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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising
From Federal Communications Commission
Triennial UNE review: Local Circuit Switching
For Mass Market Customers

Docket No. 030851-TP

**DIECA COMMUNICATIONS, INC., D/B/A COVAD COMMUNICATIONS COMPANY'S
RESPONSE AND OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1 – 21) AND FIRST SET
OF INTERROGATORIES (NOS. 1 – 84)**

(PUBLIC)

DIECA Communications, Inc., d/b/a Covad Communications Company (Covad), pursuant to Rule 28.106-206, Florida Administrative Code, and Rules 1.340 and 1.280, Florida Rules of Civil Procedure, hereby files the following Response and Objections to BellSouth Telecommunications, Inc.'s First Requests for Production of Documents (Nos. 1 – 21) and First Set of Interrogatories (Nos. 1 – 84), dated October 9, 2003.

GENERAL OBJECTIONS

1. Covad objects to the interrogatories and requests for production to the extent they seek to impose an obligation on Covad to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such interrogatories and requests for production are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Specifically, BellSouth defines Covad to include, in relevant part, "parents, subsidiaries, and affiliates. . . ." Covad will not be responding to discovery that seeks information from parent and affiliate companies.

2. Covad objects to the interrogatories and requests for production to the extent they are intended to apply to matters other than those subject to the jurisdiction of the Commission.

BellSouth objections to such interrogatories and requests for production as being irrelevant,

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2. Covad objects to the interrogatories and requests for production to the extent they are intended to apply to matters other than those subject to the jurisdiction of the Commission. BellSouth objections to such interrogatories and requests for production as being irrelevant,

overly broad, unduly burdensome, and oppressive.

3. Covad objects to each and every interrogatory and request for production and instruction to the extent that such request or instruction calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. Covad objects to each and every interrogatory and request for production insofar as the interrogatories and requests are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these interrogatories and requests for production. Any answers provided by Covad in response to the interrogatories and requests for production will be provided subject to, and without waiver, of the foregoing objection.

5. Covad objects to each and every interrogatory and request for production insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. Covad will attempt to note in its responses each instance where this objection applies.

6. Covad objects to providing information to the extent that such information is already in the public record before the Commission.

7. Covad objects to BellSouth's discovery requests, instructions and definitions, insofar as they seek to impose obligations on Covad that exceed the requirements of the Florida Rules of Civil Procedure and Florida Law.

8. Covad objects to each and every interrogatory and request for production, insofar as any of them are unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. Covad is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Covad creates countless documents that are not subject to Commission or FCC retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. Covad will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the requests purport to require more, Covad objects on the grounds that compliance would impose an undue burden or expense.

10. Covad objects to each and every interrogatory and request for production to the extent that the information requested constitutes “trade secrets” pursuant to Section 90.506, Florida Statutes. To the extent that BellSouth requests proprietary confidential business information, Covad will make such information available in accordance with a protective agreement, subject to other general or specific objections contained herein.

11. Covad objects to any discovery request that seeks to obtain “all” or particular documents, items, or information to the extent that such requests are overly broad and unduly burdensome. Any answers provided by Covad in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

SPECIFIC OBJECTIONS TO INTERROGATORIES 1, 2, 5-7 and 18

Because Covad does not provide voice services over its ATM switches and because ATM switches are not circuit switches, discovery related to Covad’s ATM switches is irrelevant to both the “triggers” and “potential deployment” analyses in this docket. The Federal Communications Commission (“FCC”) states in its Triennial Review Order (“TRO”) that “[f]or

purposes of the examination described here, mass market customers are *analog voice customers* . . .” TRO ¶ 497 (emphasis added). In the “triggers” analysis, the FCC repeatedly states that the switches to be considered are *only* those “*actively providing voice service* used to serve the mass market.” TRO ¶ 499 (emphasis added); see also, ¶ 498 (“triggers identify *existing* examples of multiple competitive LECs using their own switches to serve mass market [*analog voice*] customers . . .”) (emphasis added), ¶ 499 (“the identified competitive switch providers should be *actively providing voice service* to mass market customers . . .”) (emphasis added); ¶ 500 (“we find that states shall not evaluate any other factors The key consideration to be examined by state commissions is whether the providers are *currently* offering and able to provide [*analog voice*] service . . .”) (emphasis added).

