

LAW OFFICES
Messer, Caparello & Self
A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: www.lawfla.com

July 15, 2003

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 020507-TL

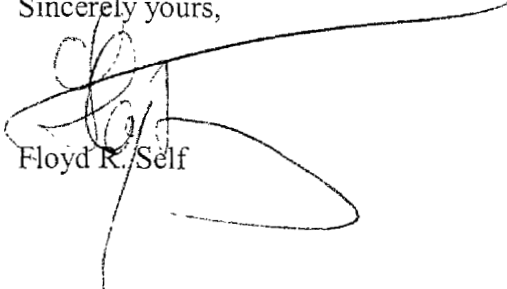
Dear Ms. Bayó:

Enclosed for filing on behalf of ITC^DeltaCom Communications, Inc. are an original and fifteen copies of ITC^DeltaCom Communications, Inc.'s Responses and Objections to BellSouth Telecommunications, Inc.'s Third Set of Interrogatories in the above referenced docket.

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

Thank you for your assistance with this filing.

Sincerely yours,


Floyd R. Self

FRS/amb
Enclosures
cc: Nanette Edwards, Esq.
Parties of Record

DOCUMENTAL CONTROL DATE
06263 JUL 15 0
FPSO-COMMISSION CLERK

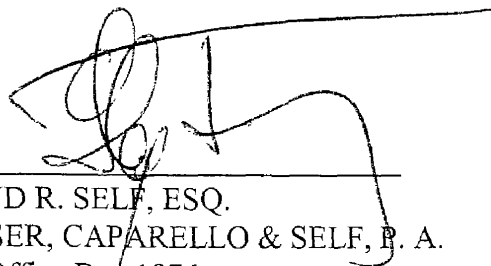
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Florida Competitive Carriers)
Association Against BellSouth Telecommunications,)
Inc. Regarding BellSouth's practice of refusing) Docket No. 020507-TL
to provide FastAccess Internet Service to customers) Filed: July 15, 2003
who receive voice service from a competitive voice)
provider and request for expedited relief)
_____)

**NOTICE OF SERVICE OF ITC^DELTACOM COMMUNICATIONS, INC.'S
RESPONSES AND OBJECTIONS TO BELL SOUTH
TELECOMMUNICATIONS, INC.'S THIRD SET OF INTERROGATORIES**

ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom (hereinafter "DeltaCom") by and through their undersigned counsel, hereby file and serve Notice that they have served their Responses and Objections to BellSouth Telecommunications, Inc.'s Third Set of Interrogatories by e-mail on Meredith E. Mays, Esq. at meredith.mays@bellsouth.com and by U.S. Mail on Meredith E. Mays, Esq., BellSouth Telecommunications, Inc., 150 S. Monroe Street, Suite 400, Tallahassee, Florida, 32301, on this 15th day of July, 2003.

Respectfully submitted,



FLOYD R. SELF, ESQ.
MESSER, CAPARELLO & SELF, P. A.
Post Office Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720

Nanette S. Edwards, Esq.
ITC^DeltaCom
4092 South Memorial Parkway
Huntsville, AL 35802-4343

Attorneys for ITC^DeltaCom Communications, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Hand Delivery and/or U.S. Mail this 15th day of July, 2003.

Patricia Christensen, Esq.*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Meredith E. Mays
c/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301

Vicki Kaufman, Esq.
Joe McGlothlin, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
117 S. Gadsden Street
Tallahassee, FL. 32301

Michael Gross, Esq.
Florida Cable Telecommunications Association, Inc.
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303

Richard Melson, Esq.
Hopping Law Firm
P.O. Box 6526
Tallahassee, FL 32314

Tracy W. Hatch, Esq.
AT&T Communications of the Southern States, LLC
101 N. Monroe Street, Suite 701
Tallahassee, FL 32301

Virginia Tate, Esq.
AT&T Communications of the Southern States, LLC
1200 Peachtree Street, NE, Suite 8100
Atlanta, GA 30309



Floyd R. Self

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Florida Competitive Carriers)	
Association Against BellSouth Telecommunications,)	
Inc. Regarding BellSouth's practice of refusing)	Docket No. 020507-TL
to provide FastAccess Internet Service to customers)	Filed: July 15, 2003
who receive voice service from a competitive voice)	
provider and request for expedited relief)	
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**ITC^DELTACOM COMMUNICATIONS, INC.'S RESPONSES AND
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
THIRD SET OF INTERROGATORIES**

ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom (hereinafter "DeltaCom"), pursuant to Rule 28-106.206, Florida Administrative Code and Rules 1.280, 1.340, and 1.350, Florida Rules of Civil Procedure, hereby submit the following Responses to BellSouth Telecommunications, Inc.'s Third Set of Interrogatories to ITC^DeltaCom Communications, Inc.

