

Meredith Mays
Senior Regulatory Counsel

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

September 22, 2003

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. 030869-TL

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response in Opposition to Citizens' Motion to Compel in the above referenced 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 Mays (CA)

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

505862

DOCUMENT NUMBER-DATE
09087 SEP 22 8
FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 030869-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and Federal Express this 22nd day of September, 2003 to the following:

Beth Keating, Staff Counsel
Felicia Banks, Staff Counsel
Patricia Christensen, Staff Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Phone: (850) 413-6212
Fax: (850) 413-6250
bkeating@psc.state.fl.us
fbanks@psc.state.fl.us
pchriste@psc.state.fl.us

Charlie Beck
Deputy Public Counsel
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Phone: (850) 488-9330
Fax No. (850) 488-4491
Beck.Charles@leg.state.fl.us

Michael A. Gross
VP Reg. Affairs & Reg. Counsel
Florida Cable Telecomm. Assoc.
246 East 6th Avenue
Tallahassee, FL 32303
Tel. No. (850) 681-1990
Fax. No. (850) 681-9676
mgross@fcta.com

Richard A. Chapkis (+)
Verizon Florida, Inc.
One Tampa City Center
201 North Franklin Street (33602)
Post Office Box 110, FLTC0007
Tampa, Florida 33601-0110
Tel. No. (813) 483-2606
Fax. No. (813) 204-8870
Richard.chapkis@verizon.com

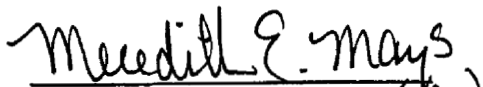
Verizon Florida, Inc.
Ms. Michelle A. Robinson
106 East College Avenue, Suite 810
Tallahassee, FL 32301-7704
Tel. No. (813) 483-2526
Fax. No. (813) 223-4888
Michelle.Robinson@verizon.com

Susan S. Masterton
Charles J. Rehwinkel
Sprint Comm. Co. LLP
1313 Blair Stone Road (32301)
P.O. Box 2214
MC: FLTLHO0107
Tallahassee, FL 32316-2214
Tel. No. (850) 847-0244
Fax. No. (850) 878-0777
Susan.masterton@mail.sprint.com
charles.j.rehwinkel@mail.sprint.com

John P. Fons (+)
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32301
Tel. No. (850) 224-9115
Fax. No. (850) 222-7560
jfons@ausley.com

Michael B. Twomey (+)
8903 Crawfordville Road
Tallahassee, FL 32305
Tel. No. (850) 421-9530
Fax No. (850) 421-8543
Email: miketwomey@talstar.com
Represents AARP

Mark Cooper (+)
504 Highgate Terrace
Silver Spring, MD 20904
Tel. No. (301) 384-2204
Fax. No. (301) 236-0519
markcooper@aol.com
AARP Witness


Meredith E. Mays (GA)

(+) Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications,)
Inc., To Reduce Its Network Access Charges)
Applicable To Intrastate Long Distance in A)
Revenue-Neutral Manner)
_____)

Docket No. 030869-TL

Filed: September 22, 2003

**BELLSOUTH TELECOMMUNICATION, INC.'S RESPONSE IN OPPOSITION TO
CITIZENS' MOTION TO COMPEL**

I. INTRODUCTION

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits its response in opposition to the Office of Public Counsel's ("OPC") Motion to Compel Responses to its First Request for Production and Interrogatories. BellSouth has carefully reviewed OPC's Motion and has supplemented its responses to Interrogatories 4 – 7 as well as Request for Production 13, which supplemental responses have been filed contemporaneously with this Motion. Accordingly, there is no need for further Commission action with respect to the foregoing discovery. As to Interrogatory No. 1, which seeks information from Cingular, a non-party to the case and a distinct and separate corporate entity from BellSouth, OPC's Motion to Compel is without basis and should be denied by this Commission.

II. DISCUSSION

General Objections

As a preliminary matter, OPC takes issue with BellSouth's use of general objections. Nothing contained within Order No. PSC-03-0994-POC-TL precludes the use of general objections, and in light of the expedited discovery timeframes in this proceeding, BellSouth's use of general objections – in which it lists standard discovery objections and reserves its rights -- is entirely appropriate. *See e.g.* Order No. PSC-03-0223-PCO-TP and Order No. PSC-02-1613-

PCO-GU; (prior proceedings in which parties availed themselves of general objections without any FPSC preclusion or prohibition concerning such use). OPC's exception to BellSouth's use of general objections is without merit.

Interrogatory No. 1

OPC seeks to compel BellSouth to respond to Interrogatory No. 1, which asks BellSouth to "provide Cingular's intrastate access rates and associated terms and conditions for each wireless carrier and interexchange carrier with which Cingular interconnects within the state of Florida." BellSouth specifically objected to this Interrogatory on the grounds of relevance. In BellSouth's responses, filed on September 18, 2003, BellSouth further explained that the information requested was not within its possession, custody or control.

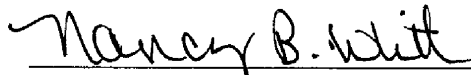
OPC's Motion to Compel purports to explain the relevance of the information requested. BellSouth disagrees with OPC's analysis, because this proceeding is limited by statute, and discovery requests in this proceeding are likewise limited. *See* Section 364.164 (3) (discovery under this section "must be limited to a verification of historical pricing units"). Even if the standard relevancy test applied in this docket (which it does not), OPC has failed to demonstrate how BellSouth's assertions concerning competition create a need for the specific information requested by OPC. Finally, even if OPC had somehow demonstrated relevance (which it has not), Florida Rule of Civil Procedure 1.350(a) limits discovery to information within a party's possession, custody, or control. Cingular is not a party to this proceeding and is a separate corporation. BellSouth does not possess nor does it have custody of or control over the documents that would contain the information OPC has requested, and this Commission should deny OPC's Motion.

III. CONCLUSION

BellSouth requests that the Commission deny OPC's Motion to Compel as to Interrogatory Numbers 4 – 7 and Request for Production Number 13 in light of its supplemental responses to this discovery. BellSouth further requests that the Commission deny OPC's Motion to Compel Interrogatory Number 1 because the information requested is neither relevant nor within BellSouth's possession, custody, or control.

Respectfully submitted this 22nd day of September, 2003.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE

JAMES MEZA III

c/o Nancy Sims

150 South Monroe Street, #400

Tallahassee, Florida 32301

(305) 347-5558



R. DOUGLAS LACKEY

MEREDITH E. MAYS

675 West Peachtree Street, #4300

Atlanta, Georgia 30375

(404) 335-0747

(404) 335-0750