Similarly, in the “potential deployment” analysis, the FCC states that “States should first examine whether competitors are already using their own switches *to serve voice customers* . . .” and whether there “are two wholesale providers or three self-provisioners of switching *servicing the voice enterprise market* . . .” TRO ¶ 508 (emphasis added); see also ¶ 507. Covad does not provide a single voice service – to mass markets or enterprise markets – over its ATM switches. While ATM switches may have the potential to support certain kinds of voice over internet protocol (VoIP) services, such nascent technologies are not currently available to serve mass markets. Accordingly, discovery regarding Covad’s ATM switches is irrelevant in this docket.

Moreover, the FCC’s consideration of circuit switches is wholly separate from the FCC’s analysis of ATM switching. Indeed, the FCC’s holdings regarding these two kinds of switches are diametrically opposed: circuit switches serving the mass *voice* market are unbundled while ATM switches serving the mass *data* market are not. *Compare* ¶¶ 459-485 *with* ¶¶ 535-541 (noting that ATM switches are ubiquitous and “are much cheaper to deploy than circuit

switches.” ¶ 538). Clearly then, ATM switches and circuit switches are not interchangeable. As such, the discovery served on Covad seeking information about Covad’s ATM switches is not reasonably calculated to lead to admissible evidence and is, consequently, irrelevant.

Covad will, subject to and without waiving the foregoing objections, provide the make, model, number, location and total customers served in Florida for Covad’s ATM switches in response to the above-referenced discovery.

SPECIFIC OBJECTIONS TO INTERROGATORIES 15-17 and 19-49 [Regarding Covad’s xDSL Business, Business Plans, and Statistics]

Interrogatories 15-17 and 19-49 are a “cut and paste” set of interrogatories designed for and served on Florida competitive voice providers. Not surprisingly, a great deal of BellSouth’s “cut and paste” voice discovery is both overly broad and irrelevant as to Covad – a DSL company. Because Covad *solely* provides high speed internet access, its churn, customer counts, business models, marketing, geographic markets, revenues, customer classifications, customer acquisition costs, cost of capital, expected customer growth and similar requested information is not probative of such statistics for voice providers. The “potential deployment” portion of this docket addresses the potential use of self-provisioned or wholesale switches to serve the mass *voice* market – not the mass DSL market. In the TRO, the FCC separately addressed that market. TRO ¶¶ 537-541.

While Covad has asserted that economic and operational impairment related the lack of line splitting under UNE-L should be considered in this docket, those issues are not the subject of BellSouth’s discovery. The economic impairment problems raised by Covad are associated with attempting to compete for customers in an environment where most telecommunications services are sold as part of a bundle of such services, not a general business model for UNE-L or DSL. Accordingly, Covad objects to Interrogatories 15-17 and 19-49 as irrelevant. Covad

further objects that, if such discovery is relevant, it is overly broad and unduly burdensome. Nevertheless, without waiving the preceding objections, Covad will provide general churn, customer counts, business plans, and general business statistics for the state of Florida.

Subject to and without waiving Covad's General and Specific Objections, Covad responds to BellSouth's First Interrogatories as follows:

INTERROGATORIES

1. Identify each switch owned by Covad that Covad uses to provide a qualifying service anywhere in Florida, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch).

Response to Interrogatory No. 1: Covad provides xDSL services in Florida using ATM switches, configured as multiplexers, located in the following central offices:

[BEGIN CONFIDENTIAL INFORMATION]

1. 
2. 
3. 
4. 
5. 
6. 

[END CONFIDENTIAL INFORMATION]

2. For each switch identified in response to Interrogatory No. 1, please:
 - (a) provide the Common Language Location Identifier ("CLLI") code of the switch;

- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG.

