

Meredith E. Mays  
Regulatory Counsel

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0750

December 17, 2002

Mrs. Blanca S. Bayó  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

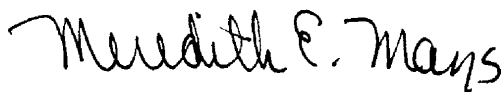
**Re: Docket No. 020507-TL (FCCA Complaint)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Emergency Motion to Compel Against the Florida Competitive Carriers Association, 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,

  
Meredith E. Mays (ICA)

Enclosure

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

473717

DOCUMENT NUMBER-DATE  
13798 DEC 18 02  
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE  
DOCKET NO. 020507-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and FedEx Mail this 18<sup>th</sup> day of December 2002 to the following:

Patricia Christensen  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[pchrste@psc.state.fl.us](mailto:pchrste@psc.state.fl.us)

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  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)  
[jmcglothlin@mac-law.com](mailto:jmcglothlin@mac-law.com)

Nanette Edwards, Esq.  
Director - Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802  
[nedwards@itcdeltacom.com](mailto:nedwards@itcdeltacom.com)

Floyd Self, Esq.  
Messer, Caparello & Self  
215 S. Monroe Street  
Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302  
Represents ITC^DeltaCom  
[fself@lawfla.com](mailto:fself@lawfla.com)

  
Meredith E. Mays (RM)

(+) Signed Protective Agreement

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida	)	
Competitive Carriers Association	)	Docket No. 020507-TL
Against BellSouth Telecommunications, Inc.	)	
And Request for Expedited Relief	)	Filed: December 18, 2002
<hr/>		

**BELLSOUTH TELECOMMUNICATIONS, INC.'S**  
**EMERGENCY MOTION TO COMPEL AGAINST**  
**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION**

**I. INTRODUCTION**

BellSouth Telecommunications, Inc. ("BellSouth") files this emergency motion seeking an immediate order from the Florida Public Service Commission ("Commission") compelling the Florida Competitive Carriers Association ("FCCA") to respond fully and completely to BellSouth's First Set of Interrogatories and BellSouth's First Requests for Production of Documents (collectively "discovery"). On November 15, 2002, BellSouth served interrogatories and requests for production on FCCA seeking to discover information directly related to the BellSouth's defenses and FCCA's claims of alleged anticompetitive behavior in this case. *See* Exhibit 1; BellSouth's First Interrogatories and First Request for Production of Documents to FCCA. Although directly relevant to the issues that the Commission will hear during this proceeding, which is scheduled to begin on January 30, 2003, FCCA objected to the majority of BellSouth's discovery responses. *See* Exhibit 2; FCCA's Objections to BellSouth's First Interrogatories and First Request for Production of Documents *and* FCCA's Responses to BellSouth's First Interrogatories.

In order to avoid having to involve the Commission in discovery issues, BellSouth attempted to resolve this discovery dispute informally. BellSouth emailed counsel for FCCA

seeking responses to BellSouth's discovery requests. *See* Exhibit 3. FCCA and BellSouth have discussed this matter; however, the parties have a fundamental disagreement concerning the discovery requests. The dispute centers on BellSouth's ability to discover specific information relating to individual FCCA members; the FCCA refuses to respond to any discovery requests seeking information from its members. BellSouth submits that the FCCA members cannot hide behind the organization and refuse to respond to discovery requests that are directly related to matters raised in the FCCA's complaint; for example, the FCCA members have refused to provide any information whatsoever regarding whether they provide DSL services. The FCCA cannot realistically claim that whether its members provide DSL service is not relevant in this case, in which it has asked the Commission to order BellSouth to provide DSL service *to any requesting end user*. In addressing this question, the Commission must examine to what extent, if any, FCCA members are actually affected by BellSouth's actions. If FCCA members are not required to respond in any meaningful manner to whether or not DSL services are provided in Florida, then this Commission will not have an adequate record upon which to render any decision. Moreover, the FCCA refusal to respond to BellSouth's discovery requests negatively impacts BellSouth's ability to defend against claims of alleged anticompetitive behavior. This Commission, therefore, should grant BellSouth's emergency motion to compel and order FCCA to prepare complete responses to BellSouth's discovery requests on an expedited basis as more fully discussed below.

## II. DISCUSSION

### A. **The FCCA's Complaint Demonstrates the Relevance of BellSouth's Discovery Requests**

A review of the FCCA's complaint demonstrates unquestionably the relevancy of BellSouth's discovery requests. The Complaint includes the following allegations:

- The FCCA members provide competitive telecommunications services in the state (Complaint, ¶ 7);
- The FCCA members substantial interests are affected by BellSouth's anticompetitive behavior (Complaint, ¶ 7);
- BellSouth's actions directly affect the interests of FCCA's members (Complaint, ¶ 7);
- Consumers are reluctant to change voice carriers, when, as a consequence of exercising their right to choose a particular voice provider, they lost the ability to receive DSL service – Note: this would be the case for customers who wish to change to a voice provider who does not provide DSL service (Complaint, ¶ 14, n. 11)
- BellSouth's policy "is a barrier to all providers who offer voice, but not DSL, service" (Complaint, ¶ 20);
- The ultimate issue for the Commission to resolve is whether BellSouth's conduct is "discriminatory, harmful to competitors and anticompetitive" (Complaint, ¶ 23)

In its discovery requests, BellSouth asked a series of questions designed to determine whether individual FCCA members offer DSL services; and if so, what types of services are offered. *See* Interrogatories 6 – 22 *and* Request for Production 2 - 3.<sup>1</sup> The FCCA objected to these questions, and refused to provide any responsive information. This Commission should summarily dismiss such objections – the FCCA's Complaint clearly sets forth a distinction between carriers that offer voice service, but do not offer DSL service. Likewise, the Complaint

---

<sup>1</sup> BellSouth acknowledges that it has requested information from FCCA members concerning activities in states other than Florida. If individual FCCA members provide DSL and/or Broadband services in other states but choose not to so invest in Florida such information is clearly relevant to this docket. This Commission has acknowledged that it does not desire to "do anything at all that would provide a chilling effect on BellSouth's decision to invest tremendous dollars into DSL." Tr. at 7, October 1, 2002, Agenda Conference. It is difficult to imagine a more chilling impact than one that allows FCCA members to benefit from BellSouth's significant investment in Florida when FCCA members are permitted *not* to make similar investments.

alleges that individual members' interests are affected and claims that BellSouth's conduct is discriminatory. Incredibly, however, after filing such a Complaint, the FCCA refuses to provide any responsive information about the activities and alleged interests of its members. It is a mystery to BellSouth how the FCCA can possibly claim on the one hand that BellSouth's actions allegedly discriminate against FCCA members, yet refuse to answer questions about the choices its members have made that may have directly impacted their ability to serve customers. The Commission should reject such a blatant refusal to provide responsive information.

**B. The Issues List Demonstrates the Relevance of BellSouth's Discovery Requests**

In addition to the allegations raised by the FCCA in its complaint, the issues list also demonstrates the relevancy of BellSouth's discovery requests. The issues in this case include:

- Should the Commission order that BellSouth may not disconnect the FastAccess Internet service of an end user who migrates his voice service to an alternative voice provider? (Issue 4)
- Should the Commission order BellSouth to provide its FastAccess Internet service, where feasible, to any ALEC end user that requests it? (Issue 5)
- Should the Commission order that BellSouth may not disconnect its FastAccess Internet service, where a customer migrates his voice service to an ALEC and wishes to retain his BellSouth FastAccess service, what changes to the rates, terms, and condition of his service, if any, may BellSouth make? (Issue 6a)
- If the Commission orders BellSouth to provide its FastAccess service to any ALEC end user that requests it, where feasible, then what rates, terms and conditions should apply? (Issue 6b)

In relevant part, the issues in this case, include a determination of feasibility. The term "feasible" is also synonymous with possible, practicable, viable, reasonable, realistic, practical, and sufficient. In making a determination as to whether or not it is feasible for BellSouth to provide its FastAccess service to any requesting end user, it is clearly relevant to determine what ALECs and the FCCA member companies are doing. BellSouth's Interrogatories 6 – 22 *and* Request for Production 2 – 3 are directly pertinent to such an inquiry.

The issues also involve consideration of rates, terms, and conditions of service. Interrogatories 23 – 28 seek specific information about the amount of compensation that FCCA members might charge for using the high frequency portion of an unbundled loop, accessing the loop for testing, repair, maintenance and/or troubleshooting, and taking any steps necessary to provide DSL service, for example. The FCCA has objected to these interrogatories, despite the fact that Issues 6a and 6b involve a determination as to the rates, terms, and conditions of providing service. The FCCA cannot realistically contend that BellSouth's discovery requests are not relevant to the issues in this case.

**C. Publicly Available Information Demonstrates the Relevance of BellSouth's Discovery Requests**

Interrogatory No. 2 was one of the few Interrogatories that FCCA actually answered. That Interrogatory sought a listing of the FCCA's member companies. The FCCA listed 13 companies in response to this request, including the following five companies: AT&T Communications of the Southern States, Inc., BTI Corporation, Mpower Communications Corp., Network Telephone Corporation, Nuvox Communications, Inc., and MCI WorldCom. The company websites of the foregoing companies indicate that they provide some type of DSL service. *See* Exhibit 4. BellSouth, however, is unable to determine the markets in which such service is provided or the terms and conditions of service. To the extent that the Commission must make a determination as to the feasibility of BellSouth providing its FastAccess service, and publicly available information indicates that 38% of FCCA members provide DSL service, BellSouth's discovery requests are unquestionably relevant and should be responded to fully.

**D. Florida Law Permits BellSouth's Discovery Concerning Services Provided by FCCA Members**

Rule 1.280 of the Florida Rules of Civil Procedure applies to the use of discovery before this Commission and provides that “[p]arties may obtain discovery regarding *any matter*, not privileged, that is relevant to the subject matter of the pending action, *whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party*, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things . . . . It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” *See* F.S.A. § 366.093(2); *also* Rule 1.280, Florida Rules of Civil Procedure. Moreover, “[t]he discovery rules are to be liberally construed so as to permit any form of discovery within the scope of the rules.” *Weyant v. Rawlings*, 389 So.2d 710, 711 (Fla. Dist. Ct. App. 1980); *see also Jones v. Seaboard Coast Line Railroad Co.*, 297 So. 2d 861, 863 (Fla. Dist. Ct. App. 1974) (“discovery rules are to be liberally construed to accomplish their purpose. In other words, litigation should no longer proceed as a game of ‘blind man’s bluff.’”).

FCCA cannot realistically contend that BellSouth’s discovery is not relevant since BellSouth is fully entitled to request information relating to *defenses* and relating to information that *may lead to the discovery of admissible evidence*. Moreover, as set forth in Subpart A above, the FCCA has made a host of allegations in its Complaint concerning the alleged interests of FCCA members and has made a distinction between companies based on whether such companies provide DSL service. BellSouth should not be forced to request assistance from the Commission based upon FCCA’s failure to take seriously its discovery obligations, and the Commission should reject the FCCA’s attempt to hide behind unfounded discovery objections.



The FCCA has also objected to BellSouth's discovery to the extent information was sought from member companies. This objection is without basis. This Commission addressed a similar situation in Docket No. 910980-TL, Order No. PSC-92-0112-TL. There, discovery requests were served upon the Florida Cable Television Association ("FCTA"). The discovery requests included information related to the nature of the services provided by the members of the FCTA. This Commission found that "[w]ith respect to the information sought . . . pertaining to the services provided by the members of the FCTA that may be in competition with planned or future video services provided by United, such information is relevant to the allegations of competitive standing and the scope of the FCTA's participation in the proceeding." *See* Exhibit 5. The Commission should disallow the FCCA's attempt to shield its member companies from responding to legitimate discovery requests, just as it did in Order No. PSC-92-0112-TL, and require full and complete responses.

The Commission must also keep in mind that it is charged with the duty to "ensure that all providers of telecommunications services are treated fairly." *See* §364.01(4)(g). This duty extends to BellSouth, just as it extends to all ALECs. It is patently unfair to BellSouth to allow FCCA to initiate complaints, and then fail to respond to discovery requests under the guise that the information sought relates to non-parties. If the FCCA is permitted to file complaints, intervene in cases, and actively participate, then its member companies should be compelled to provide information about their alleged "substantial interests" which they are quick to contend are "affected" by the Commission's actions. Any other outcome violates BellSouth's due process rights and ability to defend itself.<sup>2</sup>

---

<sup>2</sup> Based upon this Commission's Order in Docket No. 910980-TL, Order No. PSC-92-0112-TL, BellSouth has propounded its discovery requests directly to the FCCA. If Commission deems it appropriate to subpoena individual FCCA members consistent with the provisions of FL. ST. § 350.123 (which BellSouth respectfully submits is not required), then BellSouth will not object to such an approach so long as the requested information is

To the extent that the FCCA has objected to any discovery requests on the grounds that responding to such request would be “unduly burdensome”, such claims should also be rejected. Such claims “have little meaning without substantive support.” *First City Development of Florida, Inc. v. The Hallmark of Hollywood Condominium Association, Inc.*, 545 So. 2d 502 (Fla. Dist. Ct. App. 1989) (a party objecting to discovery on grounds that a request is unduly burdensome “must be able to show the volume of documents, or the number of man-hours required in their production or some other quantitative factor that would make it so”). Here, the FCCA has not made any quantitative showing to support its claims of “undue burden” and the Commission should reject it.

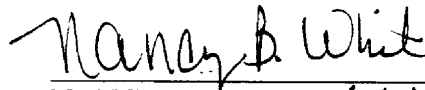
### **III. CONCLUSION**

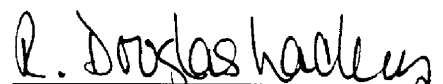
BellSouth respectfully requests that the Commission grant its Emergency Motion To Compel and order the FCCA to fully and complete respond to its First Interrogatories and its First Requests for Production of Documents. BellSouth further requests that the Commission require responses in advance of the hearing in this case so that BellSouth may utilize the discovery responses in presenting its defense to the Commission.