General Objections

1. DeltaCom objects to BellSouth's Third Set of Interrogatories to the extent that they are overly broad, unduly burdensome, oppressive, not permitted by applicable discovery rules, and would require DeltaCom to disclose information which is privileged.

2. DeltaCom has interpreted BellSouth's discovery requests to apply to DeltaCom's regulated local operations in Florida and will limit its Responses accordingly. To the extent that any discovery request is intended to apply to matters other than Florida intrastate local service operations subject to the jurisdiction of the Commission, DeltaCom objects to such discovery request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. DeltaCom objects to each and every discovery request and instruction to the extent that such discovery request or instruction calls for information which is exempt from

discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege.

4. DeltaCom objects to each and every discovery request insofar as the discovery request is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these discovery requests. Any Responses provided by DeltaCom in response to BellSouth's discovery requests will be provided subject to, and without waiver of, the foregoing objection.

5. DeltaCom objects to each and every discovery request insofar as the discovery request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. DeltaCom objects to BellSouth's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on DeltaCom which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. DeltaCom objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission.

8. DeltaCom objects to each and every discovery request, general instruction, or definition insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. DeltaCom objects to each and every discovery request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that BellSouth's discovery requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege,

DeltaCom will make such information available to counsel for BellSouth pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. DeltaCom has employees located in many different locations in Florida and in other states. In the course of its business, DeltaCom creates countless documents that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Accordingly, when responding DeltaCom will provide all of the information obtained by DeltaCom after a reasonable and diligent search conducted in connection with this discovery request. DeltaCom will comply with BellSouth's discovery requests that a search be conducted of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more, DeltaCom objects on the grounds that compliance would impose an undue burden or expense.

11. DeltaCom objects to the definition of "DeltaCom" to the extent that such definition seeks to impose an obligation on ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Without waiver of its general objection, and subject to other general and specific objections, Answers will be provided on behalf of ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom which is the ALEC entity certificated to provide regulated local telecommunications services in Florida and which is a

party to this docket. All references to "DeltaCom" in responding to BellSouth's discovery requests should be taken to mean ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom.

12. DeltaCom objects to the definitions of "you" and "your" to the extent that such definitions seek to impose an obligation on ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Without waiver of its general objection, and subject to other general and specific objections, Answers will be provided on behalf of ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom which is the ALEC entity certificated to provide local regulated telecommunications services in Florida and which is a party to this docket. All references to "DeltaCom" in responding to BellSouth's discovery requests should be taken to mean ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom.

INTERROGATORIES

INTERROGATORY NO. 4: As of December 31, 1999; June 30, 2000; December 31, 2000; June 30, 2001; December 31, 2001; June 30, 2002; December 31, 2002; and June 30, 2003 (or the most recent date for which data is available) please state:

a. The total number of lines that DeltaCom provides using UNE-P loops leased from BellSouth in Florida, designated by Florida deaveraged UNE rate zones 1, 2, and 3;

b. The total number of lines that DeltaCom provides using unbundled loops (without switching) leased from BellSouth in Florida, designated by Florida deaveraged UNE rate zones 1, 2, and 3;

c. **The total number of lines that DeltaCom provides using resold BellSouth lines in Florida, designated by Florida deaveraged UNE rate zones 1, 2, and 3;**

d. **The total number of lines that DeltaCom provides in Florida using exclusively its own facilities, designated by Florida deaveraged UNE rate zones 1, 2, and 3.**

DELTACOM'S RESPONSE: Subject to, and without waiving its General Objections, DeltaCom states in response to this question, including the subparts:

DeltaCom does not track number of lines by zone.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response provided by: James Pearsall, Sr., Manager Industry Relations

INTERROGATORY NO. 5: From the time period January 2000 to present, state the total number of customers that refused to migrate voice service to DeltaCom because he or she had FastAccess service with BellSouth.

ITC^DELTACOM'S RESPONSE: Subject to, and without waiving its General Objections, DeltaCom states in response to this question: Based on a survey of Sales personnel, DeltaCom estimates that approximately 30% of the sales contacts do not select DeltaCom local service due to the consumer's inability to utilize BellSouth's FastAccess service in conjunction with DeltaCom local voice service.