Response to Interrogatory No. 2:

(a) and (b)

[BEGIN CONFIDENTIAL INFORMATION]

- 1. [REDACTED]
- 2. [REDACTED]
- 3. [REDACTED]
- 4. [REDACTED]
- 5. [REDACTED]
- 6. [REDACTED]

[END CONFIDENTIAL INFORMATION]

(c)

- 1. Cisco BPX 8600 ATM Switch
- 2. Cisco BPX 8600 ATM Switch
- 3. Cisco BPX 8600 ATM Switch
- 4. Cisco BPX 8600 ATM Switch
- 5. Cisco BPX 8600 ATM Switch

6. Cisco BPX 8600 ATM Switch

(d) Covad does not report any type of "voice grade equivalent" lines in its FCC Form 477 filings because Covad does not provide voice services in the state of Florida or elsewhere. Covad only reports broadband lines. Covad had [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] broadband lines in service in the state of Florida as of October 27, 2003.

(e) Covad does not report any type of "voice grade equivalent" lines in its FCC Form 477 filings because Covad does not provide voice services in the state of Florida or elsewhere. Covad only reports broadband lines. Covad had [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] broadband lines in service in the state of Florida as of October 27, 2003.

(f) None of Covad's switches are listed in the LERG.

3 Identify any other switch not previously identified in Interrogatory No. 1 that Covad uses to provide a qualifying service anywhere in Florida, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch). In answering this Interrogatory, do not include ILEC switches used by Covad either on an unbundled or resale basis.

Response to Interrogatory No. 3: None.

4. For each switch identified in response to Interrogatory No. 3, please:
- (a) identify the person that owns the switch;
 - (b) provide the Common Language Location Identifier (“CLLI”) code of the switch;
 - (c) provide the street address, including the city and state in which the switch is located;
 - (d) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
 - (e) describe in detail the arrangement by which you are making use of the switch, including stating whether you are leasing the switch or switching capacity on the switch;
 - (f) identify all documents referring or relating to the rates, terms, and conditions of Covad’s use of the switch; and
 - (g) provide information relating to the switch as contained in Telcordia’s Local Exchange Routing Guide (“LERG”); or, state if the switch is not identified in the LERG

Response to Interrogatory No. 4: Not applicable.

5. Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Florida utilizing any of the switches identified in response to Interrogatory No. 1. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

Response to Interrogatory No. 5. See Response to Interrogatory No. 2.

6. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory 1

Response to Interrogatory No. 6: See Response to Interrogatory No. 2.

7. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 6, separate the lines by end user and end user location in the following manner:
 - (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
 - (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
 - (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
 - (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
 - (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
 - (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
 - (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;

- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

Response to Interrogatory No. 7: Covad does not provide voice services in Florida or elsewhere.

8. Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Florida utilizing any of the switches identified in response to Interrogatory No. 3. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user is located.

Response to Interrogatory No. 8: Not applicable.

9. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total

number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory No. 3.

Response to Interrogatory No. 9: Not applicable.

10. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 9, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;

- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

Response to Interrogatory No. 10: Not applicable.

11. Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Florida using an ILEC's switch either on an unbundled or resale basis. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

Response to Interrogatory No. 11: None.

12. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area using an ILEC's switch either on an unbundled or resale basis.

Response to Interrogatory No. 12: Not applicable.

13. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 12, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;

- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

Response to Interrogatory No. 13: Not applicable.

14. Do you offer to provide or do you provide switching capacity to another local exchange carrier for its use in providing qualifying service anywhere in the nine states in the BellSouth region. If the answer to this Interrogatory is in the affirmative, for each switch that you use to offer or provide such switching capacity, please:

- (a) Provide the Common Language Location Identifier (“CLLI”) code of the switch;
- (b) Provide the street address, including the city and state in which the switch is located;
- (c) Identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) State the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch’s existing configuration and component parts;
- (e) State the number of voice-grade equivalent lines the switch is currently serving based on the switch’s existing configuration and component parts; and

- (f) Identify all documents referring or relating to the rates, terms, and conditions of Covad's provision of switching capability.

Response to Interrogatory No. 14: No.

15. Identify every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service using: (1) the Unbundled Network Element Platform (UNE-P), (2) self-provisioned switching, (3) switching obtained from a third party provider other than an ILEC, or (4) any combination of these items.

Response to Interrogatory No. 15: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad. Upon information and belief, Covad has no responsive documents.