---

received in time for BellSouth to use such information at the hearing. Moreover, to the extent that the FCCA frequently participates in dockets before this Commission, BellSouth respectfully requests that the Commission provide clear guidance in this matter. In other words, if FCCA contends its members’ interests are substantially affected, BellSouth must be permitted to discover the basis for such alleged interests whenever such a claim is made and should not be forced to file Motions to Compel in each such docket.

Respectfully submitted this 18th day of December 2002.

  
NANCY B. WHITE (KA)  
JAMES MEZA  
c/o Nancy Sims  
Suite 400  
150 South Monroe Street  
Tallahassee, FL 32301  
(305) 347-5558

  
R. DOUGLAS LACKEY (KA)  
MEREDITH E. MAYS  
Suite 4300, BellSouth Center  
675 W. Peachtree Street, N.E.  
Atlanta, GA 30375  
(404) 335-0761

COUNSEL FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.

473852

**Docket 020507-TL**

**BellSouth's Emergency Motion to Compel  
Discovery From FCCA**

**Exhibit 1**

0

Meredith E. Mays  
Regulatory Counsel

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0750

November 15, 2002

Mrs. Blanca S. Bayó  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

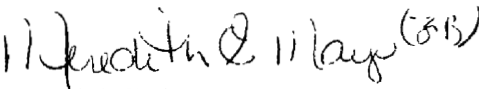
**Re: Docket No. 020507-TL (FCCA Complaint)**

Dear Ms. Bayó:

Today BellSouth Telecommunications, Inc., served its First Set of Interrogatories and Request for Production of Documents to Florida Competitive Carriers Association, 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,

  
Meredith E. Mays

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

**CERTIFICATE OF SERVICE  
DOCKET NO. 020507-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, (\*) and Federal Express this 15th day of November 2002 to the following:

Patricia Christensen(\*)  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[pchrste@psc.state.fl.us](mailto:pchrste@psc.state.fl.us)

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  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)  
[jmclglothlin@mac-law.com](mailto:jmclglothlin@mac-law.com)

Nanette Edwards, Esq.  
Director - Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802  
[nedwards@itcdeltacom.com](mailto:nedwards@itcdeltacom.com)

Floyd Self, Esq.  
Messer, Caparello & Self  
215 S. Monroe Street  
Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302  
Represents ITC^DeltaCom  
[fself@lawfla.com](mailto:fself@lawfla.com)

  
Meredith Mays (JFB)

Meredith E. Mays  
Regulatory Counsel

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0750

November 15, 2002

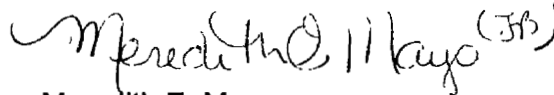
Vicki Gordon Kaufman  
Joseph A. McGlothlin  
McWhirter, Reeves, McGlothlin, Davidson,  
Rief & Bakas, PA  
117 South Gadseden Street  
Tallahassee, FL 32301

**Re: Docket No. 020507-TL (FCCA Complaint)**

Dear Vicki and Joseph:

Enclosed is a copy of BellSouth Telecommunications, Inc's., First Set of Interrogatories and Request for Production of Documents to Florida Competitive Carriers Association, in the captioned docket.

Sincerely,

Handwritten signature of Meredith E. Mays in cursive script, with the initials "JM" in parentheses to the right.

Meredith E. Mays

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

**CERTIFICATE OF SERVICE  
DOCKET NO. 020507-TL**

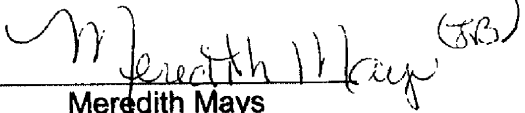
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, (\*) Facsimile and U.S. Mail this 15th day of November 2002 to the following:

Patricia Christensen(\*)  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[pchriste@psc.state.fl.us](mailto:pchriste@psc.state.fl.us)

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  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)  
[jmcglothlin@mac-law.com](mailto:jmcglothlin@mac-law.com)

Nanette Edwards, Esq. (\*)  
Director - Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802  
[nedwards@itcdeltacom.com](mailto:nedwards@itcdeltacom.com)

Floyd Self, Esq. (\*)  
Messer, Capareello & Self  
215 S. Monroe Street  
Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302  
Represents ITC^DeltaCom  
[fself@lawfla.com](mailto:fself@lawfla.com)

  
Meredith Mays



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida )  
Competitive Carriers Association ) Docket No. 020507-TL  
Against BellSouth Telecommunications, Inc. )  
And Request for Expedited Relief ) Filed: November 15, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF INTERROGATORIES TO FLORIDA COMPETITIVE CARRIERS ASSOCIATION**

BellSouth Telecommunications, Inc. ("BellSouth") hereby requests the Florida Competitive Carriers Association ("FCCA") to provide answers in response to the following Interrogatories consistent with the timeframes established in the November 12, 2002 scheduling order.

**DEFINITIONS**

(1) "DOCSIS" refers to "data over cable service interface specification" and/or the cable industry equipment standard used to send high-speed data over cable TV networks.

(2) "FCCA" means the Florida Competitive Carriers Association and each of individual member companies that provide competitive telecommunications services in the state of Florida, and any predecessors in interest, parent(s), subsidiaries, and affiliates, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of FCCA.

(3) "You" and "your" refer to FCCA as well as FCCA's individual member companies.

(4) "Person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

(5) "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these Interrogatories information that would not otherwise be brought within their scope.

(6) The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.

(7) "Identify" or "identifying" or "identification" when used in reference to a person includes a natural person, association, partnership, or corporation, and means to state:

- a) the full legal name of the person;
- b) the person's present or last known address; and
- c) the person's present or last known telephone number.

(8) "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested a description of the document, including the following:

- a) the type of document (*e.g.*, letter, memorandum, etc.);
- b) the date of the document;
- c) the title or label of the document;
- e) the identity of the originator;
- f) the identity of each person to whom it was sent;
- g) the identity of each person to whom a copy or copies were sent;
- h) a summary of the contents of the document;
- i) the name and last known address of each person who presently has

possession, custody or control of the document; and

j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

(9) The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of FCCA and its members, including, but not limited to, correspondence, memoranda, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail ("Email") files, and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term "document" further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

(10) The phrases "refer to" and "relate to" mean consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

(10) The term "Complaint" refers to the complaint filed by FCCA with the Florida Public Service Commission on June 12, 2002 in Docket No. 020507-TL.

(11) The term "FastAccess®" refers to a BellSouth retail DSL-based information service offering customers high-speed Internet access.

(12) The term "Digital Subscriber Line" or "DSL" service refers to a type of Broadband Service that allows a customer to have both conventional voice and high-speed data carried on the same line simultaneously and includes, but is not limited to, such services as Asymmetric Digital Subscriber Line ("ADSL"), High Bit Rate Digital Subscriber Line ("HDSL"), ISDN Digital Subscriber Line ("IDSL"), Rate Adaptive Digital Subscriber Line ("RADSL"), Symmetrical Digital Subscriber Line ("SDSL"), Symmetrical High Speed Digital Subscriber Line ("SHDSL"), and Very-high-data rate Digital Subscriber Line ("VDSL").

(13) The term "Cable Modem" service refers to a type of Broadband Service that allows a customer to receive high-speed data using the same basic network architecture used to provide multichannel video service.

(14) The term "Broadband Service" refers to any service that is used to provide access to the Internet and consists of or includes the offering of a capability to transmit information at a rate that is generally not less than 150 kilobits per second in at least one direction, regardless of the technology or medium used, including, but not limited to, wireless, copper wire, fiber optic cable, or coaxial cable.

(15) The term "DSLAM" also known as "Digital Subscriber Line Access Multiplexer" means any equipment used to provide traditional voice service and high speed Internet service to an end user customers and which transmits a DSL signal on a copper loop to an end-user

location, splits the voice and DSL signal for separate processing, and multiplexes the DSL service for transport to a Broadband Service provider.

### **INSTRUCTIONS**

(1) If you contend that any response to any Interrogatory may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such contention in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:

- a) the privilege asserted and its basis;
- b) the nature of the information withheld; and
- c) the subject matter of the information or document, except to the extent that you claim such information itself is privileged.

(2) These Interrogatories are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These Interrogatories are intended to include requests for information, which is physically within FCCA's possession, custody or control as well as in the possession, custody or control of FCCA members, agents, attorneys, or other third parties from which such information may be obtained.

(3) If any Interrogatory cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

(4) These Interrogatories are continuing in nature and require seasonal supplemental responses in accordance with applicable rules.

### **INTERROGATORIES**

1. For each Interrogatory, identify the person or persons providing information in response thereto.

2. Please provide a full listing of all FCCA individual member companies, including the legal name and any trade names or "doing business as" names of each individual member company.

3. Please describe with particularity how FCCA is funded; including, but not limited to, a description of the financial contributions and percentages of contributions made by each individual FCCA member.

4. Please list the names, titles, and business addresses of the officers, directors, and management employees of FCCA. State also whether each officer, director, and management employee is affiliated with an individual member company of FCCA; if so, provide the title and name of the individual member company.

5. Do you contend that the Florida Public Service Commission has jurisdiction over Broadband Services?

6. If the answer to Interrogatory No. 5 is in the affirmative, please cite all statutes, rules, regulations, orders, or other legal authority that support your contention.

7. Do you contend that the Florida Public Service Commission has jurisdiction over Cable Modem service?

8. If the answer to Interrogatory No. 7 is in the affirmative, please cite all statutes, rules, regulations, orders, or other legal authority that support your contention.

6. Please state whether any of FCCA's members provide Broadband Service and/or DSL service to customers in Florida.

7. If the answer to Interrogatory No. 6 is in the affirmative, please:

- i. Describe with particularity the nature of the Broadband Service and/or DSL service each FCCA member is providing in Florida, including a

- description of the protocols used (e.g., ADSL, IDSL, Cable Modem, etc.) as well as all applicable rates, terms, and conditions of such service;
- ii. State the total number of customers to whom each FCCA member is providing Broadband Service and/or DSL service in Florida, including stating the total number of residential and business customers being provided such service;
  - iii. Describe with particularity the nature of the technology used to provide the Broadband Service and/or DSL service; including, but not limited to, the number of customers served by the particular technology (e.g., if xDSL based the number of customers served by IDSL, the number of customers served by ADSL, etc.);
  - iv. State whether the FCCA member utilized its own broadband equipment or purchased broadband connectivity from another provider;
  - v. If the FCCA purchased connectivity from another provider, state the provider from whom the connectivity was purchased and describe with particularity the nature of the broadband service each member is purchasing in Florida, including, but not limited to a description of the protocols (e.g., ADSL, IDSL, DOCSIS) used, the rates, terms and conditions of the service, the number of circuits purchased specifying the location of the circuits by central office, remote terminal, or other location, and specifying the number of potential or qualified business and residential lines available from the provider specifying the location of the

potential or qualified business lines by central office, remote terminal or other location..

8. If the answer to Interrogatory No. 6 is in the negative, please:

- i. Describe with particularity all reasons, whether technical, financial, or otherwise, why each FCCA member does not provide its own Broadband Service and/or DSL service to customers in Florida; and
- ii. Identify all documents referring or relating to each FCCA member's decision not to provide its own Broadband Service and/or DSL service to customers in Florida.

9. Please state whether FCCA members provide Broadband Service and/or DSL service to customers in states other than Florida.

10. If the answer to Interrogatory No. 9 is in the affirmative, please:

- i. Identify those states in which FCCA members provide Broadband Service and/or DSL service;
- ii. Describe with particularity the nature of the Broadband Service and/or DSL service FCCA members are providing in each such state, including a description of the protocols used (e.g., ADSL, IDSL, Cable Modem, etc.) as well as all applicable rates, terms, and conditions of such service; and
- iii. State the total number of customers to whom FCCA is providing Broadband Service and/or DSL service in each such state, including stating the total number of residential and business customers being provided service.



11. If FCCA members provide Broadband Service and/or DSL service, will these members provide such service to an end user customer irrespective of whether that customer also purchases telecommunications service from the FCCA member providing the voice service (i.e., do any FCCA members provide a stand-alone Broadband Service and/or DSL service)?

12. If the answer to Interrogatory No. 11 is in the affirmative, please:

- i. Describe with particularity the nature of the stand-alone Broadband Service and/or DSL service the FCCA member is providing, including identifying the states in which such service is provided and including a description of the protocols used (e.g., ADSL, IDSL, Cable Modem, etc.) as well as all applicable rates, terms, and conditions;
- ii. State the total number of customers to whom the FCCA member is providing the stand-alone Broadband Service and/or DSL service, including stating the total number of residential and business customers being provided such service in each state; and
- iii. Identify all documents referring or relating to the stand-alone Broadband Service and/or DSL service the FCCA member is providing.

13. If the answer to Interrogatory No. 11 is in the negative, please:

- i. Describe with particularity the reasons, whether technical, financial or otherwise, why each FCCA member does not provide its own Broadband Service and/or DSL service to customers of other voice providers in Florida;

- ii. Identify the equipment providers and/or vendors with whom you have had discussions concerning the potential purchase of equipment capable of providing DSL services;
- iii. State the date when discussions with equipment providers and/or vendors took place;
- iv. Describe with particularity the nature of any such discussion and/or agreement; including, but not limited to applicable rates, price quotes, terms, and conditions for the purchase of equipment capable of providing DSL services;
- v. Identify all documents referring or relating to each FCCA members' decision not to provide its own Broadband Service and/or DSL service to customers of other voice providers in Florida as well as all documents referring or relating to discussions between you and equipment vendors and/or providers.

14. Identify each market in which any FCCA member is providing DSL service and state the number of customers in each such market to whom the service is being provided, including stating the total number of residential and business customers being provided such service.

15. Describe with particularity each FCCA member's DSL network; including, but not limited to, identifying the location of that network and describing the specific equipment that comprises that network, identifying the vendor and/or provider of the DSL equipment, the number, manufacturer, and size of DSLAMs installed in that network by central office, remote

terminal or other location, as well as the total number of collocation sites in which the FCCA member has collocated its facilities with facilities of BellSouth.

16. Has any FCCA member at any time entered into any agreement or held any discussions with any Cable Modem service provider regarding a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service.