Further, complaints have been lodged against DeltaCom as a result of not being able to provide voice service to a customer who also has ADSL service provided through BellSouth. Not only does DeltaCom have to deal with this anticompetitive issue but DeltaCom gets the bad press

for it as well. DeltaCom recommends that BellSouth and the Florida Staff contact the Florida Consumer Services Division for a list of all consumer complaints concerning BellSouth's anti-competitive practice of turning off DSL when the customer has a CLEC for UNE-P voice service. However, an example of one such Florida PSC complaint is attached as Attachment B.

Response provided by: Randy Tucker, Vice President–Account Services; Nanette Edwards, Director–Regulatory

INTERROGATORY NO. 6: If DeltaCom does not know the number of customers that did not migrate to DeltaCom because he or she had FastAccess service with BellSouth, state with particularity why not.

ITC^DELTACOM'S RESPONSE: Not applicable.

INTERROGATORY NO. 7: If DeltaCom provided a number to 5 above, please explain with particularity the training that DeltaCom performed to enable its customer service representative to track the numbers of customers that did not migrate to DeltaCom.

ITC^DELTACOM'S RESPONSE: Subject to, and without waiving its General Objections, DeltaCom states in response to this question: DeltaCom's customer service representatives did not provide the response to Question 5. DeltaCom employs a salaried sales force to interact with prospective customers. The response to Question 5 was gathered through the company's Sales and Marketing channels, as those are the people who are having the interaction with prospective customers.

Response provided by: Randy Tucker, Vice President–Account Services

INTERROGATORY NO. 8: If DeltaCom did not train its customer service representatives to track the numbers of customer that did not migrate to DeltaCom because such customer had FastAccess service with BellSouth describe with particularity why not.

ITC^DELTACOM'S RESPONSE: Subject to, and without waiving its General Objections, DeltaCom states in response to this question: DeltaCom's customer service representatives are employed to respond to the needs of its existing customers for their billing and other service needs. The customer service representatives do not operate as a sales channel. However, should we institute training and begin tracking the information requested above from calls made into our Customer Care Center, we will forward such information to the Plaintiff's counsel in the class action antitrust suit filed in Federal District Court for the Southern District of Florida, Miami Division regarding the tying of BellSouth's ADSL service to its local service: *Richard Levine v. BellSouth Telecommunications, Inc.*, Civil case number 03-29274-CIV-GOLD, and supplement this discovery request.

Response provided by: Randy Tucker, Vice President–Account Services and Nanette Edwards, Director–Regulatory

INTERROGATORY NO. 9: Referring to DeltaCom's response to BellSouth's FCCA Interrogatory No. 15, state whether DeltaCom has set any firm dates to install its own DSL equipment and deploy a DSL network in BellSouth territory. If so, please provide the dates and associated central office or remote terminal locations. If not, please explain with particularity why not.

ITC^DELTACOM'S RESPONSE: Subject to, and without waiving its General Objections, DeltaCom states in response to this question: DeltaCom has not set a firm date to install its own DSL equipment and deploy a DSL network in BellSouth central offices or remote terminal locations. There are several reasons for not deploying DSLAMs. First, our sales organizations sell throughout the BellSouth territory and not to just select end offices. With over 600 BellSouth end offices and the large number of other ILECs in Florida, installing DeltaCom equipment in the DSLAMs would be cost prohibitive.

The experience of Covad and those other data CLECs that did unsuccessfully try to deploy equipment ubiquitously at the ILEC DSLAMs should be enough indication of the risks that CLECs take in making these investments. Given the current equipment costs, the ILEC rates, and the other ILEC service problems inherent in such deployments, DeltaCom is not willing to take those risks in the existing uncertain regulatory and financial environment.

It is DeltaCom's position that consumers should be able to choose to receive local voice service from DeltaCom and DSL service from Bellsouth on the same line. DeltaCom has offered to provide the high frequency portion to BellSouth at no charge.

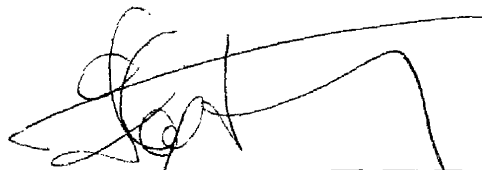
Response provided by: Steve Brownworth, Director--Engineering and Planning

INTERROGATORY NO. 10: State whether DeltaCom has ever resold a BellSouth voice line over which the end user customer receives FastAccess service from BellSouth.