16. Identify any documents that you have provided to any of your employees or agents, or to any financial analyst, bank or other financial institution, shareholder or any other person that describes, presents, evaluates or otherwise discusses in whole or part, how you intend to offer or provide local exchange service, including but not limited to such things as the markets in which you either do participate or intend to participate, the costs of providing such service, the market share you anticipate obtaining in each market, the time horizon over which you anticipate obtaining such market share, and the average revenues you expect per customer.

Response to Interrogatory No. 16: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad. Upon information and belief, Covad has no responsive documents.

17. If not identified in response to a prior Interrogatory, identify every document in your possession, custody, or control referring or relating to the financial viability of self-provisioning switching in your providing qualifying services to end user customers.

Response to Interrogatory No. 17: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad. Upon information and belief, Covad has no responsive documents.

18. Do you have switches that are technically capable of providing, but are not presently being used to provide, a qualifying service in Florida? If the answer to this Interrogatory is in the affirmative, please:

- (a) provide the Common Language Location Identifier (“CLLI”) code of the switch;
- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch’s existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch’s existing configuration and component parts; and
- (f) identify any documents in your possession, custody or control that discuss, evaluate, analyze or otherwise refer or relate to whether those switches could be used to provide a qualifying service in Florida.

Response to Interrogatory No. 18: Covad's ATM switches provide no telephony features and are not capable of serving mass market voice customers as they are not connected to the public switched network. Accordingly, Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

19. Identify each MSA in Florida where you are currently offering a qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

Response to Interrogatory No. 19: Covad serves customers with xDSL services in Tampa, Orlando, Miami, Ft. Lauderdale and Jacksonville, Florida MSAs.

20. If you offer a qualifying service outside of the MSAs identified in response to Interrogatory 19, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

Response to Interrogatory No. 20: Not applicable.

21. Describe with particularity the qualifying services that you offer in the geographic areas described in response to Interrogatories 19 and 20, including the rates, terms, and conditions under which such services are offered. If the qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the relevant geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify that web site. It will not be a sufficient

response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms and conditions upon which service is provided.

Response to Interrogatory No. 21: Covad provides xDSL services only. All services, including prices provided throughout Covad's service areas, including Florida MSAs, are available at Covad.com.

22. Identify each MSA in Florida where you are currently offering a non-qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

Response to Interrogatory No. 22: Not applicable.

23. If you offer a non-qualifying service outside of the MSAs identified in response to Interrogatory 22, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

Response to Interrogatory No. 23: Not applicable.

24. Describe with particularity the non-qualifying services that you offer in the geographic areas described in response to Interrogatories 22 and 23, including the rates, terms, and conditions under which such services are offered. If the non-qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the relevant geographic areas and identifies the relevant rates, terms and conditions

for such areas, it will be a sufficient answer to identify that web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms and conditions upon which service is provided.

Response to Interrogatory No. 24: Not applicable.

25. Please state the total number of end users customers in the State of Florida to whom you only provide qualifying service.

Response to Interrogatory No. 25: See Response to Interrogatory No. 2.

26. For those end user customers to whom you only provide qualifying service in the State of Florida, please state the average monthly revenues you receive from each such end user customer.

Response to Interrogatory No. 26: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

27. For those end user customers to whom you only provide qualifying service in the State of Florida, please state the average number of lines that you provide each such end user customer.

Response to Interrogatory No. 27: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

28. Please state the total number of end users customers in the State of Florida to whom you only provide non-qualifying service.

Response to Interrogatory No. 28: Not applicable.

29. For those end user customers to whom you only provide non-qualifying service in the State of Florida, please state the average monthly revenues you receive from each such end user customer.

Response to Interrogatory No. 29: Not applicable.

30. Please state the total number of end users customers in the State of Florida to whom you provide both qualifying and non-qualifying service.

Response to Interrogatory No. 30: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

31. For those end user customers to whom you provide qualifying and non-qualifying service in the State of Florida, please state the average monthly revenues you receive from each such end user customer.

Response to Interrogatory No. 31: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

32. For those end user customers to whom you provide qualifying and non-qualifying service in the State of Florida, please state the average number of lines that you provide each such end user customer.

Response to Interrogatory No. 32: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

33. Please provide a breakdown of the total number of end user customers served by Covad in Florida by class or type of end user customers (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers. For each such classification, and/or if you provide another type of classification, define and describe

with specificity the classification so that it can be determined what kinds of customers you have in each classification).