17. If the answer to Interrogatory No. 16 is in the affirmative, please:

- i. Identify the Cable Modem service provider with whom you have had such an agreement or discussions;
- ii. State the date when such an agreement was executed or such discussions took place;
- iii. Describe with particularity the nature of such an agreement or discussions, including applicable rates, terms, and conditions for a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service; and
- iv. Identify all documents referring or relating to such an agreement or discussions.

18. If the answer to Interrogatory No. 16 is in the negative, please describe with particularity all reasons, whether technical, financial, or otherwise, why the FCCA member has decided not to enter into an agreement or discussions with a Cable Modem service provider concerning a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service.

19. Has any FCCA member at any time entered into an agreement or held any discussions with any DSL service provider and/or wholesale DSL network provider regarding (a) a joint offering or package of services involving the FCCA member's voice service and the DSL service provider's Broadband Service, including, but not limited to, engaging in line splitting; and/or (b) purchasing a wholesale broadband package for the purpose of creating a retail broadband service offering?

20. If the answer to Interrogatory No. 19 is in the affirmative, please:

- i. Identify the DSL service provider with whom the FCCA member has had such an agreement or discussions;
- ii. State the date when such an agreement was executed or such discussions took place;
- iii. Describe with particularity the nature of such an agreement or discussions, including applicable rates, terms, and conditions for (a) a joint offering or package of services involving the FCCA member's voice service and the DSL service provider's Broadband Service and/or (b) a wholesale offering or wholesale broadband package; and
- iv. Identify all documents referring or relating to such an agreement or discussions.

21. If the answer to Interrogatory No. 19 is in the negative, please describe with particularity all reasons, whether technical, financial, or otherwise, why (a) any FCCA member has not entered into an agreement or discussions with any DSL service provider concerning a joint offering or package of services involving the FCCA member's voice service and the DSL service provider's Broadband Service, including, but not limited to, engaging in line splitting;

and/or (b) any FCCA member has not entered into an agreement or discussions with any wholesale DSL service provider.

22. If you currently provide Broadband Service, do you have any objection to the Public Service Commission in those states in which you provide such service from requiring you to provide Broadband Service to an end user customer irrespective of whether that customer also purchases telecommunications service from you (i.e., requiring you to provide a stand-alone Broadband Service)? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

23. If you currently provide DSL Service, do you have any objection to the Public Service Commission in those states in which you provide such service from requiring you to provide DSL Service over the unbundled loops purchased by any and all other ALECs operating in those states? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

24. Do you have any objection to BellSouth, or any ALEC, utilizing free of charge the high frequency portion of unbundled loops purchased by you to (a) provision DSL Service to your end user customers; and (b) access the unbundled loop to perform testing, repair, maintenance, and/or troubleshooting? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

25. Do you have any objection to BellSouth, or any ALEC, taking whatever steps are necessary in order to provision its DSL Service over unbundled loops purchased by you to provision DSL Service to your end user customers? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

26. What rates, terms and conditions, if any, do you contend should apply when BellSouth, or any ALEC, uses the high-frequency portion of an unbundled loop purchased by you to provide DSL Service to your end user customers?

27. If BellSouth, or any ALEC, were to use the high frequency portion of an unbundled loop purchased by you for the purpose of providing DSL Service, would you request compensation for such use of the high frequency portion of that loop?

28. If the answer to Interrogatory No. 32 is in the affirmative, state the amount of compensation you would charge and describe with particularity how this charge was calculated.

29. Do you contend that any state or federal laws, rules, or regulations are violated when BellSouth does not provide FastAccess service to carriers that offer DSL service (as contrasted to carriers that do NOT offer DSL service)? If the answer to the foregoing Interrogatory is in the affirmative, state all facts and identify all documents that support this contention.

30. With respect to the statement in the Complaint that an objective of this Commission is to "protect consumers in their ability to access a full array of market options – whether that option is basic telecommunications service, broad band service, long distance service, or whatever combination of these and/or other services a particular consumer selects to serve his or her own unique needs" do you contend that seeking to regulate only BellSouth's provision of FastAccess accomplishes this goal? If the answer to the foregoing Interrogatory is in the affirmative, state all facts and identify all documents that support this contention.

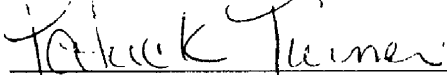
31. With respect to statement in the Complaint that "the Commission should ensure that its policy decision is applicable to all competitive providers" is it your contention that any company that provides both telecommunications services and Broadband service should be

required to provide Broadband service when a customer changes voice providers? If the answer to the foregoing Interrogatory is in the negative, state all facts and identify all documents that support this contention.

32. With respect to the allegations in Paragraph 12 of the Complaint, do you contend that the Commission's role is solely focused on the behavior that incumbent local providers and that ALECs do not engage in behavior "that hampers the development of a competitive market"? If the answer to the foregoing Interrogatory is in the affirmative, state all facts and identify all documents that support this contention. State also whether you contend that the market for Broadband services is competitive; if not, state all facts and identify all documents that support this contention.

Respectfully submitted, this 15 day of November, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

 (CB)

NANCY B. WHITE

JAMES MEZA

c/o Nancy Sims

150 South Monroe Street, #400

Tallahassee, Florida 32301

(305) 347-5558

R. DOUGLAS LACKEY

PATRICK W. TURNER

BellSouth Center – Suite 4300

675 West Peachtree Street, N.E.

Atlanta, GA 30375

(404) 335-0761

469823

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida )  
Competitive Carriers Association ) Docket No. 020507-TL  
Against BellSouth Telecommunications, Inc. )  
And Request for Expedited Relief ) Filed: November 15, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'S REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA COMPETITIVE CARRIERS ASSOCIATION**

BellSouth Telecommunications, Inc. ("BellSouth") hereby requests the Florida Competitive Carriers Association ("FCCA") to provide answers in response to the following Request for Production of Documents consistent with the timeframes established in the November 12, 2002 scheduling order.

**DEFINITIONS**

- (1) "DOCSIS" refers to "data over cable service interface specification" and/or the cable industry equipment standard used to send high-speed data over cable TV networks.
- (2) "FCCA" means the Florida Competitive Carriers Association and each of individual member companies that provide competitive telecommunications services in the state of Florida, and any predecessors in interest, parent(s), subsidiaries, and affiliates, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of FCCA.
- (3) "You" and "your" refer to FCCA as well as FCCA's individual member companies.
- (4) "Person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.



- (5) "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these Interrogatories information that would not otherwise be brought within their scope.
- (6) The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.
- (7) "Identify" or "identifying" or "identification" when used in reference to a person includes a natural person, association, partnership, or corporation, and means to state:
- a) the full legal name of the person;
  - b) the person's present or last known address; and
  - c) the person's present or last known telephone number.
- (8) "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested a description of the document, including the following:
- a) the type of document (*e.g.*, letter, memorandum, etc.);
  - b) the date of the document;
  - c) the title or label of the document;
  - e) the identity of the originator;
  - f) the identity of each person to whom it was sent;
  - g) the identity of each person to whom a copy or copies were sent;
  - h) a summary of the contents of the document;

i) the name and last known address of each person who presently has possession, custody or control of the document; and

j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

(9) The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of FCCA and its members, including, but not limited to, correspondence, memoranda, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail ("Email") files, and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term "document" further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

(10) The phrases “refer to” and “relate to” mean consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

(10) The term “Complaint” refers to the complaint filed by FCCA with the Florida Public Service Commission on June 12, 2002 in Docket No. 020507-TL.

(11) The term “FastAccess®” refers to a BellSouth retail DSL-based information service offering customers high-speed Internet access.

(12) The term “Digital Subscriber Line” or “DSL” service refers to a type of Broadband Service that allows a customer to have both conventional voice and high-speed data carried on the same line simultaneously and includes, but is not limited to, such services as Asymmetric Digital Subscriber Line (“ADSL”), High Bit Rate Digital Subscriber Line (“HDSL”), ISDN Digital Subscriber Line (“IDSL”), Rate Adaptive Digital Subscriber Line (“RADSL”), Symmetrical Digital Subscriber Line (“SDSL”), Symmetrical High Speed Digital Subscriber Line (“SHDSL”), and Very-high-data rate Digital Subscriber Line (“VDSL”).

(13) The term “Cable Modem” service refers to a type of Broadband Service that allows a customer to receive high-speed data using the same basic network architecture used to provide multichannel video service.

(14) The term “Broadband Service” refers to any service that is used to provide access to the Internet and consists of or includes the offering of a capability to transmit information at a rate that is generally not less than 150 kilobits per second in at least one direction, regardless of

the technology or medium used, including, but not limited to, wireless, copper wire, fiber optic cable, or coaxial cable.

(15) The term "DSLAM" also known as "Digital Subscriber Line Access Multiplexer" means any equipment used to provide traditional voice service and high speed Internet service to an end user customers and which transmits a DSL signal on a copper loop to an end-user location, splits the voice and DSL signal for separate processing, and multiplexes the DSL service for transport to a Broadband Service provider.

### **INSTRUCTIONS**

(1) If you contend that any response to any Interrogatory may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such contention in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:

- a) the privilege asserted and its basis;
- b) the nature of the information withheld; and
- c) the subject matter of the information or document, except to the extent that

you claim such information itself is privileged.

(2) These Interrogatories are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These Interrogatories are intended to include requests for information, which is physically within FCCA's possession, custody or control as well as in the possession, custody or control of FCCA members, agents, attorneys, or other third parties from which such information may be obtained.

(3) If any Interrogatory cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

(4) These Interrogatories are continuing in nature and require seasonal supplemental responses in accordance with applicable rules.

**REQUESTS FOR PRODUCTION**

1. Produce all documents identified in response to these Interrogatories.
2. Produce all documents that refer or relate to any Broadband Service and DSL service that FCCA or its members provide to its customers in Florida.
3. Produce all documents that refer or relate to any Broadband Service and DSL service that FCCA or its members provide to its customers in states other than Florida.
4. Produce all documents that refer or relate to FCCA or its members' consideration or investigation of their ability to resell BellSouth's local exchange service in order to provide voice service as well as FastAccess to its customers in Florida.

Respectfully submitted, this 15 day of November, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Patrick Turner (802)*

NANCY B. WHITE

JAMES MEZA

c/o Nancy Sims

150 South Monroe Street, #400

Tallahassee, Florida 32301

(305) 347-5558

R. DOUGLAS LACKEY

PATRICK W. TURNER

BellSouth Center – Suite 4300

675 West Peachtree Street, N.E.

Atlanta, GA 30375

(404) 335-0761

**Docket 020507-TL**

**BellSouth's Emergency Motion to Compel  
Discovery From FCCA**

**Exhibit 2**



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DEL.

In re: Complaint of the Florida  
Competitive Carriers Association  
Against BellSouth Telecommunications, Inc.  
and Request for Expedited Relief

Docket No. 020507-TP

Filed: November 25, 2002

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S  
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF  
INTERROGATORIES (NOS. 1 - 32)**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association (FCCA) files the following objections to BellSouth Telecommunications, Inc.'s (BellSouth) First Set of Interrogatories (Nos. 1-32).<sup>1</sup> The objections stated herein are preliminary in nature and are made at this time to comply with the 10-day requirement set forth in Order No. PSC-02-1537-PCO-TL. Should additional grounds for objection be discovered as the FCCA prepares its answers, it reserves the right to supplement, revise or modify its objections at the time it serves its responses.

**General Objections**

1. The FCCA objects to any interrogatory that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these interrogatories or is later determined to be applicable based on the discovery of documents, investigation or analysis. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, the FCCA may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced

---

<sup>1</sup> BellSouth misnumbered the Interrogatories, resulting in 6, 7 and 8 being used twice. The FCCA has used BellSouth's numbering

only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information in response to such interrogatory, the FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FCCA hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. The FCCA objects to these interrogatories and any definitions and instructions that purport to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

4. The FCCA objects to these interrogatories to the extent they purport to require FCCA to conduct an analysis or create information not prepared by FCCA's experts or consultants in their preparation for this case. The FCCA will comply with its obligations under the applicable rules of procedure.

5. The FCCA objects to any interrogatory that requires the identification of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be identified.

6. The FCCA objects to these interrogatories to the extent they impermissibly seek information from FCCA members who are not a party to the case, on the grounds that such request is overly broad, unduly burdensome, oppressive and not permitted by the applicable rules of discovery.

7. The FCCA objects to providing information to the extent it is in the public records or in the possession of BellSouth.

8. The FCCA objects to each request that is not limited in time as overly broad, unduly burdensome and vague.

9. For each specific objection made below, the FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.



**Specific Objections**

10 BellSouth Interrogatory No. 2 states:

Please provide a full listing of all FCCA individual member companies, including the legal name and any trade names or "doing business as" names of each individual member company.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, and without waiving the objections, the FCCA intends to provide certain basic information about the FCCA's membership.

11. BellSouth Interrogatory No. 3 states:

Please describe with particularity how FCCA is funded: including, but not limited to, a description of the financial contributions and percentages of contributions made by each individual FCCA member.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, and not calculated to lead to the discovery of admissible evidence.

12. BellSouth Interrogatory No. 4 states:

Please list the names, titles, and business addresses of the officers, directors, and management employees of FCCA. State also whether each officer, director, and management employee is affiliated with an individual member company of FCCA; if so, provide the title and name of the individual member company.

The FCCA objects to this interrogatory as irrelevant, oppressive, harassing, and not calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, and without waiving the objections, the FCCA intends to provide certain basic information about the FCCA's officers.

13 BellSouth Interrogatory No. 5 states:

Do you contend that the Florida Public Service Commission has jurisdiction over Broadband Service?

The FCCA objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

14. BellSouth Interrogatory No. 6 states:

If the answer to Interrogatory No. 5 is in the affirmative, please cite all statutes, rules, regulations, orders, or other legal authority that support your contention.

The FCCA has objected to Interrogatory No. 5 and objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

15. BellSouth Interrogatory No. 7 states:

Do you contend that the Florida Public Service Commission has jurisdiction over Cable Modem service?

The FCCA objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

16. BellSouth Interrogatory No. 8 states:

If the answer to Interrogatory No. 7 is in the affirmative, please cite all statutes, rules, regulations, orders, or other legal authority that support your contention.