ITC^DELTACOM'S RESPONSE: Subject to, and without waiving its General Objections, DeltaCom states in response to this question: Yes. See Attachment A to this Response, which is a letter from BellSouth to Tom Mullis dated June 25, 2001.

Response provided by: Mary Conquest, Inter-Company Program Manager

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. Self', written over a horizontal line.

FLOYD R. SELF, ESQ.
MESSER, CAPARELLO & SELF, P.A.
Post Office Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720

Nanette S. Edwards, Esq.
ITC^DeltaCom
4092 South Memorial Parkway
Huntsville, AL 35802-4343

Attorneys for ITC^DeltaCom Communications, Inc.

Docket No. 020507-TL
Attachment A to DeltaCom's Response to
BellSouth Interrogatory No. 10

June 25, 2001

Tom Mullins
DeltaCom Inc.,
700 Blvd South, Suite 101, Huntsville, AL, 35802

RE: BellSouth Tariffed Digital Subscriber Line ("DSL") Service on Unbundled Network
Element - Platform ("UNE-P") Loops

Dear Tom,

BellSouth has recently discovered that, as a result of a recent failure of a systems edit, BellSouth is currently providing its tariffed Asymmetrical Digital Subscriber Line ("ADSL") service to certain Internet Service Provider ("ISP") customers on one or more UNE-P loops purchased by your company. (A list of the affected telephone numbers is attached hereto.)

Since your company owns all features and functionalities of unbundled loops purchased from BellSouth, BellSouth does not have access to the high frequency spectrum on those loops for purposes of providing tariffed ADSL to its ISP customers. BellSouth thus intends to notify the affected ISPs, within twenty (20) days of the date of this letter, that it will be discontinuing tariffed DSL service on the affected lines. (The affected ISPs include BellSouth@ Internet Services.)

To the extent your company desires to have ISPs continue to provide tariffed DSL on the affected lines, those lines could be converted to resold lines. On a resold line, BellSouth would continue to have access to the high frequency spectrum, as your company is only purchasing the low frequency spectrum in a resold situation. Unless we hear to the contrary within twenty (20) days of the date of this letter, the DSL will be disconnected.

Very truly yours,



Gregory R. Follensbee

Attachment

#252061

NANETTE EDWARDS

Request No. 475996T

COMPUTER STORE

<p>Consumer Information</p> <p>Name:</p> <p>Business Name: COMPUTER STORE</p> <p>Svc Address: 3306 EMERSON STREET</p> <p>County: Duval Phone: (904)-396-4123</p> <p>City/Zip: Jacksonville / 32207-</p> <p>Account Number:</p> <p>Caller's Name: ROY BAKER</p> <p>Mailing Address: 3306 EMERSON STREET</p> <p>City/Zip: JACKSONVILLE , FL 32207-</p> <p>Can Be Reached: (904)-396-4123</p> <p>K-Tracking Number:</p>	<p>Florida Public Service Commission - Consumer Request</p> <p>2540 Shumard Oak Boulevard Tallahassee, Florida 32399 850-413-6100</p>	<p>PSC Information</p> <p>Assigned To: ELTON HOWELL</p> <p>Entered By: FJB</p> <p>Date: 07/09/2002</p> <p>Time: 11:34</p> <p>Via: PHONE</p> <p>Prelim Type: ALEC/ILEC</p> <p>PO:</p> <p>Disputed Amt: 0.00</p> <p>Suppl Bpt Req'd: / /</p> <p>Certified Letter Sent: / /</p> <p>Certified Letter Rec'd: / /</p> <p>Closed by:</p> <p>Date: / /</p> <p>Closeout Type:</p> <p>Apparent Rule Violation: B</p>
<p>Utility Information</p> <p>Company Code: TL720</p> <p>Company: BELL SOUTH TELECOMMUNICATIONS,</p> <p>Attn. John Merlino 475996T</p> <p>Response Needed From Company? Y</p> <p>Date Due: 07/30/2002</p> <p>Fax: B</p> <p>Interim Report Received: / /</p> <p>Reply Received: / /</p> <p>Reply Received Timely/Late:</p> <p>Informal Conf.:</p>		

Pre-close type - ALEC/ILEC Issue. What company were you with before switching your service? Talk America
 When did you contact the company to switch your service? 2 weeks ago. Are you receiving bills from both
 companies? no
 If not which company are you receiving bills from? What is the amount of the bill in dispute?
 Do you currently have phone service?