Response to Interrogatory No. 33: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad. Notwithstanding its objections, and subject thereto, Covad responds that its customers are categorized by service type (ADSL, SDSL, IDSL, DS1) service downstream speed and by Direct Consumer, Direct Business, Wholesale Consumer, and Wholesale Business.

34. For each class or type of end user customer referenced in Interrogatory No. 33, please state the average acquisition cost for each such end user class or type. Please provide this information for each month from January 2000 to the present.

Response to Interrogatory No. 34: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

35. For each class or type of end user customer referenced in Interrogatory No. 33, please state the typical churn rate for each such end user class or type. Please provide this information for each month from January 2000 to the present.

Response to Interrogatory No. 35: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

36. For each class or type of end user customer referenced in Interrogatory No. 33, please state the share of the local exchange market you have obtained. Please provide this information for each month from January 2000 to the present.

Response to Interrogatory No. 36: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

37. Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to your cumulative market share of the local exchange market in Florida.

Response to Interrogatory No. 37: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

38. Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to any projections that you have made regarding your cumulative market share growth in the local exchange market in Florida

Response to Interrogatory No. 38: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

39. Describe how the marketing organization that is responsible for marketing qualifying service in Florida is organized, including the organization's structure, size in terms of full time or equivalent employees including contract and temporary employees, and the physical work locations for such employees. In answering this Interrogatory, please state whether you utilize authorized sales representatives in your marketing efforts in Florida, and, if so, describe with particularity the nature, extent, and rates, terms, and conditions of such use.

Response to Interrogatory No. 39: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

40. How do you determine whether you will serve an individual customer's location with multiple DSOs or whether you are going to use a DS1 or larger transmission system? Provide a detailed description of the analysis you would undertake to resolve this

issue, and identify the factors that you would consider in making this type of a decision.

Response to Interrogatory No. 40: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

41. Is there a typical or average number of DS0s at which you would chose to serve a particular customer with a DS1 or larger transmission system, all other things being equal? If so, please provide that typical or average number and explain how this number was derived.

Response to Interrogatory No. 41: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

42. What additional equipment, if any, would be required (on the customer's side of the demarcation point rather than on network side of the demarcation point) to provide service to a customer with a DS1 rather than multiple DS0s? For instance, if a customer had 10 DS0s, and you want to provide the customer with the same functionality using a DS1, would a D-4 channel bank, or a digital PBX be required in order to provide equivalent service to the end user that has 10 DS0s? If so, please provide the average cost of the equipment that would be required to provide that functional equivalency (that is, the channel bank, or the PBX or whatever would typically be required should you decide to serve the customer with a DS1 rather than multiple DS0s.)

Response to Interrogatory No. 42: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

43. What cost of capital do you use in evaluating whether to offer a qualifying service in a particular geographic market and how is that cost of capital determined?

Response to Interrogatory No. 43: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

44. With regard to the cost of capital you use in evaluating whether to provide a qualifying service in a particular geographic market, what are the individual components of that cost of capital, such as the debt-equity ratio, the cost of debt and the cost of equity?

Response to Interrogatory No. 44: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

45. In determining whether to offer a qualifying service in a particular geographic market, what time period do you typically use to evaluate that offer? That is, do you use one year, five years, ten years or some other time horizon over which you evaluate the project?

Response to Interrogatory No. 45: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

46. Provide your definition of sales expense as that term is used in your business.

Response to Interrogatory No. 46: Covad stands on its objection to this Interrogatory as irrelevant in this docket as to Covad.

47. Based on the definition of sales expense in the foregoing Interrogatory, please state how you estimate sales expense when evaluating whether to offer a qualifying service in a particular geographic market?

Response to Interrogatory No. 47: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

48. Provide your definition of general and administrative (G&A) costs as you use those terms in your business.

Response to Interrogatory No. 48: Covad stands on its objection to this Interrogatory as irrelevant in this docket as to Covad.

49. Based on the definition of G&A costs in the foregoing Interrogatory, please state how you estimate G&A expenses when evaluating whether to offer a qualifying service in a particular geographic market?