The FCCA has objected to Interrogatory No. 7 and objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

17. BellSouth Interrogatory No. 6 states:

Please state whether any of FCCA's members provide Broadband Service and/or DSL service to customers in Florida.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

18. BellSouth Interrogatory No. 7 states:

If the answer to Interrogatory No. 6 is in the affirmative, please:

- i. Describe with particularity the nature of the Broadband Service and/or DSL service each FCCA member is providing in Florida, including description of the protocols used (e.g., ADSL, IDSL, Cable Modem, etc.) as well as all applicable rates, terms and conditions of such services;
- ii. State the total number of customers to whom each FCCA member is providing Broadband Service and/or DSL Service in Florida, including stating the total number of residential and business customers being provided such service;
- iii. Describe with particularity the nature of the technology used to provide the Broadband Service and/or DSL service; including, but not limited to, the number of customers served by the particular technology (e.g., if xDSL based the number of customers served by IDSL, the number of customer served by ADSL, etc.);
- iv. State whether the FCCA member utilized its own broadband equipment or purchased broadband connectivity from another provider;
- v. If the FCCA purchased connectivity from another provider, state the provider from whom the connectivity was purchased and describe with particularity the nature of the broadband service each member is purchasing in Florida, including, but not limited to a description of the protocols (e.g., ADSL, IDSL, DOCSIS) used, the rates, terms and conditions of the service, the number of circuits purchased specifying the location of the circuits by central office, remote terminal, or other location, and specifying the number of potential or qualified business and residential lines available from the provider specifying the location of the potential or qualified business lines by central office, remote terminal or other location.

The FCCA has objected to Interrogatory No. 6 and objects to this interrogatory as irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

19. BellSouth Interrogatory No 8 states:

If the answer to Interrogatory No. 6 is in the negative, please:

- i. Describe with particularity all reasons, whether technical, financial, or otherwise, why each FCCA member does not provide its own Broadband Service and/or DSL service to customers in Florida; and
- ii. Identify all documents referring or relating to each FCCA member's decision not to provide its own Broadband Service and/or DSL service to customers in Florida.

The FCCA has objected to Interrogatory No. 6 and objects to this interrogatory as irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

20. BellSouth Interrogatory No. 9 states:

Please state whether FCCA members provide Broadband Service and/or DSL service to customers in states other than Florida.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

21. BellSouth Interrogatory No. 10 states:

If the answer to Interrogatory No. 9 is in the affirmative, please:

- i. Identify those states in which FCCA members provide Broadband Service and/or DSL service;
- ii. Describe with particularity the nature of the Broadband Service and/or DSL Service FCCA members are providing in each state, including a description of the protocols used (e.g., ADSL, ISDL, Cable Modem, etc.) as well as all applicable rates, terms and conditions of such service;

- iii. State the total number of customer to whom FCCA is providing Broadband Service and/or DSL service in each such state, including stating the total number of residential and business customers being provided service.

The FCCA has objected to Interrogatory No. 9 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

22. BellSouth Interrogatory No. 11 states:

If FCCA members provide Broadband Service and/or DSL service, will these members provide such service to an end user customer irrespective of whether that customer also purchases telecommunications service from the FCCA member providing the voice service (i.e., do any FCCA members provide a stand-alone Broadband Service and/or DSL service)?

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

23. BellSouth Interrogatory No. 12 states:

If the answer to Interrogatory No. 11 is in the affirmative, please:

- i. Describe with particularity the nature of the stand-alone Broadband Service and/or DSL service the FCCA member is providing, including identifying the states in which such service is provided and including a description of the protocols used (e.g., ADSL, IDSL, Cable Modem, etc.) as well as all applicable rates, terms, and conditions,
- ii. State the total number of customers to whom the FCCA member is providing the stand-alone Broadband Service and/or DSL service,

including stating the total number of residential and business customers being provided such service in each state; and

- iii. Identify all documents referring or relating to the stand-alone Broadband Service and/or DSL service the FCCA member is providing.

The FCCA has objected to Interrogatory No. 11 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

24. BellSouth Interrogatory No. 13 states:

If the answer to Interrogatory No. 11 is in the negative, please:

- i. Describe with particularity the reasons, whether technical, financial or otherwise, why each FCCA member does not provide its own Broadband Service and/or DSL service to customers of other voice providers in Florida;
- ii. Identify the equipment providers and/or vendors with whom you have had discussions concerning the potential purchase of equipment capable or providing DSL service;
- iii. State the date when discussions with equipment providers and/or vendors took place;
- iv. Describe with particularity the nature of any such discussion and/or agreement; including, but not limited to applicable rates, price quotes, terms, and conditions for the purchase or equipment capable of providing DSL services;
- v. Identify all documents referring or relating to each FCCA members' decision not to provide its own Broadband Service and/or DSL service to customers of other voice providers in Florida as well as all documents referring to discussions between you and equipment vendors and/or providers.

The FCCA has objected to Interrogatory No. 11 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

25. BellSouth Interrogatory No. 14 states:

Identify each market in which any FCCA member is providing DSL service and state the number of customers in each such market to whom the service is being provided, including stating the total number of residential and business customers being provided such service.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

26. BellSouth Interrogatory No. 15 states:

Describe with particularity each FCCA member's DSL network; including, but not limited to, identifying the location of that network and describing the specific equipment that comprises that network, identifying the vendor and/or provider of the DSL equipment, the number, manufacturer, and size of DSLAMs installed in that network by central office, remote terminal or other location, as well as the total number of collocation sites in which the FCCA member has collocated its facilities with facilities of BellSouth.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information

and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

27. BellSouth Interrogatory No. 16 states:

Has any FCCA member at any time entered into any agreement or held any discussions with any Cable Modem service provider regarding a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

28. BellSouth Interrogatory No. 17 states:

If the answer to Interrogatory No. 16 is in the affirmative, please:

- i. Identify the Cable Modem service provider with whom you have had such an agreement or discussions;
- ii. State the date when such an agreement was executed or such discussions took place;
- iii. Describe with particularity the nature of such an agreement or discussion, including applicable rates, terms and conditions for a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service; and
- iv. Identify all documents referring or relating to such an agreement or discussion.

The FCCA has objected to Interrogatory No. 17 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to



this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

29. BellSouth Interrogatory No. 18 states:

If the answer to Interrogatory No. 16 is in the negative, please describe with particularity all reasons, whether technical, financial, or otherwise, why the FCCA member has decided not to enter into an agreement or discussions with a Cable Modem service provider concerning a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service.

The FCCA has objected to Interrogatory No. 16 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

30. BellSouth Interrogatory No. 19 states:

Has any FCCA member at any time entered into an agreement or held any discussions with any DSL service provider and/or wholesale DSL network provider regarding (a) a joint offering or package of service involving the FCCA member's voice service and the DSL service provider's Broadband Service, including, but not limited to, engaging in line splitting; and/or (b) purchasing a wholesale broadband package for the purpose of creating a retail broadband service offering?

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

31. BellSouth Interrogatory No. 20 states:

If the answer to Interrogatory No. 19 is in the affirmative, please:

- i. Identify the DSL service provider with whom the FCCA member has had such an agreement or discussion;
- ii. State the date when such an agreement was executed or such discussions took place;
- iii. Describe with particularity the nature of such an agreement or discussions, including applicable rates, terms, and conditions for (a) a joint offering or package of services involving the FCCA member's voice service and the DSL service provider's Broadband Service and/or (b) a wholesale offering or wholesale broadband package; and
- iv. Identify all documents referring or relating to such an agreement or discussion.

The FCCA has objected to Interrogatory No. 19 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

32. BellSouth Interrogatory No. 21 states:

If the answer to Interrogatory No. 19 is in the negative, please describe with particularity all reasons, whether technical, financial, or otherwise, why (a) any FCCA member has not entered into an agreement or discussions with any DSL service provider concerning a joint offering or package of services involving the FCCA member's voice service and the DSL service provider's Broadband Service, including, but not limited to, engaging in line splitting and/or (b) any FCCA member has not entered into an agreement or discussions with any wholesale DSL service provider.

The FCCA has objected to Interrogatory No. 19 and objects to this interrogatory as irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks

confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

33. BellSouth Interrogatory No. 22 states:

If you currently provide Broadband Service, do you have any objection to the Public Service Commission in those states in which you provide such service from requiring you to provide Broadband Service to an end user customer irrespective of whether that customer also purchases telecommunications service from you (i.e., requiring you to provide a stand-along Broadband Service)? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

34. BellSouth Interrogatory No. 23 states:

If you currently provide DSL Service, do you have any objections to the Public Service Commission in those states in which you provide such service from requiring you to provide DSL Service over the unbundled loops purchased by any and all other ALECs operating in those states? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

The FCCA objects to this interrogatory as irrelevant, overbroad, vague and not calculated to lead to the discovery of admissible evidence.



35. BellSouth Interrogatory No. 24 states:

Do you have any objection to BellSouth, or any ALEC, utilizing free of charge the high frequency portion of unbundled loops purchased by you to (a) provision DSL Service to your end user customers; and (b) access the unbundled loop to perform testing, repair, maintenance, and/or troubleshooting? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

The FCCA objects to this interrogatory as irrelevant, overbroad, vague and not calculated to lead to the discovery of admissible evidence.

36. BellSouth Interrogatory No. 25 states:

Do you have any objection to BellSouth, or any ALEC, taking whatever steps are necessary in order to provision its DSL Service over unbundled loops purchased by you to provision DSL Service to your end user customers? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

The FCCA objects to this interrogatory as irrelevant, overbroad, vague and not calculated to lead to the discovery of admissible evidence.

37. BellSouth Interrogatory No. 26 states:

What rates, terms and conditions, if any, do you contend should apply when BellSouth, or any ALEC, uses the high-frequency portion of an unbundled loop purchased by you to provide DSL Service to your end user customers?

The FCCA objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

38. BellSouth Interrogatory No. 27 states:

If BellSouth, or any ALEC, were to use the high frequency portion of an unbundled loop purchased by you for the purpose of providing DSL Service, would you request compensation for such use of the high frequency portion of that loop?

The FCCA objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

39. BellSouth Interrogatory No. 28 states:

If the answer to Interrogatory No. 32 is in the affirmative, state the amount of compensation you would charge and describe with particularity how this charge was calculated.

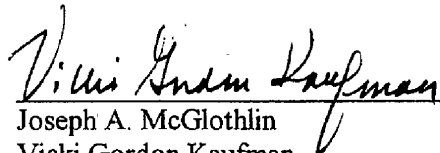
The FCCA objects to this interrogatory as vague and unintelligible. Interrogatory No. 32 does not reference a change or compensation.

40. BellSouth Interrogatory No. 29 states:

Do you contend that any state or federal laws, rules, or regulations are violated when BellSouth does not provide FastAccess service to carriers that offer DSL service (as contrasted to carriers that do NOT offer DSL service)? If the answer

to the foregoing Interrogatory is in the affirmative, state all facts and identify all documents that support this contention.

The FCCA objects to this interrogatory as vague and unintelligible. It is the FCCA's understanding that FastAccess is offered to retail customers.



Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, PA  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 Telephone  
(850) 222-5606 Telefax

Attorneys for the Florida Competitive  
Carriers Association



**CERTIFICATE OF SERVICE**

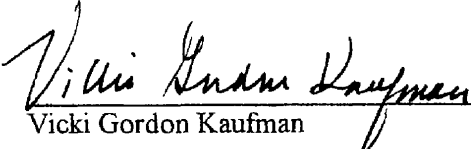
I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories (Nos. 1-35) has been furnished by (\*) hand delivery, (\*\*) electronic mail or U.S. Mail this 25<sup>th</sup> day of November, 2002, to the following:

(\*) (\*\*) Patricia Christensen  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

(\*) (\*\*) Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

(\*\*) Floyd R. Self  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32301

(\*\*) Nanette Edwards  
Director-Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

  
Vicki Gordon Kaufman

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida  
Competitive Carriers Association  
Against BellSouth Telecommunications, Inc.  
and Request for Expedited Relief

Docket No. 020507-TP

Filed: November 25, 2002

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S  
OBJECTIONS TO BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF  
INTERROGATORIES (NOS. 1 - 32)**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association (FCCA) files the following objections to BellSouth Telecommunications, Inc.'s (BellSouth) First Set of Interrogatories (Nos. 1-32).<sup>1</sup> The objections stated herein are preliminary in nature and are made at this time to comply with the 10-day requirement set forth in Order No. PSC-02-1537-PCO-TL. Should additional grounds for objection be discovered as the FCCA prepares its answers, it reserves the right to supplement, revise or modify its objections at the time it serves its responses.

**General Objections**

1. The FCCA objects to any interrogatory that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these interrogatories or is later determined to be applicable based on the discovery of documents, investigation or analysis. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, the FCCA may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced

<sup>1</sup> BellSouth misnumbered the Interrogatories, resulting in 6, 7 and 8 being used twice. The FCCA has used BellSouth's numbering.

only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information in response to such interrogatory, the FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FCCA hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. The FCCA objects to these interrogatories and any definitions and instructions that purport to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

4. The FCCA objects to these interrogatories to the extent they purport to require FCCA to conduct an analysis or create information not prepared by FCCA's experts or consultants in their preparation for this case. The FCCA will comply with its obligations under the applicable rules of procedure.

5. The FCCA objects to any interrogatory that requires the identification of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be identified.

6. The FCCA objects to these interrogatories to the extent they impermissibly seek information from FCCA members who are not a party to the case, on the grounds that such request is overly broad, unduly burdensome, oppressive and not permitted by the applicable rules of discovery.

7. The FCCA objects to providing information to the extent it is in the public records or in the possession of BellSouth.

8. The FCCA objects to each request that is not limited in time as overly broad, unduly burdensome and vague.

9. For each specific objection made below, the FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.



**Specific Objections**

10. BellSouth Interrogatory No. 2 states:

Please provide a full listing of all FCCA individual member companies, including the legal name and any trade names or "doing business as" names of each individual member company.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, and without waiving the objections, the FCCA intends to provide certain basic information about the FCCA's membership.

11. BellSouth Interrogatory No. 3 states:

Please describe with particularity how FCCA is funded: including, but not limited to, a description of the financial contributions and percentages of contributions made by each individual FCCA member.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, and not calculated to lead to the discovery of admissible evidence.