Other comments: Customer states that he is trying to switch to Talk America from ITC DeltaCom and does not
 have service with Bellsouth but states that Bellsouth is holding up the transfer due to DSL service which
 customer states that he has never had with Bellsouth and states that he believes Bellsouth is doing this on
 purpose to not allow him to have service with other carriers. Case taken by Pamela Barnes

7/9 Assigned to Elton Howell faxed to BST, ITC DeltaCom, and Talk America 7/10/02.

Request No. 475996T

Name

Business Name COMPUTER STORE

PAGE NO: 1

(256) 241-0623 P. 3
 NO. 930 P0122/003
 256 241 0623
 Industry Relations
 May 16 03 02:44p
 07/10/02 10:18

PLEASE INVESTIGATE AND PROVIDE THE POB # AND LOA / LSR DATES CONCERNING THIS COMPLAINT.
SEND TO: ELTON HOWELL Tel. (850) 413-6576 OR FAX (850) 413-6577 OR E-MAIL ehowell@pc.state.fl.us

IS THE D6L PRESENTLY WORKING ON A TIME PLATFORM?
A FACILITY BASED CIRCUIT?
A RESALE ONLY BASIS?

Request No. 4759387 Name Business Name COMPUTER STORE

PAGE NO: 2

(256)241-0623
ND.930 P003/003

456 241 0623
Industry Relations

May 16 03 02:45P
07/10/02 10:18

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

TO: Kim Presson454650T
FAX #: 61.256-241-6047

FROM: JOY ANDERSON

RE:

Note: "Please contact Consumer Affairs at (850) 413-6100 if you have any tax problems. If you have any questions regarding complaints, please contact the assigned analyst. If you have received this fax in error, please contact Consumer Affairs as soon as possible." Thank you "

NET Satisfaxtion To: Kim Presson454650T

From: JOY ANDERSON

Request No. 454650T Name Business Name COMPUTER STORE

Consumer Information: Name: Business Name: COMPUTER STORE Svc Address: 3306 EMERSON STREET County: Duval Phone: (904)-396-4123 City/Zip: Jacksonville / 32207- Account Number: Caller's Name: ROY BAKER Mailing Address: 3306 EMERSON STREET City/Zip: JACKSONVILLE, FL 32207- Can Be Reached: (904)-396-4123 E-Tracking Number:		Florida Public Service Commission - Consumer Request 2540 Shumard Oak Boulevard Tallahassee, Florida 32399 850-413-6100 Utility Information Company: ITC-DELLTACOM Attn: Kim Presson454650T Response Needed From Company? <input checked="" type="checkbox"/> Date Due 06/03/2002 Interim Report Received / / Reply Received: / / Reply Received Timely/Late: Informal Cont.: <input type="checkbox"/> N		PSC information Assigned To: JOY ANDERSON Entered By: SDW Date: 05/10/2002 Time: 11:25 Via: PHONE Prelim Type: DELAY IN CONNECTION PO: Disputed Amt: 0.00 Suppmt Rpt Req'd: / / Certified Letter Sent: / / Certified Letter Rec'd: / / Closed by: Date: / / Closeout Type: Apparent Rule Violation: <input type="checkbox"/> N	
--	--	---	--	--	--

Preclose Type - Delay in Connect on

Are you currently without service? Yes

What date did you contact the company to order service? signed contract on 4/2/02

What date did the company say the service would begin? told it would take 3-4 days

Did the company contact you with a reason for the delay? Yes

Has the company given you a new installation date? No

Request No. 454650T Name Business Name COMPUTER STORE

PAGE NO: 1

NET Satisfaction To: Kim Presson454650T From: JOY ANDERSON

Other comments: Two lines involved: 904-396-4123 and 904-396-4253

Customer states he is being told that BellSouth will not release his lines because he has DSL service with BellSouth. Customer states he is not a BellSouth DSL customer.

Please investigate this matter, contact the customer, and provide a detailed written report to the Florida Public Service Commission by the due date.

Case taken by Shonna McCray
Send Response to
Fax number 850-413-7188
E-mail: PSCREPLY@PSC.STATE.FL.US

Request No. 454650T

Name

Business Name

COMPUTER STORE

PAGE NO: 2