Response to Interrogatory No. 49: Covad stands on its objection to this Interrogatory as irrelevant and overbroad in this docket as to Covad.

50. For each day since January 1, 2000, identify the number of individual hot cuts that BellSouth has performed for Covad in each state in BellSouth's region.

Response to Interrogatory No. 50: Zero.

51. For each individual hot cut identified in response to Interrogatory No. 50, state:

- i. Whether the hot cut was coordinated or not;
- ii. If coordinated, whether the hot cut occurred as scheduled;
- iii. If the hot cut did not occur as scheduled, state whether this was due to a problem with BellSouth, Covad, the end-user customer, or some third party, and describe with specificity the reason the hot cut did not occur as scheduled;
- iv. If there was a problem with the hot cut, state whether Covad complained in writing to BellSouth or anyone else.

Response to Interrogatory No. 51: Not applicable.

52. Does Covad have a preferred process for performing batch hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

Response to Interrogatory No. 52: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

53 Does Covad have a preferred process for performing individual hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

Response to Interrogatory No. 53: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

54. State whether Covad agrees that it jointly developed BellSouth's process for individual hot cuts with BellSouth as set forth in the parties' April 16, 2001 Memorandum of Understanding. If Covad does not agree, explain why and explain Covad's view of its involvement in the development of that process.

Response to Interrogatory No. 54: Covad was not a party to the Memorandum of Understanding referenced in this Interrogatory. BellSouth counsel has withdrawn this Interrogatory.

55. If Covad has a preferred process for individual hot cuts that differs from BellSouth's process, identify each specific step in Covad's process that differs from BellSouth's process.

Response to Interrogatory No. 55: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

56. If Covad has a preferred process for bulk hot cuts that differs from BellSouth's process, identify each specific step in Covad's process that differs from BellSouth's process.

Response to Interrogatory No. 56: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

57 Does Covad have any estimates of what a typical individual hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

Response to Interrogatory No. 57: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current

position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

58. Does Covad have any estimates of what a typical bulk hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

Response to Interrogatory No. 58: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

59. What is the largest number of individual hot cuts that Covad has requested in any individual central office in each of the nine BellSouth states on a single day? In answering this Interrogatory, identify the central office for which the request was made, and the number of hot cuts that were requested. State with specificity what the outcome was for each of the hot cuts in each of the central offices so described, if not provided in response to an earlier interrogatory.

Response to Interrogatory No. 59: Zero. Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

60. Does any ILEC in the BellSouth region have a batch hot cut process that is acceptable to Covad or that Covad believes is superior to BellSouth's batch hot cut process? If

so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

Response to Interrogatory No. 60: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

61. Does any ILEC in the BellSouth region have a cost for a batch hot cut process that is acceptable to Covad? If so, name the ILEC and provide the rate and the source of the rate.

Response to Interrogatory No. 61: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

62. Does any ILEC in the BellSouth region have an individual hot cut process that is acceptable to Covad or that Covad believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

Response to Interrogatory No. 62: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

63. Does any ILEC in the BellSouth region have a rate for an individual hot cut process that is acceptable to Covad? If so, name the ILEC and provide the rate and the source of the rate.

Response to Interrogatory No. 63: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

64. Does any ILEC outside the BellSouth region have a batch hot cut process that is acceptable to Covad or that Covad believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

Response to Interrogatory No. 64: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

65. Does any ILEC outside the BellSouth region have a rate for a batch hot cut process that is acceptable to Covad? If so, name the ILEC and provide the rate and the source of the rate.

Response to Interrogatory No. 65: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

66. Does any ILEC outside the BellSouth region have an individual hot cut process that is acceptable to Covad or that Covad believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

Response to Interrogatory No. 66: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

67. Does any ILEC outside the BellSouth region have a rate for an individual hot cut process that is acceptable to Covad? If so, name the ILEC and provide the rate and the source of the rate.

Response to Interrogatory No. 67: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

68. Does Covad order coordinated or non-coordinated hot cuts?

Response to Interrogatory No. 68: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

69. Does Covad use the CFA database?

Response to Interrogatory No. 69: No.

70. Identify every issue related to BellSouth's hot cut process raised by Covad at the Florida CLEC collaborative since October 2001.