12. BellSouth Interrogatory No. 4 states:

Please list the names, titles, and business addresses of the officers, directors, and management employees of FCCA. State also whether each officer, director, and management employee is affiliated with an individual member company of FCCA; if so, provide the title and name of the individual member company.

The FCCA objects to this interrogatory as irrelevant, oppressive, harassing, and not calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, and without waiving the objections, the FCCA intends to provide certain basic information about the FCCA's officers.

13. BellSouth Interrogatory No. 5 states:

Do you contend that the Florida Public Service Commission has jurisdiction over Broadband Service?

The FCCA objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

14. BellSouth Interrogatory No. 6 states:

If the answer to Interrogatory No. 5 is in the affirmative, please cite all statutes, rules, regulations, orders, or other legal authority that support your contention.

The FCCA has objected to Interrogatory No. 5 and objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

15. BellSouth Interrogatory No. 7 states:

Do you contend that the Florida Public Service Commission has jurisdiction over Cable Modem service?

The FCCA objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

16. BellSouth Interrogatory No. 8 states:

If the answer to Interrogatory No. 7 is in the affirmative, please cite all statutes, rules, regulations, orders, or other legal authority that support your contention.

The FCCA has objected to Interrogatory No. 7 and objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

17. BellSouth Interrogatory No. 6 states:

Please state whether any of FCCA's members provide Broadband Service and/or DSL service to customers in Florida.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case

18. BellSouth Interrogatory No. 7 states:

If the answer to Interrogatory No. 6 is in the affirmative, please:

- i. Describe with particularity the nature of the Broadband Service and/or DSL service each FCCA member is providing in Florida, including description of the protocols used (e.g., ADSL, IDSL, Cable Modem, etc.) as well as all applicable rates, terms and conditions of such services;
- ii. State the total number of customers to whom each FCCA member is providing Broadband Service and/or DSL Service in Florida, including stating the total number of residential and business customers being provided such service;
- iii. Describe with particularity the nature of the technology used to provide the Broadband Service and/or DSL service; including, but not limited to, the number of customers served by the particular technology (e.g., if xDSL based the number of customers served by IDSL, the number of customer served by ADSL, etc.);
- iv. State whether the FCCA member utilized its own broadband equipment or purchased broadband connectivity from another provider;
- v. If the FCCA purchased connectivity from another provider, state the provider from whom the connectivity was purchased and describe with particularity the nature of the broadband service each member is purchasing in Florida, including, but not limited to a description of the protocols (e.g., ADSL, IDSL, DOCSIS) used, the rates, terms and conditions of the service, the number of circuits purchased specifying the location of the circuits by central office, remote terminal, or other location, and specifying the number of potential or qualified business and residential lines available from the provider specifying the location of the potential or qualified business lines by central office, remote terminal or other location.

The FCCA has objected to Interrogatory No. 6 and objects to this interrogatory as irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

19. BellSouth Interrogatory No. 8 states:

If the answer to Interrogatory No. 6 is in the negative, please:

- i. Describe with particularity all reasons, whether technical, financial, or otherwise, why each FCCA member does not provide its own Broadband Service and/or DSL service to customers in Florida; and
- ii. Identify all documents referring or relating to each FCCA member's decision not to provide its own Broadband Service and/or DSL service to customers in Florida.

The FCCA has objected to Interrogatory No. 6 and objects to this interrogatory as irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

20. BellSouth Interrogatory No. 9 states:

Please state whether FCCA members provide Broadband Service and/or DSL service to customers in states other than Florida.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

21. BellSouth Interrogatory No. 10 states:

If the answer to Interrogatory No. 9 is in the affirmative, please:

- i. Identify those states in which FCCA members provide Broadband Service and/or DSL service;
- ii. Describe with particularity the nature of the Broadband Service and/or DSL Service FCCA members are providing in each state, including a description of the protocols used (e.g., ADSL, ISDL, Cable Modem, etc.) as well as all applicable rates, terms and conditions of such service;

- iii. State the total number of customer to whom FCCA is providing Broadband Service and/or DSL service in each such state, including stating the total number of residential and business customers being provided service.

The FCCA has objected to Interrogatory No. 9 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

22. BellSouth Interrogatory No. 11 states:

If FCCA members provide Broadband Service and/or DSL service, will these members provide such service to an end user customer irrespective of whether that customer also purchases telecommunications service from the FCCA member providing the voice service (i.e., do any FCCA members provide a stand-alone Broadband Service and/or DSL service)?

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

23. BellSouth Interrogatory No. 12 states:

If the answer to Interrogatory No. 11 is in the affirmative, please:

- i. Describe with particularity the nature of the stand-alone Broadband Service and/or DSL service the FCCA member is providing, including identifying the states in which such service is provided and including a description of the protocols used (e.g., ADSL, IDSL, Cable Modem, etc.) as well as all applicable rates, terms, and conditions;
- ii. State the total number of customers to whom the FCCA member is providing the stand-alone Broadband Service and/or DSL service,

including stating the total number of residential and business customers being provided such service in each state; and

- iii. Identify all documents referring or relating to the stand-alone Broadband Service and/or DSL service the FCCA member is providing.

The FCCA has objected to Interrogatory No. 11 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

- 24. BellSouth Interrogatory No. 13 states:

If the answer to Interrogatory No. 11 is in the negative, please:

- i. Describe with particularity the reasons, whether technical, financial or otherwise, why each FCCA member does not provide its own Broadband Service and/or DSL service to customers of other voice providers in Florida;
- ii. Identify the equipment providers and/or vendors with whom you have had discussions concerning the potential purchase of equipment capable of providing DSL service;
- iii. State the date when discussions with equipment providers and/or vendors took place;
- iv. Describe with particularity the nature of any such discussion and/or agreement; including, but not limited to applicable rates, price quotes, terms, and conditions for the purchase or equipment capable of providing DSL services;
- v. Identify all documents referring or relating to each FCCA members' decision not to provide its own Broadband Service and/or DSL service to customers of other voice providers in Florida as well as all documents referring to discussions between you and equipment vendors and/or providers

The FCCA has objected to Interrogatory No. 11 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

25. BellSouth Interrogatory No. 14 states:

Identify each market in which any FCCA member is providing DSL service and state the number of customers in each such market to whom the service is being provided, including stating the total number of residential and business customers being provided such service.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

26. BellSouth Interrogatory No. 15 states:

Describe with particularity each FCCA member's DSL network; including, but not limited to, identifying the location of that network and describing the specific equipment that comprises that network, identifying the vendor and/or provider of the DSL equipment, the number, manufacturer, and size of DSLAMs installed in that network by central office, remote terminal or other location, as well as the total number of collocation sites in which the FCCA member has collocated its facilities with facilities of BellSouth.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information

and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

27. BellSouth Interrogatory No. 16 states:

Has any FCCA member at any time entered into any agreement or held any discussions with any Cable Modem service provider regarding a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

28. BellSouth Interrogatory No. 17 states:

If the answer to Interrogatory No. 16 is in the affirmative, please:

- i. Identify the Cable Modem service provider with whom you have had such an agreement or discussions;
- ii. State the date when such an agreement was executed or such discussions took place;
- iii. Describe with particularity the nature of such an agreement or discussion, including applicable rates, terms and conditions for a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service; and
- iv. Identify all documents referring or relating to such an agreement or discussion.

The FCCA has objected to Interrogatory No. 17 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to



this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

29. BellSouth Interrogatory No. 18 states:

If the answer to Interrogatory No. 16 is in the negative, please describe with particularity all reasons, whether technical, financial, or otherwise, why the FCCA member has decided not to enter into an agreement or discussions with a Cable Modem service provider concerning a joint offering or package of services involving the FCCA member's voice service and the Cable Modem service provider's Broadband Service.

The FCCA has objected to Interrogatory No. 16 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

30. BellSouth Interrogatory No. 19 states:

Has any FCCA member at any time entered into an agreement or held any discussions with any DSL service provider and/or wholesale DSL network provider regarding (a) a joint offering or package of service involving the FCCA member's voice service and the DSL service provider's Broadband Service, including, but not limited to, engaging in line splitting; and/or (b) purchasing a wholesale broadband package for the purpose of creating a retail broadband service offering?

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

31. BellSouth Interrogatory No. 20 states:

If the answer to Interrogatory No. 19 is in the affirmative, please:

- i. Identify the DSL service provider with whom the FCCA member has had such an agreement or discussion;
- ii. State the date when such an agreement was executed or such discussions took place;
- iii. Describe with particularity the nature of such an agreement or discussions, including applicable rates, terms, and conditions for (a) a joint offering or package of services involving the FCCA member's voice service and the DSL service provider's Broadband Service and/or (b) a wholesale offering or wholesale broadband package; and
- iv. Identify all documents referring or relating to such an agreement or discussion.

The FCCA has objected to Interrogatory No. 19 and objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

32. BellSouth Interrogatory No. 21 states:

If the answer to Interrogatory No. 19 is in the negative, please describe with particularity all reasons, whether technical, financial, or otherwise, why (a) any FCCA member has not entered into an agreement or discussions with any DSL service provider concerning a joint offering or package of services involving the FCCA member's voice service and the DSL service provider's Broadband Service, including, but not limited to, engaging in line splitting and/or (b) any FCCA member has not entered into an agreement or discussions with any wholesale DSL service provider.

The FCCA has objected to Interrogatory No. 19 and objects to this interrogatory as irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory to the extent it seeks

confidential proprietary business information and trade secret information. The FCCA objects to this interrogatory as an impermissible attempt to seek discovery from entities who are not parties to this case.

33. BellSouth Interrogatory No. 22 states:

If you currently provide Broadband Service, do you have any objection to the Public Service Commission in those states in which you provide such service from requiring you to provide Broadband Service to an end user customer irrespective of whether that customer also purchases telecommunications service from you (i.e., requiring you to provide a stand-along Broadband Service)? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

The FCCA objects to this interrogatory as irrelevant, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

34. BellSouth Interrogatory No. 23 states:

If you currently provide DSL Service, do you have any objections to the Public Service Commission in those states in which you provide such service from requiring you to provide DSL Service over the unbundled loops purchased by any and all other ALECs operating in those states? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

The FCCA objects to this interrogatory as irrelevant, overbroad, vague and not calculated to lead to the discovery of admissible evidence.

00

35. BellSouth Interrogatory No. 24 states:

Do you have any objection to BellSouth, or any ALEC, utilizing free of charge the high frequency portion of unbundled loops purchased by you to (a) provision DSL Service to your end user customers; and (b) access the unbundled loop to perform testing, repair, maintenance, and/or troubleshooting? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

The FCCA objects to this interrogatory as irrelevant, overbroad, vague and not calculated to lead to the discovery of admissible evidence.

36. BellSouth Interrogatory No. 25 states.

Do you have any objection to BellSouth, or any ALEC, taking whatever steps are necessary in order to provision its DSL Service over unbundled loops purchased by you to provision DSL Service to your end user customers? If the answer to the foregoing Interrogatory is in the affirmative, describe with particularity all such objections.

The FCCA objects to this interrogatory as irrelevant, overbroad, vague and not calculated to lead to the discovery of admissible evidence.

37. BellSouth Interrogatory No. 26 states:

What rates, terms and conditions, if any, do you contend should apply when BellSouth, or any ALEC, uses the high-frequency portion of an unbundled loop purchased by you to provide DSL Service to your end user customers?

The FCCA objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

38. BellSouth Interrogatory No. 27 states:

If BellSouth, or any ALEC, were to use the high frequency portion of an unbundled loop purchased by you for the purpose of providing DSL Service, would you request compensation for such use of the high frequency portion of that loop?

The FCCA objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence.

39. BellSouth Interrogatory No. 28 states:

If the answer to Interrogatory No. 32 is in the affirmative, state the amount of compensation you would charge and describe with particularity how this charge was calculated.

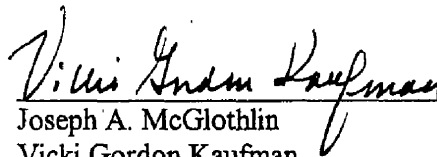
The FCCA objects to this interrogatory as vague and unintelligible. Interrogatory No. 32 does not reference a change or compensation.

40. BellSouth Interrogatory No. 29 states:

Do you contend that any state or federal laws, rules, or regulations are violated when BellSouth does not provide FastAccess service to carriers that offer DSL service (as contrasted to carriers that do NOT offer DSL service)? If the answer

to the foregoing Interrogatory is in the affirmative, state all facts and identify all documents that support this contention.

The FCCA objects to this interrogatory as vague and unintelligible. It is the FCCA's understanding that FastAccess is offered to retail customers.



Joseph A. McGlothlin

Vicki Gordon Kaufman

McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, PA

117 South Gadsden Street

Tallahassee, Florida 32301

(850) 222-2525 Telephone

(850) 222-5606 Telefax

Attorneys for the Florida Competitive  
Carriers Association

00

**CERTIFICATE OF SERVICE**

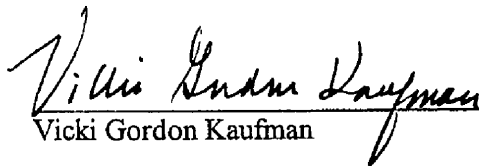
I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories (Nos. 1-35) has been furnished by (\*) hand delivery, (\*\*) electronic mail or U.S. Mail this 25<sup>th</sup> day of November, 2002, to the following:

(\*) (\*\*) Patricia Christensen  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

(\*) (\*\*) Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

(\*\*) Floyd R. Self  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32301

(\*\*) Nanette Edwards  
Director-Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

  
Vicki Gordon Kaufman

DEC - 2

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida  
Competitive Carriers Association  
Against BellSouth Telecommunications, Inc.  
and Request for Expedited Relief

---

Docket No. 020507-TP

Filed: November 25, 2002

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S OBJECTIONS  
TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 4)**

Pursuant to rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association (FCCA) Objects to BellSouth Telecommunications, Inc.'s First Request for Productions of Documents (Nos. 1 - 4). The objections stated herein are preliminary in nature and are made at this time to comply with the 10-day requirement set forth in Order No. PSC-02-1537-PCO-TL. Should additional grounds for objection be discovered as the FCCA prepares its answers, it reserves the right to supplement, revise or modify its objections at the time it serves its responses.

