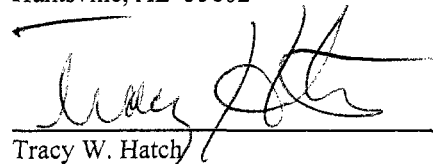
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