Response to Interrogatory No. 70: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

71. What is the appropriate volume of loops that you contend the Florida Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response to Interrogatory No. 71: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

72. What is the appropriate process that you contend the Florida Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response to Interrogatory No. 72 The appropriate process for the Florida Public Service Commission to use in establishing a batch hot cut process is a series of workshops or collaborative meetings between the ILECs and CLECs with the Commission Staff facilitating.

73. If Covad disagrees with BellSouth's individual hot cut process, identify every step that Covad contends is unnecessary and state with specificity why the step is unnecessary.

Response to Interrogatory No. 73: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

74. If Covad disagrees with BellSouth's bulk hot cut process, identify every step that Covad contends is unnecessary and state with specificity why the step is unnecessary.

Response to Interrogatory No. 74: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

75. Identify by date, author and recipient every written complaint Covad has made to BellSouth regarding BellSouth's hot cut process since October 2001.

Response to Interrogatory No. 75: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

76. How many unbundled loops does Covad contend BellSouth must provision per state per month to constitute sufficient volume to assess BellSouth's hot cut process?

Response to Interrogatory No. 76: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current

position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

77. What is the appropriate information that you contend the Florida Public Service Commission should consider in evaluating whether the ILEC is capable of migrating multiple lines served using unbundled local circuit switching to switches operated by a carrier other than the ILEC in a timely manner in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response to Interrogatory No. 77: The Florida Public Service Commission should consider if the Batch Hot Cut process includes the ordering scenarios that will establish a competitive market environment. Specifically, Florida Public Service Commission should assess each ILEC Batch Hot Cut process for inclusion of the following mechanized ordering scenarios that affect DSL:

- ILEC Retail customer with DSL to UNE-L;
- Line Splitting UNE-P to UNE-L with the same CLEC voice and data;
- Line Splitting UNE-P to UNE-L with different CLECs for voice and data;
- UNE-L with DSL to UNE-L; and
- CLEC to CLEC migration processes.

Data providers should have access to the hot cut process.

78. What is the average completion interval metric for provision of high volumes of loops that you contend the Florida Public Service Commission should require in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In

answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response to Interrogatory No. 78: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

79. What are the rates that you contend the Florida Public Service Commission should adopt in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response to Interrogatory No. 79: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

80. What are the appropriate product market(s) that you contend the Florida Public Service Commission should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response to Interrogatory No. 80: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

81. What are the appropriate geographic market(s) that you contend the Florida Public Service Commission should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response to Interrogatory No. 81: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

82 Do you contend that there are operational barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(2) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such operational barrier, and state all facts and identify all documents supporting your contention.

Response to Interrogatory No. 82: Yes. Covad agrees with the factual findings of operational barriers to competition without access to unbundled circuit switching for mass market voice customers provided by the Federal Communications Commission in its Triennial Review Order, which is publicly available. Covad further responds that it is BellSouth's burden to demonstrate non-impairment, and this Interrogatory appears to be an inappropriate effort by BellSouth to shift that burden. Covad also responds that the absence of a batch hot cut process for the scenarios listed in response to Interrogatory No. 77 further supports the FCC's finding of impairment related to an absence of sufficient batch hot cut processes.

83. Do you contend that there are economic barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(3) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such economic barrier, and state all facts and identify all documents supporting your contention.

Response to Interrogatory No. 83: Yes. Covad agrees with the factual findings of economic barriers to competition without access to unbundled circuit switching for mass market voice customers provided by the Federal Communications Commission in its Triennial Review Order, which is publicly available. Covad further responds that it is BellSouth's burden to demonstrate non-impairment, and this Interrogatory appears to be an inappropriate effort by BellSouth to shift that burden. Covad also responds that the absence of OSS and operational processes to support Line Splitting under UNE-L may constitute an economic barrier to competition using UNE-L.

84. What is the maximum number of DS0 loops for each geographic market that you contend requesting telecommunications carriers can serve through unbundled switching when serving multiline end users at a single location that the Florida Public Service Commission should consider in establishing a "cutoff" consistent with FCC Rule 51.319(d)(2)(iii)(B)(4)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response to Interrogatory No. 84: Covad stands on its objection to this Interrogatory as irrelevant in this docket as to Covad.