**General Objections**

1. The FCCA objects to any request that calls for the production of documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these requests or is later determined to be applicable based on the discovery of documents, investigation or analysis. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, the FCCA may determine upon investigation and analysis that documents that respond to certain requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to produce

documents in response to this request, the FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. The FCCA hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. The FCCA objects to these requests to the extent they purport to require the FCCA to prepare information or documents or perform calculations that the FCCA has not prepared or performed in the normal course of business as an attempt to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

4. The FCCA objects to these requests and any definitions or instructions that purport to expand FCCA's obligations under applicable law. The FCCA will comply with applicable law.

5. The FCCA objects to any request that requires the production of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found and because such a request is burdensome and overbroad.

6. The FCCA objects to these requests to the extent that they seek documents from FCCA members that are not parties to this case, on the grounds that such request is overly broad, unduly burdensome, oppressive and not permitted by the applicable rules of discovery.

7. The FCCA objects to providing information to the extent it is in the public record or in the possession of BellSouth.

8. The FCCA objects to each request that is not limited in time as overly broad, unduly burdensome and vague.

9. The FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as well as the objections set forth in its Objections to BellSouth's First Set of Interrogatories as though pleaded therein.



### Specific Objections

10. BellSouth's Request for Production No. 1 states:

Produce all documents identified in response to these Interrogatories.

The FCCA has objected to a number of questions in BellSouth's First Set of Interrogatories. The FCCA incorporates herein all objections made to BellSouth's First Set of Interrogatories as they relate to this request.

11. BellSouth's Request for Production No. 2 states:

Produce all documents that refer or relate to any Broadband Service and DSL service that FCCA or its members provide to its customers in Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, overbroad, oppressive, harassing, unduly burdensome, vague and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.

12. BellSouth's Request for Production No. 3 states:

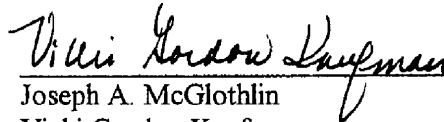
○ Produce all documents that refer or relate to any Broadband Service and DSL service that FCCA or its members provide to its customers in states other than Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.

13. BellSouth's Request for Production No. 4 states:

Produce all documents that refer or relate to FCCA or its members' consideration or investigation or their ability to resell BellSouth's local exchange service in order to provide voice service as well as FastAccess to its customers in Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.



Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, PA  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 Telephone  
(850) 222-5606 Telefax

Attorneys for the Florida Competitive  
Carriers Association

**CERTIFICATE OF SERVICE**

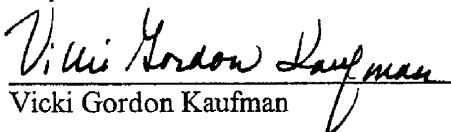
I **HEREBY CERTIFY** that a true and correct copy of the foregoing the Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s First Request for Production of Documents (Nos. 1 - 4) has been furnished by (\*) hand delivery, (\*\*) electronic mail or by U. S. Mail this 25<sup>th</sup> day of November 2002, to the following:

(\*) (\*\*) Patricia Christensen  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

(\*) (\*\*) Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

(\*\*) Floyd R. Self  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32301

(\*\*) Nanette Edwards  
Director-Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

  
Vicki Gordon Kaufman

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida  
Competitive Carriers Association  
Against BellSouth Telecommunications, Inc.  
and Request for Expedited Relief

---

Docket No. 020507-TP

Filed: November 25, 2002

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S OBJECTIONS  
TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 4)**

Pursuant to rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association (FCCA) Objects to BellSouth Telecommunications, Inc.'s First Request for Productions of Documents (Nos. 1 - 4). The objections stated herein are preliminary in nature and are made at this time to comply with the 10-day requirement set forth in Order No. PSC-02-1537-PCO-TL. Should additional grounds for objection be discovered as the FCCA prepares its answers, it reserves the right to supplement, revise or modify its objections at the time it serves its responses.

**General Objections**

1. The FCCA objects to any request that calls for the production of documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these requests or is later determined to be applicable based on the discovery of documents, investigation or analysis. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, the FCCA may determine upon investigation and analysis that documents that respond to certain requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to produce

documents in response to this request, the FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. The FCCA hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. The FCCA objects to these requests to the extent they purport to require the FCCA to prepare information or documents or perform calculations that the FCCA has not prepared or performed in the normal course of business as an attempt to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

4. The FCCA objects to these requests and any definitions or instructions that purport to expand FCCA's obligations under applicable law. The FCCA will comply with applicable law.

5. The FCCA objects to any request that requires the production of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found and because such a request is burdensome and overbroad.

6. The FCCA objects to these requests to the extent that they seek documents from FCCA members that are not parties to this case, on the grounds that such request is overly broad, unduly burdensome, oppressive and not permitted by the applicable rules of discovery.

7. The FCCA objects to providing information to the extent it is in the public record or in the possession of BellSouth.

8. The FCCA objects to each request that is not limited in time as overly broad, unduly burdensome and vague.

9. The FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as well as the objections set forth in its Objections to BellSouth's First Set of Interrogatories as though pleaded therein.

**Specific Objections**

10. BellSouth's Request for Production No. 1 states:

Produce all documents identified in response to these Interrogatories.

The FCCA has objected to a number of questions in BellSouth's First Set of Interrogatories. The FCCA incorporates herein all objections made to BellSouth's First Set of Interrogatories as they relate to this request.

11. BellSouth's Request for Production No. 2 states:

Produce all documents that refer or relate to any Broadband Service and DSL service that FCCA or its members provide to its customers in Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, overbroad, oppressive, harassing, unduly burdensome, vague and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.

12. BellSouth's Request for Production No. 3 states:

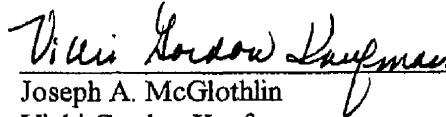
Produce all documents that refer or relate to any Broadband Service and DSL service that FCCA or its members provide to its customers in states other than Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.

13. BellSouth's Request for Production No. 4 states:

Produce all documents that refer or relate to FCCA or its members' consideration or investigation or their ability to resell BellSouth's local exchange service in order to provide voice service as well as FastAccess to its customers in Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.



Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, PA  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 Telephone  
(850) 222-5606 Telefax

Attorneys for the Florida Competitive  
Carriers Association



**CERTIFICATE OF SERVICE**

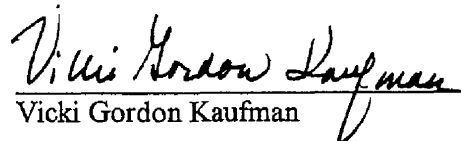
I **HEREBY CERTIFY** that a true and correct copy of the foregoing the Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s First Request for Production of Documents (Nos. 1 - 4) has been furnished by (\*) hand delivery, (\*\*) electronic mail or by U. S. Mail this 25<sup>th</sup> day of November 2002, to the following:

(\*) (\*\*) Patricia Christensen  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

(\*) (\*\*) Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

(\*\*) Floyd R. Self  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32301

(\*\*) Nanette Edwards  
Director-Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

  
Vicki Gordon Kaufman



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida  
Competitive Carriers Association  
Against BellSouth Telecommunications, Inc.  
Regarding BellSouth's Practice of Refusing  
To Provide FastAccess Internet Service to  
Customers who Receive Voice Service from a  
Competitive Voice Provider and Request for  
Expedited Relief.

Docket No. 020507-TP

DEC

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S  
THIRD SET OF INTERROGATORIES TO  
BELLSOUTH TELECOMMUNICATIONS, INC. (NO. 7)**

Florida Competitive Carriers Association (FCCA), by its attorneys, McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman & Arnold, P.A., pursuant to Rule 1.340, Florida Rules of Civil Procedure, and rule 28-106.206, Florida Administrative Code, propounds the following Interrogatories to BellSouth Telecommunications, Inc. (BellSouth).

**DEFINITIONS AND INSTRUCTIONS**

A. As used herein, the following words shall have the meanings indicated:

(i) BellSouth Telecommunications, Inc. (BellSouth) shall refer to BellSouth, individually and collectively;

(ii) "you" and "your" shall refer to BellSouth, its agents, employees, servants, and/or representatives;

(iii) "person" or "persons" shall mean and include natural persons, corporations, partnerships, associations, joint ventures, proprietorships, entities and all other forms of organizations or associations;

(iv) "employee" shall include any individual employed by BellSouth, its operators or owners;

(v) "document" or "report" shall mean any kind of written, typed, recorded, or graphic matter, however produced or reproduced, of any kind or description, whether sent or received, including originals, non-identical copies and drafts and both sides thereof; and including but not limited to: papers, books, letters, correspondence, telegrams, bulletins, notices, announcements, instructions, charts, manuals, brochures, schedules, cables, telex messages, memoranda, notes, notations, accountants' working papers, transcripts, minutes, agendas, reports and recordings of telephone or other conversations, of interviews, of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer print-outs, data processing input and output, microfilms, and all other records kept by electronic, photographic, or mechanical means and things similar to any of the foregoing, however denominated by you, and any other documents as defined in Rule 1.340, Florida Rules of Procedure;

(vi) "identify" shall mean, with respect to any document or report; set forth the title, if any, describe the relevant page or pages and line or lines thereof (or annex a copy to the answer to these interrogatories, with appropriate designations of such page or pages and line or lines), and state the present location and custodian of the original and all copies of the document, who prepared the document, and when it was prepared;

(vii) documents or reports to be identified shall include all documents in your possession, custody and control and all other documents of which you have knowledge;

(viii) to the extent an interrogatory calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be

included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons therefore. If you expect to obtain further information between the time answers are served and the time of hearing, you are requested to state this fact in each answer. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.

(ix) in the event any Interrogatory herein calls for information or for the identification of a document which you deem to be privileged, in whole or in part, the information should be given or the document identified to the fullest extent possible consistent with such claim of privilege and specify the grounds relied upon for the claim of privilege.

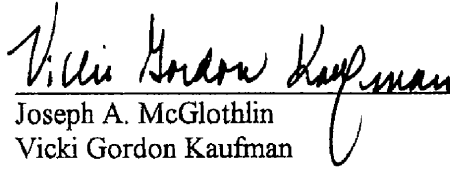
(x) separate answer shall be furnished for each interrogatory, although where the context permits, an interrogatory may be answered by reference to the answer furnished to another interrogatory.

(xi) for each interrogatory, identify the name, address, telephone number and position of the person responsible for providing the answer.



**INTERROGATORIES**

**INTERROGATORY NO. 7.** How many xDSL lines has BellSouth provisioned in the last 18 months to: (a) provide FastAccess lines sold at retail; and (b) ISPs for their use in providing internet access?



Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, PA  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 Telephone  
(850) 222-5606 Telefax

Attorneys for the Florida Competitive Carriers  
Association

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Competitive Carriers Association's Third Set of Interrogatories to BellSouth Telecommunications, Inc. (Nos. 7) has been furnished by (\*) hand delivery, (\*\*) electronic mail or by U. S. Mail this 25th day of November 2002, to the following:

(\*) (\*\*) Patty Christensen  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

(\*) (\*\*) Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

(\*\*) Floyd Self  
Messer, Caparello & Self  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32302-1876

(\*\*) Nanette Edwards  
Director-Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802



  
Vicki Gordon Kaufman

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida  
Competitive Carriers Association  
Against BellSouth Telecommunications, Inc.  
Regarding BellSouth's Practice of Refusing  
To Provide FastAccess Internet Service to  
Customers who Receive Voice Service from a  
Competitive Voice Provider and Request for  
Expedited Relief.

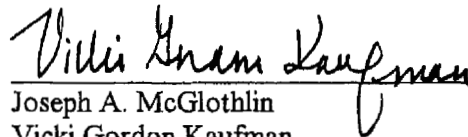
Docket No. 020507-TP

Filed: November 25, 2002

---

**NOTICE OF SERVICE OF FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S  
THIRD SET OF INTERROGATORIES TO  
BELLSOUTH TELECOMMUNICATIONS, INC. (NO. 7)**

Florida Competitive Carriers Association (FCCA) files Notice that it has served its Third Set of Interrogatories to BellSouth Telecommunications, Inc. (No. 7), by hand delivery to: Nancy White c/o Nancy Sims, BellSouth Telecommunications, Inc., 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301, on this 25th day of November 2002.



Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, PA  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 Telephone  
(850) 222-5606 Telefax

Attorneys for the Florida Competitive Carriers  
Association

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Notice of Service of Florida Competitive Carriers Association's Third Set of Interrogatories to BellSouth Telecommunications, Inc. (No. 7) has been furnished by (\*) hand delivery, (\*\*) electronic mail or by U.S. Mail this 25th day of November 2002, to the following:

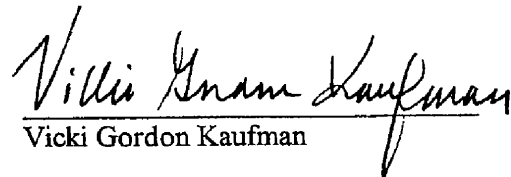
(\*)(\*\*) Patty Christensen  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

(\*) (\*\*) Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

(\*\*) Floyd Self  
Messer, Caparello & Self  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32302-1876

(\*\*) Nanette Edwards  
Director-Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

00

  
Vicki Gordon Kaufman

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida  
Competitive Carriers Association  
Against BellSouth Telecommunications, Inc.  
Regarding BellSouth's Practice of Refusing  
To Provide FastAccess Internet Service to  
Customers who Receive Voice Service from a  
Competitive Voice Provider and Request for  
Expedited Relief.

---

Docket No. 020507-TP

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S  
THIRD SET OF INTERROGATORIES TO  
BELLSOUTH TELECOMMUNICATIONS, INC. (NO. 7)**

Florida Competitive Carriers Association (FCCA), by its attorneys, McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman & Arnold, P.A., pursuant to Rule 1.340, Florida Rules of Civil Procedure, and rule 28-106.206, Florida Administrative Code, propounds the following Interrogatories to BellSouth Telecommunications, Inc. (BellSouth).

