

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida, Inc.
For Arbitration of Unresolved Issues
With BellSouth Telecommunications,
Inc.

Docket No. 011119-TP

Filed: April 16, 2002

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XO Florida, Inc.'s Motion to File Supplemental Testimony

XO Florida, Inc. (XO), pursuant to rule 28-106.204, Florida Administrative Code, files this motion for leave to file brief supplemental testimony as to Issue No. 7. As grounds therefore, XO states:

1. Issue No. 7 in this arbitration relates to whether XO is entitled to reciprocal compensation at the tandem interconnection rate because its switch serves an area geographically comparable to BellSouth's tandem switch.

2. The parties have filed testimony on, and have conducted discovery concerning, this issue. On March 12, 2002, XO filed the direct testimony of Mr. Rex Knowles who presented evidence that XO is entitled to the tandem interconnection rate because XO serves an area geographically comparable to BellSouth's tandem switch. On March 26, 2002, XO filed rebuttal testimony of Mr. Knowles on the same topic. BellSouth filed the direct and rebuttal testimony of Mr. John Ruscilli who stated that BellSouth did not have "sufficient information" to determine whether XO was entitled to compensation at the tandem interconnection rate. In recent negotiations on this issue, BellSouth also requested further information.

3. In an effort to be responsive to BellSouth's request for more information, on April 8, 2002, XO served an amended response to BellSouth Interrogatory No. 19. This amended response includes detailed information concerning the physical location of

AUS _____
CAF _____
CMP _____
COM 3 _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1 _____
OTH _____

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XO end user circuits by wire center CLLI in the Miami LATA.¹ This information provides further evidence that XO's switch serves an area geographically comparable to BellSouth's tandem, and that XO is entitled to compensation at the tandem interconnection rate.

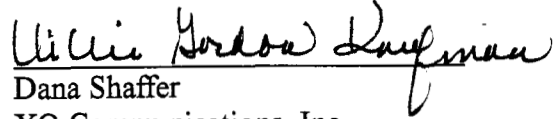
4. XO has attempted to contact counsel for BellSouth in regard to this motion but had not received a response by the time of filing.

5. XO requests permission to include this information in the record of the case via the brief supplemental testimony of Mr. Knowles attached hereto so the Commission will have a complete record upon which to base a decision on this issue.²

¹ At the time the amended discovery response was served on BellSouth, XO asked that BellSouth agree to enter the information into the record as a stipulated exhibit. (See Attachment 1). To date, BellSouth has not responded to this request. Due to the proximity of the hearing in this matter, XO filed this motion to allow the information be submitted with supplemental testimony. In the alternative, XO has no objection to entering XO's amended response to Interrogatory No. 19 into the record as a stipulated exhibit.

² XO has attached the supplemental testimony and the confidential exhibit hereto. The exhibit is the same information that was provided to BellSouth in XO's amended discovery response on April 8, 2002.

WHEREFORE, XO requests that the Commission accept the supplemental testimony attached hereto.



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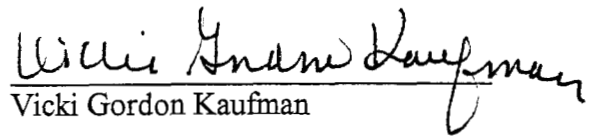
CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing XO Florida, Inc.'s Motion to File Supplemental Testimony has been furnished by (*) hand delivery or by U. S. Mail on this 16th day of April, 2002, to the following:

(*) Jason Fudge
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) James Meza
BellSouth Telecommunications, Inc.
c/o Nancy Sims
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301

Patrick Turner
BellSouth Telecommunications, Inc.
675 West Peachtree Street, Suite 430
Atlanta, Georgia 30375


Vicki Gordon Kaufman

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PLEASE REPLY TO:

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April 10, 2002
Via Federal Express

James Meza
BellSouth Telecommunications, Inc.
150 West Flagler Street
Suite 1910
Miami, Florida 33130

Re: Docket No. 011119-TP

Dear Jim:

Enclosed is a hard copy of the CONFIDENTIAL information which is on the disk that we sent you yesterday. The only difference between the hard copy and the disk is that the hard copy was "formatted for printing". Please contact us as soon as you can and let us know if we can agree that this information can be used at hearing via a stipulated exhibit.

Please contact me if you have any questions.

Sincerely,



Vicki Gordon Kaufman

VGK/bae
Enclosure

cc: Patrick Turner (w/out enclosure)
Dana Shaffer (w/out enclosure)
John Doyle (w/out enclosure)

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEEN, P.A.

Attachment 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida,
Inc. for arbitration of
Unresolved issues with BellSouth
Telecommunications, Inc.

Docket No.: 011119-TP
Filed: April 16, 2002

Supplemental Testimony and Exhibit of Rex Knowles

on behalf of

XO Florida, Inc.

1 **Q. PLEASE STATE YOUR NAME.**

2 A. Rex Knowles.

3 **Q. ARE YOU THE SAME REX KNOWLES WHO SUBMITTED DIRECT**
4 **AND REBUTTAL TESTIMONY IN THIS MATTER ON BEHALF OF**
5 **XO FLORIDA, INC.?**

6 A. Yes.

7 **Q. WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL TESTIMONY**
8 **AND CONFIDENTIAL EXHIBIT?**

9 A. My supplemental testimony and confidential Exhibit No. _____ (RK-4)
10 provide the Commission with detailed information concerning the area in
11 which XO is actually serving customers on a facilities-based basis, either over
12 its own facilities or through a combination of leased facilities and its own
13 facilities.

14 **Q. DESCRIBE EXHIBIT NO. _____ (RK-4).**

15 A. Exhibit No. _____ (RK-4) lists the number, and physical location, of XO end
16 user circuits by wire center CLLI in the Miami LATA. It is further evidence
17 that XO serves an area geographically comparable to BellSouth's tandem
18 switch. Column "A" lists numerous cities in the Miami LATA. The lines
19 under each city represent individual customers with a billing address in that
20 city. Columns "C" thorough "BM" identify the number of XO end user
21 circuits for each of those customers by wire center CLLI. For example, line
22 857 lists numbers in several columns. This shows that that customer is billed
23 at one location [Column A, Line 857] while utilizing numerous XO circuits in

1 several different wire centers. Column "BN" shows the total number of end
2 user circuits per customer. Line 1090 shows the total number of XO end user
3 circuits by CLLI code.

4 **Q. HAS THIS INFORMATION BEEN PROVIDED TO BELLSOUTH?**

5 A. Yes. BellSouth requested additional information concerning the area XO
6 serves. As such, XO provided this information to BellSouth through an
7 amended discovery response filed on April 8, 2002.

8 **Q. DOES THIS CONCLUDE YOUR SUPPLEMENTAL TESTIMONY?**

9 A. Yes.

Docket No. 011119-TP

Exhibit No.: _____ (RK-4)

CONFIDENTIAL

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Supplemental Testimony and Exhibit of Rex Knowles on behalf of XO Florida, Inc. has been furnished by (*) hand delivery or by U. S. Mail on this 16th day of April, 2002, to the following:

(*) Jason Fudge
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Patrick Turner
BellSouth Telecommunications, Inc.
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