

ORIGINAL



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October 8, 2003

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

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Re: Docket No. 030851-TP & 030852-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint are the original and 15 copies of Sprint's Response to BellSouth's and FCCA's Proposed Modifications to Orders Establishing Procedure.

Copies are being served on the parties in this docket via Electronic and US mail.

Please acknowledge receipt of this filing by stamping and initialing a copy of this letter and returning same to the courier. If you have any questions, please do not hesitate to call me at 850/599-1560.

Sincerely,

Susan S. Masterton

Enclosure

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**CERTIFICATE OF SERVICE  
DOCKET NO. 030851-TP & 030852-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served both Electronic Mail and U.S. Mail this 8<sup>th</sup> day of October to the following:

AT&T  
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Tallahassee, FL 32301-1549

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Southern States, LLC  
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BellSouth Telecommunications,  
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R. D. Lackey/M. Mays/N.  
White/J. Meza  
c/o Ms. Nancy H. Sims  
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Tallahassee, FL 32301-1556

Covad Communications  
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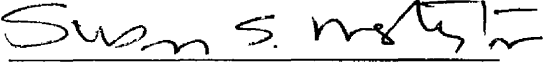
Messer Law Firm  
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Allegiance Telecom, Inc.  
Terry Larkin  
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Lombard, IL 60148

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Susan S. Masterton

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising ) Docket No. 030851-TP  
From Federal Communications Commission )  
Triennial UNE review: Local Circuit Switching )  
For Mass Market Customers )  
\_\_\_\_\_ )

In re: Implementation of requirements arising ) Docket No. 030852-TP  
From Federal Communications Commission )  
Triennial UNE review: Location Specific-Review )  
For DS1, DS3 and Dark Fiber Loops and )  
Route-Specific Review for DS1, DS3 and )  
Dark Fiber Transport ) Filed: October 8, 2003  
\_\_\_\_\_ )

**SPRINT'S RESPONSE TO BELLSOUTH'S AND FCCA'S PROPOSED  
MODIFICATIONS TO ORDERS ESTABLISHING PROCEDURE**

Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership (collectively, "Sprint") hereby respond to BellSouth's and FCCA's Proposed Modifications to Order Establishing Procedure ("Proposed Modifications") as set forth herein.

1. Sprint generally agrees with the Proposed Modifications as they relate to the discovery process. Sprint agrees that there will be a prodigious amount of discovery requested and provided to obtain the factual information necessary to make the determinations required by the Triennial Review Order in both the loop and transport and mass market switching proceedings. In addition to the process efficiencies suggested in the Proposed Modifications, Sprint suggests collaborative meetings by the parties and Commission staff to attempt to develop some standard discovery questions, at least for

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the first round of discovery. This process will assist in eliminating duplicative questions from multiple parties.<sup>1</sup>

2. Sprint agrees that additional time beyond the 15 days set forth in the Procedural Order is necessary to respond to discovery requests. Sprint suggests that the Commission allow 30 days for responses to the initial rounds of discovery with shorter time frames applicable to subsequent rounds. Sprint concurs with the suggestions in the Proposed Modifications for a process that allows parties to mutually agree to additional time for responses, with appropriate justification.

3. Sprint agrees with the Proposed Modifications as they relate to the need to obtain discovery from nonparty entities and urges the Commission to address this issue, as the Proposed Modifications suggests.

4. Sprint agrees with the suggestion in the Proposed Modifications to address confidentiality issues through a protective order, as has been done in prior proceedings. In reviewing the order issued in the BellSouth 271 proceeding (Order No. PSC-01-1033-PCO-TL) Sprint objects to the limitation on distribution of confidential information to counsel of record only. Sprint intends to use in house subject matter experts for testimony and hearing preparation in these dockets and would need to share such information with these SMEs in order to properly prepare its case. Sprint requests that the protective order allow limited distribution to specified in house subject matter experts directly involved in the preparation of the case and restrict the use of such information only for the purposes of case preparation. In addition, Sprint agrees that appropriate protective agreements, consistent with terms of the protective order, should be executed between the parties.

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<sup>1</sup> Sprint understands that BellSouth and the FCCA have been working together to reach some agreements regarding standardized, region-wide discovery. This might be a good place to start in terms of reaching agreement regarding standard discovery for all parties.

5. Sprint also agrees with the Proposed Modification's suggestions regarding electronic filing and service of pleadings and discovery requests.

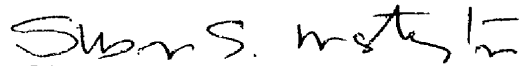
6. Sprint reiterates its comments filed in its Response to Verizon's Response to Orders establishing procedure and suggests that the Commission consider a collaborative effort to identify at the outset of the proceeding the geographic market area that would apply to both the trigger analysis and the economic analysis of impairment for mass market switching.

7. Sprint reiterates its general agreement with the proposed testimony filing and hearing dates set forth in the Joint Emergency Motion to Amend Procedural Order submitted by BellSouth and the FCCA. Sprint recommends some additional time, i.e., an additional week from the proposed dates, be afforded for rebuttal testimony in both dockets to allow sufficient time for the parties to fully address all the issues raised in the direct cases.

8. Sprint is concerned that the testimony schedule in the Commission's procedural order, as well as the schedule set forth in the Joint Emergency Motion, is unclear as to the expectations of the scope of the testimony to be filed in the direct and rebuttal rounds of testimony. Logically, Sprint would anticipate that the direct case would be filed by parties wishing to challenge the FCC's findings of impairment, based on both triggers and economic analyses. In the same vein, rebuttal round would consist of responses to the allegations of "no impairment," including alternative business case analyses, with surrebuttal open to all parties. Sprint suggests that clarification by the Commission as to the scope of the direct and rebuttal rounds of testimony would facilitate the preparation and presentation of the cases for all parties. Sprint also suggests that a surrebuttal round

of testimony be added in the loop and transport proceeding. To the extent that parties desire to pursue a finding of no impairment based on an economic analysis for loops and transport, there is the same need for a surrebuttal round as in the mass market switching proceeding.

Respectfully submitted this 8th day of October 2003.



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