**DEFINITIONS AND INSTRUCTIONS**

- A. As used herein, the following words shall have the meanings indicated:
- (i) BellSouth Telecommunications, Inc. (BellSouth) shall refer to BellSouth, individually and collectively;
  - (ii) "you" and "your" shall refer to BellSouth, its agents, employees, servants, and/or representatives;
  - (iii) "person" or "persons" shall mean and include natural persons, corporations, partnerships, associations, joint ventures, proprietorships, entities and all other forms of organizations or associations;
  - (iv) "employee" shall include any individual employed by BellSouth, its operators or owners;



(v) "document" or "report" shall mean any kind of written, typed, recorded, or graphic matter, however produced or reproduced, of any kind or description, whether sent or received, including originals, non-identical copies and drafts and both sides thereof; and including but not limited to: papers, books, letters, correspondence, telegrams, bulletins, notices, announcements, instructions, charts, manuals, brochures, schedules, cables, telex messages, memoranda, notes, notations, accountants' working papers, transcripts, minutes, agendas, reports and recordings of telephone or other conversations, of interviews, of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer print-outs, data processing input and output, microfilms, and all other records kept by electronic, photographic, or mechanical means and things similar to any of the foregoing, however denominated by you, and any other documents as defined in Rule 1.340, Florida Rules of Procedure;

(vi) "identify" shall mean, with respect to any document or report; set forth the title, if any, describe the relevant page or pages and line or lines thereof (or annex a copy to the answer to these interrogatories, with appropriate designations of such page or pages and line or lines), and state the present location and custodian of the original and all copies of the document, who prepared the document, and when it was prepared;

(vii) documents or reports to be identified shall include all documents in your possession, custody and control and all other documents of which you have knowledge;

(viii) to the extent an interrogatory calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be

included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons therefore. If you expect to obtain further information between the time answers are served and the time of hearing, you are requested to state this fact in each answer. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.

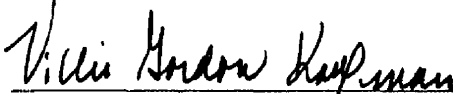
(ix) in the event any Interrogatory herein calls for information or for the identification of a document which you deem to be privileged, in whole or in part, the information should be given or the document identified to the fullest extent possible consistent with such claim of privilege and specify the grounds relied upon for the claim of privilege.

(x) separate answer shall be furnished for each interrogatory, although where the context permits, an interrogatory may be answered by reference to the answer furnished to another interrogatory.

(xi) for each interrogatory, identify the name, address, telephone number and position of the person responsible for providing the answer.

**INTERROGATORIES**

**INTERROGATORY NO. 7.** How many xDSL lines has BellSouth provisioned in the last 18 months to: (a) provide FastAccess lines sold at retail; and (b) ISPs for their use in providing internet access?

  
\_\_\_\_\_

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, PA  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 Telephone  
(850) 222-5606 Telefax

Attorneys for the Florida Competitive Carriers  
Association

00

**CERTIFICATE OF SERVICE**

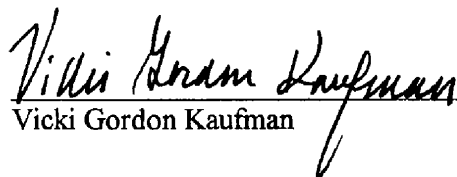
**I HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Competitive Carriers Association's Third Set of Interrogatories to BellSouth Telecommunications, Inc. (Nos. 7) has been furnished by (\*) hand delivery, (\*\*) electronic mail or by U. S. Mail this 25th day of November 2002, to the following:

(\*) (\*\*) Patty Christensen  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

(\*) (\*\*) Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

(\*\*) Floyd Self  
Messer, Capareello & Self  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32302-1876

(\*\*) Nanette Edwards  
Director-Regulatory  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

  
Vicki Gordon Kaufman

**Docket 020507-TL**

**BellSouth's Emergency Motion to Compel  
Discovery From FCCA**

**Exhibit 3**

0

e-mail to: Joseph McGlothlin; Vicki Gordon Kaufman

BellSouth has served you with its First Set of Interrogatories and its First Requests for Production of Documents ("discovery"). BellSouth has received several objections from FCCA to the discovery, which is of concern to BellSouth.

Specifically, FCCA has objected to Interrogatories 2 – 29 as well as Requests for Production 1 – 4. These discovery requests are directly relevant to BellSouth's ability to defend this case. The requests are also directly relevant to the claims of standing asserted by the FCCA and its member companies.

In the context of another docket, BellSouth has already shared with you Docket No. 910980-TL, Order NO. PSC-92-0112-TL, in which the Florida Commission granted in part a motion to compel against the Florida Cable Television Association ("FCTA") that sought information relating to certain FCTA members. Consistent with that Order, BellSouth requests your full responses to its discovery on December 5, 2002. Please be advised that if you do not provide complete discovery responses on December 5, then BellSouth will have no alternative than to file the appropriate motion with the Florida Commission. If you would like to discuss this matter, please call me at 404-335-0750 or send me an e-mail.

471683

**Docket 020507-TL**

**BellSouth's Emergency Motion to Compel  
Discovery From FCCA**

**Exhibit 4**

0



Enter Search Term or AT&T Keyword:



AT&T Consumer Home > DSL



Check Availability

Enter your phone number to see if AT&T DSL Service is available in your area.

Form with input fields and a SUBMIT button

- AT&T DSL Offer
- DSL Basics
- DSL vs. Dial-Up & Cable
- Why AT&T DSL?
- See What You Can Do

AT&T DSL info in an easy-to-print format

PRINT IT

# Why AT&T DSL is right for you

## AT&T DSL Offers You More

AT&T DSL gives you advantages over other high-speed Internet providers.

### INSTALLATION



You'll get everything you need to get started in about 30 minutes.

[Find out more about installation.](#)

### SECURITY



You'll make your computer invisible to hackers with FREE firewall software.

[Find out more about security.](#)

### ISP SERVICE



You'll enjoy AT&T's award-winning ISP service.

[Find out more about our ISP service.](#)

## AT&T DSL Comes From A Company You Can Trust

As a leader in home communications, AT&T brings a tradition of reliability and innovation to DSL service.

### 24/7 SUPPORT



You'll have access to a dedicated customer service team, available 24/7 to assist you with live technical support. And our One-Year Service Guarantee is there to make sure you get the speed and reliability you expect.\*

### INNOVATION



You'll continue to find new ways to harness the power of the Internet to fit your lifestyle. You can trust in the future of AT&T DSL Service, since it comes from a leader in technology.

You can get it now.

Call 1 800 800-0274, and place your order today.

REGULAR RATES

# 39

- High speed access over existing phone lines
- FREE Installation
- FREE DSL Service
- 24/7 Live Support
- Price and performance guaranteed one year

Call To

**1 800 800**



---

[Terms & Conditions](#) | [Privacy Policy](#) | [Contact AT&T Consumer](#) | © 2002 AT&T. All rights reserved.





Home    At a Glance    Our Network    Product Suite    Customer Service    Dealers/Alliances    C.

### Internet



#### Access

BTI is a national Internet Service Provider (ISP) offering a choice of access options including: Dedicated, Frame Relay, DSL and dial up (56K and ISDN) connections. Both business and residential customers enjoy the high speeds and reliable transmission of BTI Internet access. [More](#)

#### Network Security

If your company does business over the Internet, security is a high priority for you. Our engineers are experts in the latest network security technologies and will put their expertise to work for you. We can assist you with the implementation of security for virtual private networks, firewalls and other security-based systems. If you currently have a security plan, we can provide testing and audit services to give you peace of mind that your system is air tight.

[Internet Access & Use Policy](#)

[Access Numbers](#)

Contact a BTI Sales Specialist at [datasales@btitele.com](mailto:datasales@btitele.com).

4300 Six Forks Road Raleigh, NC 27609 Copyright © 2001 Business Telecom, Inc.

Tel: 800.849.9100 | Fax: 919.863.7319  
[info@btitele.com](mailto:info@btitele.com)

All rights reserved.  
[Terms of Use](#) | [Privacy Policy](#) | [Copyright Notice](#)

Customer Support:  
800.849.2111  
[customersupport@btitele.com](mailto:customersupport@btitele.com)  
[BTINet](#)



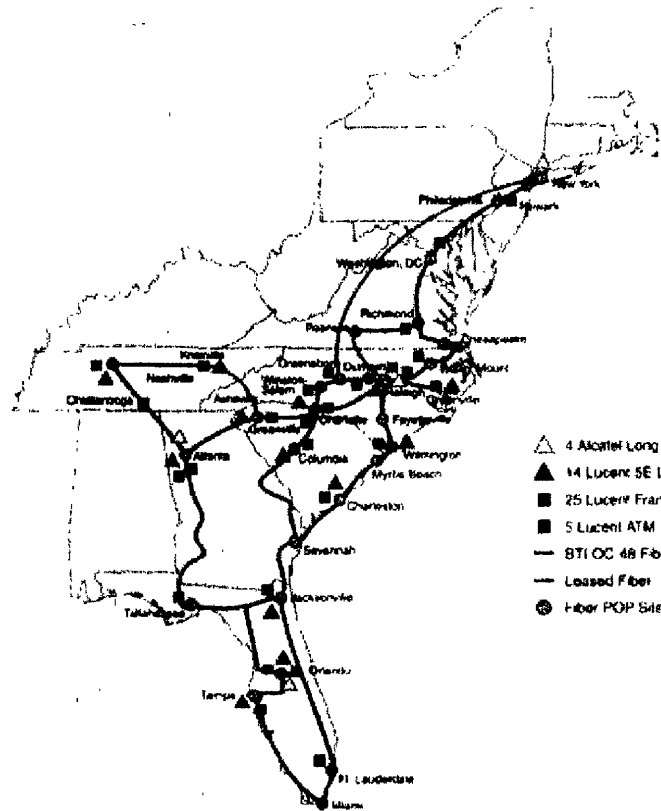
# Telecom Simplified

Home    At a Glance    Our Network    Product Suite    Customer Service    Dealers/Alliances    C...

## Network Map

### By the Numbers

- 14 Lucent Technologies 5E 2000 digital local switches
- Over 85 Alcatel Litespan 2012 digital loop carriers
- 4 Alcatel USA 600E Tandem long distance switches
- 25 Lucent Technologies B-STDX 9000 frame relay switches
- Over 4,400 route miles of fiber optics
- 5 Lucent Technologies ATM Switches



4300 Six Forks Road Raleigh, NC Copyright © 2001 Business Telecom, Inc.  
 27609  
 Tel: 800.849.9100 | Fax: 919.863.7319  
[info@btitele.com](mailto:info@btitele.com)

All rights reserved.  
[Terms of Use](#) | [Privacy Policy](#) | [Copyright Notice](#)

Customer Support:  
 800.849.2111  
[customersupport@btitele.com](mailto:customersupport@btitele.com)  
 BTINet

**Product Pavilion****Local Voice Services****Data and Internet Services**

- Mpower Dedicated SDSL High-Speed Internet Service
- Web Hosting
- MpowerConnect

**Mpower Voice Mail****Integrated Products**[Voice Mail](#)[Web Hosting](#)**Mpower Dedicated SDSL High-Speed Internet Service****Related Links**[Becoming an Mpower SDSL Customer](#)[E-mail, Domain Name & Web Hosting Service Setup](#)[Acceptable Use Policies](#)

Mpower your business with SDSL Broadband Internet Service—the technology to make your business more productive.

Mpower's SDSL (Symmetrical Digital Subscriber Line) offers equal upstream and downstream speeds up to 1.5 Megabits per second (Mbps). Unlike ADSL, which only allows quick downloads, SDSL gives you the power to both receive and send large files at high speeds. SDSL moves data 50 times faster than a dial-up modem and 10 times faster than ISDN. It performs at speeds equal to that of a T1 but at a fraction of the cost.

Mpower SDSL is a flexible technology that allows you to grow your communications capabilities as you grow your business. With Mpower High-Speed Internet Service, you'll enjoy:

- Multiple convenient tiers of speed from which to choose—up to 1.5 Mbps
- SDSL Modem included
- Web hosting
- Email addresses
- Domain name hosting
- Always-on, secure, high-speed Internet connection

Mpower's SDSL offers a business-focused solution that includes the most important Internet support features available:

- Reliable 24/7 help desk
- Full domain name registration and email support

**Order Services** ►[Contact Us](#) | [Legal](#) | [Privacy](#) | [Home](#)



## Get Mpower Service



Mpower Communications is a facilities-based communications provider offering a full range of data, telephony, Internet access, and Web hosting services for small and medium-sized businesses.

Our bundles include economical local phone service packages, including long distance, as well as Symmetrical Digital Subscriber Line (SDSL) technology. SDSL offers consistent upload and download Internet connection speeds that can be used to transport large files between offices, vendors, or customers.

We can put together a communications package that meets your specific business needs. Our customized bundles typically save our customers from 20-60%, based on geographic location, number of lines serviced, and Local Area Network (LAN) configuration.

To begin the Mpower order process, please complete the following information.

Are you a Business or Residence?

Business Name *	<input type="text"/>
Title *	<input type="text"/>
Contact Name *	<input type="text"/>
Address 1	<input type="text"/>
Address 2	<input type="text"/>
City	<input type="text"/>
State	<input type="text"/>
ZIP	<input type="text"/>
Phone Number *	<input type="text" value="( ) -"/>
Email *	<input type="text"/>

When is the best time for an Mpower representative to contact you?

To be contacted by a sales representative about ordering any of the services listed below, select the services you are interested in and click Submit.

### Local Voice Services

- Mpower Business Voice Service  Centrex
- Trunks  Long Distance
- Calling Card  Mpower Business Toll-Free Services

### Data and Internet Services

- Data Only SDSL  Web Hosting
- MpowerConnect

Mpower Voice Mail

- Mpower Standard Voice Mail  Mpower Business Center
- Mpower Guaranteed Fax Mailbox

Integrated Products

- MpowerOffice Accelerator  MpowerOffice Velocity

**Submit**

\* Fields marked with an asterisk are required.

[CONTACT US](#) [Legal](#) [Privacy](#) [Home](#)

<a href="#">NTC Facts</a>	<a href="#">NTC Footprint</a>	<a href="#">NTC Milestones</a>	<a href="#">Management Team</a>
---------------------------	-------------------------------	--------------------------------	---------------------------------



We're Network Telephone, one of the fastest growing telecommunications companies in the Southeast. Based in the historic resort city of Pensacola, Florida, Network Telephone's new corporate headquarters are located on the downtown's scenic waterfront.

Network Telephone provides small and medium-sized businesses with digital subscriber lines (DSL)—the hottest high-speed Internet technology available; local and long-distance telephone services, ISDN and high-speed Internet options for efficient web hosting; streaming video; and other cutting-edge multimedia applications.

If you do not have Adobe Acrobat Reader to view PDF files, you can follow the link below and download it. It's **FREE!**



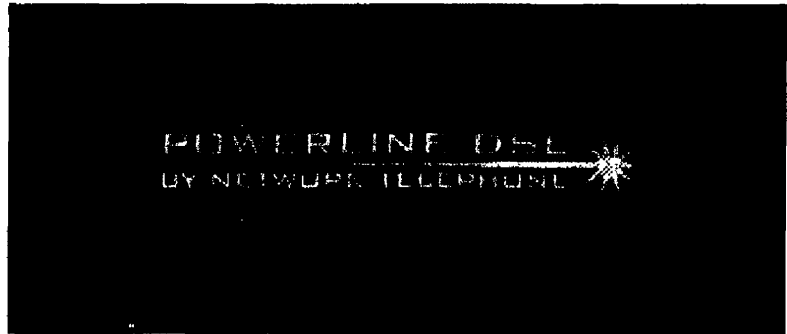
NETWORK TELEPHONE.NET

- [DSL Facts](#)
- [DSL Speed Demo](#)
- [DSL Locator](#)
- [Order DSL](#)

Improve the productivity of your business with **FREE\* DSL** PowerLine DSL Bundles from Network Telephone consolidate your high-speed Internet access, local phone service and long-distance calling, all on one concise bill. With thousands of DSL customers already in service, you will take comfort in the service you receive from one of the largest, most trusted providers in the Southeast.

Network Telephone gives your business hassle-free ordering and a 90 day satisfaction guarantee!

### Why pay for DSL? Get it for FREE\*!



\*Free Powerline DSL Terms and Conditions.

Terms and conditions regarding our Speeds for Leads Promotion



- [DSL Facts](#)
- [DSL Speed Demo](#)
- [DSL Locator](#)
- [Order DSL](#)

PowerLine DSL is a proven technology that takes advantage of existing copper telephone lines to transmit high-speed, secure, reliable Internet access. A DSL line allows for one line to carry both voice and data signals, and for the data part of the line to be continuously connected. With PowerLine DSL service, you can benefit from Internet speeds up to 12 times faster than a typical ISDN connection and 50 times faster than a traditional 28.8 Kbps modem.

Network Telephone's PowerLine DSL is the foundation for successful e-business applications. PowerLine DSL delivers unsurpassed performance at an unbelievable price. And it's scalable to future connectivity needs, unlike other Internet technologies. Small and mid-sized businesses compete in a next-generation marketplace with PowerLine DSL.

### High-Speed

PowerLine DSL is 50 to 100 times faster than dial-up, up to speeds of 1.5 Mbps, or roughly equivalent to a T1.

### Affordable

PowerLine DSL delivers T1-comparable speeds to multiple users at a price that's as much as 50% lower than typical T1 costs. There's no better price/performance option available.

### Reliable

PowerLine DSL takes full advantage of your existing telecommunications infrastructure. And it's scalable to your business needs - as your business grows, PowerLine DSL can be upgraded without costly equipment or down-time.

### Secure

PowerLine DSL technology provides a dedicated Internet connection via private telephone wires. Unlike traditional dial-up modems or cable modems, PowerLine DSL protects your valuable data with the most secure connection available.

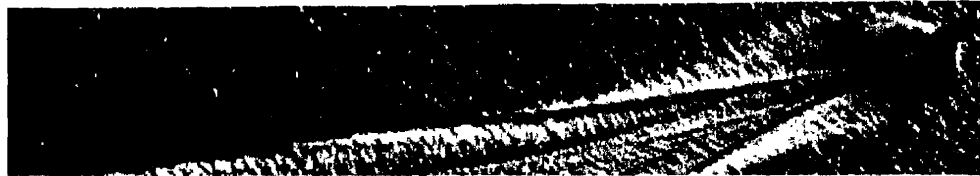
### Convenient

PowerLine DSL offers seamless integration with virtually any existing network. Your existing phone lines and numbers stay the same.



[US Home](#) | [About WorldCom](#) | [US Products](#) | [US Programs](#) | [Tools](#) | [Resources](#) | [News](#) | [Contact Us](#)

**WORLD**COM.



▲ [US Home](#)

▲ [US Products](#)

▲ [Internet Access](#)

▶ [DSL](#)

Enterprise DSL

Internet DSL Solo

Internet DSL Office

Private Label DSL

Dial

Dedicated

ISDN PRI

Broadband Solutions

Corporate Remote  
Access

Ethernet Solutions

Search: →



Printer Friendly

Bookmark This Page

Site Map



## DSL

WorldCom<sup>SM</sup> DSL provides reliable, efficient connections for continuous service for your business communications. DSL delivers broadband application over ordinary copper local loops and is scalable to support network expansion. It is used for 128Kb to T1 and above transmission for access to high-speed service networks such as Internet, frame relay, and ATM.

WorldCom's suite of DSL offerings let you select the service that best fits your applications:

- **Internet DSL Office**

This multi-user DSL solution for business Internet access application offers symmetric bandwidth with available speeds of 128Kb, 384Kb, 768Kb, and 1.0Mb. Standard features include DSL router, multiple static IP addresses, hosting, email, and WorldCom news server access. This is an ideal solution for SOHO and branch office locations interested in high-speed Internet access.

- **Internet DSL Solo**

DSL Solo is a single-user business service for customers interested in high-speed, cost-effective Internet access. Internet DSL Solo offers asymmetric bandwidth up to 384Kb, static IP addresses, and DSL modem, with existing, active voice lines.

- **Enterprise DSL**

WorldCom Enterprise DSL is a single or integrated business DSL service for access to frame relay and ATM service. This service offers class-of-service with seven symmetric speeds ranging from 128Kb up to 1.5Mb. This service is business-grade DSL for remote corporate locations, branch offices, and more.

- **Private Label DSL**

Private Label DSL offers basic, business, and premium broadband service resale to your end-users. Private Label DSL provides speeds up to 1.5Mb.

### Benefits to Your Business

WorldCom DSL can help your business realize the following benefits:

- **Network Reliability** – WorldCom's DSL service is offered in more than 100 markets, and is a direct extension of our backbone network.
- **Flexibility** – WorldCom supports a broad range of network transport application options including Internet, frame relay, ATM, and VPN, with Service Level Agreements (SLAs) on our network.
- **Full Product Portfolio** – Select the DSL service options to best fit your requirements, such as DSL line speed, class of service, single or multiple lines, single or integrated service with multiple Permanent Virtual Circuit (PVC) connections.
- **Range of Applications** – WorldCom DSL meets a broad range of business communication needs.

**SIGN UP  
FOR OUR  
E-NEWSLETTER**

**SIGN UP  
FOR FUTURE  
EMAIL UPDATES**

application requirements. It offers remote workers and small- to m  
businesses a high-speed access alternative to traditional leased lin  
corporations can use DSL to extend broadband access to corporate  
resources for remote sites, branch offices, or traveling employees.

**Find out more...**

For more information on WorldCom<sup>SM</sup> products and services for y  
please [contact us online](#) or call us toll-free at 1-800-465-7187.

© 2002 WorldCom, Inc. All rights reserved : [Privacy poli](#)

www2-md-atlas.worldcom.com 80 v -New 1 1 2 1 2 30 1039452531-

0

**Docket 020507-TL**

**BellSouth's Emergency Motion to Compel  
Discovery From FCCA**

**Exhibit 5**

4TH CASE of Level 1 printed in FULL format.

In re: Application for a rate increase by UNITED TELEPHONE  
COMPANY OF FLORIDA

DOCKET NO. 910980-TL; ORDER NO. PSC-92-0112-PCO-TL

Florida Public Service Commission

1992 Fla. PUC LEXIS 665

92 FPSC 3:443

March 27, 1992

CORE TERMS: interrogatory, discovery, motion to compel, planned, video, production of documents, services provided, objected, discovery of admissible evidence, reasonably calculated to lead, seek information, service area, competitors, responding, customer

OPINION: [\*1]

ORDER GRANTING IN PART AND DENYING IN PART UNITED TELEPHONE COMPANY OF FLORIDA'S MOTION TO COMPEL DISCOVERY

On December 23, 1991, United Telephone Company of Florida (United) its first set of interrogatories and request for production of documents on the Florida Cable Television Association (FCTA). The FCTA served its responses on January 22, 1992. In its response, the FCTA objected to responding to Interrogatories Nos. 4 through 7 and 10 through 14. Additionally, FCTA objected to responding to Production of Documents Nos. 1, 3 through 5, and 7. United filed a Motion to Compel Discovery on February 5, 1992, asking the Prehearing Officer to compel the FCTA to respond to United's discovery requests. FCTA filed a response to United's motion to compel on February 25, 1992. Oral argument by the parties on the motion to compel was heard on March 20, 1992.

Interrogatory No. 4 seeks a list of services that the FCTA or each of its members obtains from United. Interrogatories 5 through 7 seek information on the corporate structure, state of incorporation and the names of individuals responsible for various internal operations of each member of the FCTA. Interrogatories [\*2] 10 through 14 seek information related to the nature of the services provided by the members of the FCTA as well as the rates for such services.

Production of Documents (POD) No. 1 seeks all documents which discuss intervention in telephone company regulatory proceedings or in this rate case. POD Nos. 3 and 5 seek to discover documents that discuss planned or future video services and two-way voice, data or broadband services by cable companies. POD No. 4 asks for documents that discuss cross-subsidization by United of planned or future video services. POD No. 7 seeks a copy of the corporate organizational structure of the FCTA members operating in United's service area.

FCTA objected and refused to respond to Interrogatory No. 4 on the grounds that this information is already possessed by United in its customer records and is not an appropriate matter for discovery. FCTA objected and refused to respond to the remainder of the interrogatories and the PODs at issue on the grounds that the information sought is not relevant and not reasonably calculated to

lea: > the discovery of admissible evidence.

In its Motion to Compel, United argues that its discovery efforts were [\*3] narrowly drawn to seek information on matters that the FCTA and its members asserted as facts supporting its petition to intervene. Specifically, United seeks information regarding FCTA's assertion that its substantial interests were affected because some of its members were consumers of services and that its members are or will be competitors of United's for planned or future video services. In support of its motion, United argues that it is entitled to discovery to test the sufficiency of the allegations upon which the FCTA bases its claims of standing.

The FCTA's response restates its argument that the information sought in the interrogatories and PODs not responded to is not relevant to the issues to be addressed and not reasonably calculated to lead to the discovery of admissible evidence. FCTA further argues that such discovery serves only to harass FCTA and its members as well as seek to prevent FCTA and its members from expressing their opinions. FCTA also asserts that its standing is clearly established by Sections 364.01, 364.338 and 364.3381, Florida Statutes, and the Commission's decisions in Orders Nos. 24877 and 23474. FCTA closes by stating that it and its members [\*4] are entitled to participate in the construction and application of the revised provisions of Chapter 364, Florida Statutes, both as ratepayers and potential competitors without being subjected to redundant and unnecessary discovery efforts.

Upon review of the discovery requests at issue here and consideration of the arguments and pleadings of the parties, United's motion to compel should be granted in part and denied in part as described in more detail below. Generally, United is entitled to discovery to obtain information to test the sufficiency of allegations of a party's claim of standing. Such information is relevant to determine whether a party has standing to participate in a proceeding as well as the scope of a party's participation in such proceeding. FCTA and its members are not immune from discovery simply because the services it provides are not directly at issue in this proceeding. However, the scope of the discovery is not limited and discovery will not be allowed as a vehicle for harassment.

The information sought in Interrogatory No. 4 is business information belonging to United and already in United's possession. In its response to Interrogatory No. 3, [\*5] FCTA provided the names and locations of all members within United's service area. If FCTA has provided that information appropriately, then United should be able to retrieve the requested information from its business records by checking its customer records under the names provided in answer to Interrogatory No. 3. Since United can get the information it requests from its own records, discovery is not necessary. Therefore, the motion to compel is denied on Interrogatory No. 4.

The request in Interrogatory No. 10, seeking the rates of the services provided by FCTA's members, does not appear relevant. The rates for such services are not at issue in this proceeding and are not related to the allegations that FCTA's substantial interests are affected by planned or future video services to be offered by United. Therefore, the motion to compel is denied regarding Interrogatory No. 10.

With respect to the information sought in Interrogatories 11 through 14, and PODs 3, 4 and 5, pertaining to the services provided by the members of the

FCTA that may be in competition with planned or future video services provided by United, such information is relevant to the allegations of competitive [\*6] standing and the scope of the FCTA's participation in the proceeding. Accordingly, the motion to compel is granted for those interrogatories and production of documents requests.

During oral argument on March 20, 1992, Counsel for United essentially waived his request to compel responses to Interrogatories Nos. 5 through 7, and PODs 1 and 7. Therefore, I do not reach the question of the motion to compel regarding those issues. I further, note in passing that FCTA's response was not timely filed. Since that matter was not raised I do not reach that question.

In view of the short time remaining before the hearing, the FCTA is directed to respond to the interrogatories for which the motion to compel has been granted within 7 days of the date of this Order. The responses shall be provided to United by hand delivery or facsimile, to be received by United no later than 5:00 p.m., April 3, 1992.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that United Telephone Company of Florida's Motion to Compel is granted in part and denied in part as set forth in the body of this Order. It is further

ORDERED the Florida Cable Television [\*7] Association shall respond to the discovery requests set forth in the body of this Order within the time limits and in the manner described in the body of this Order.

By ORDER of Commissioner Susan F., Clark, as Prehearing Officer, this 27th day of MARCH, 1992.