REQUESTS FOR PRODUCTION

1. Produce all documents identified in response to BellSouth's First Set of Interrogatories.

Response to Request for Production No. 1: No such documents were identified. Covad also stands on its objection to certain of these Interrogatories and Requests for Production as irrelevant in this docket as to Covad.

2. Produce every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service in the State of Florida.

Response to Request for Production No. 2: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

3. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Florida to whom you only provide qualifying service.

Response to Request for Production No. 3: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

4. Produce all documents referring or relating to the average number of access lines you provide to end user customers in Florida to whom you only provide qualifying service.

Response to Request for Production No. 4: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

5. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Florida to whom you only provide non-qualifying service.

Response to Request for Production No. 5: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

6. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Florida to whom you provide both qualifying and non-qualifying service.

Response to Request for Production No. 6: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

7. Produce all documents referring or relating to the average number of access lines you provide to end user customers in Florida to whom you provide both qualifying and non-qualifying service.

Response to Request for Production No. 7: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

8. Provide all documents referring or relating to the classifications used by Covad to offer service to end user customers Florida (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers).

Response to Request for Production No. 8: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

9. Produce all documents referring or relating to the average acquisition cost for each class or type of end user customer served by Covad, as requested in BellSouth's First Set of Interrogatories, No. 34.

Response to Request for Production No. 9: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

10. Produce all documents referring or relating to the typical churn for each class or type of end user customer served by Covad, as requested in BellSouth's First Set of Interrogatories, No. 35.

Response to Request for Production No. 10: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

11. Produce all documents referring or relating to how Covad determines whether to serve an individual customer's location with multiple DS0s or with a DS1 or larger transmission system.

Response to Request for Production No. 11: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

12. Produce all documents referring or relating to the typical or average number of DS0s at which Covad would choose to serve a particular customer with a DS1 or larger transmission system as opposed to multiple DS0, all other things being equal.

Response to Request for Production No. 12: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

13. Produce all documents referring or relating to the cost of capital used by Covad in evaluating whether to offer a qualifying service in a particular geographic market.

Response to Request for Production No. 13: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad

14. Produce all documents referring or relating to the time period used by Covad in evaluating whether to offering a qualifying service in a particular geographic market (e.g., one year, five years, ten years or some other time horizon over which a project is evaluated)?

Response to Request for Production No. 14: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

15. Produce all documents referring or relating to your estimates of sales expense when evaluating whether to offer a qualifying service in a particular geographic market.

Response to Request for Production No. 15: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

16. Produce all documents referring or relating to your estimates of general and administrative (G&A) expenses when evaluating whether to offer a qualifying service in a particular geographic market.

Response to Request for Production No. 16: Covad stands on its objection to this Request for Production as irrelevant and overbroad in this docket as to Covad.

17. Produce all documents referring or relating to any complaints by Covad or its end user customers about individual hot cuts performed by BellSouth since January 1, 2000.

Response to Request for Production No 17: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process.

Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

18. Produce all documents referring or relating to a batch hot cut process used by any ILEC in the BellSouth region that is acceptable to Covad or that Covad believes is superior to BellSouth's batch hot cut process.

Response to Request for Production No. 18: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

19. Produce all documents referring or relating to an individual hot cut process used by any ILEC in the BellSouth region that is acceptable to Covad or that Covad believes is superior to BellSouth's individual hot cut process.

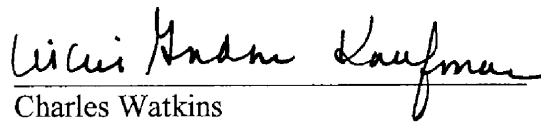
Response to Request for Production No. 19: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

20. Produce all documents referring or relating to a batch hot cut process used by any ILEC outside the BellSouth region that is acceptable to Covad or that Covad believes is superior to BellSouth's batch hot cut process.

Response to Request for Production No. 20: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.

21. Produce all documents referring or relating to an individual hot cut process used by any ILEC outside the BellSouth region that is acceptable to Covad or that Covad believes is superior to BellSouth's individual hot cut process.

Response to Request for Production No. 21: Covad does not serve any voice customers using UNE-P and does not have an opinion regarding a UNE-P to UNE-L hot cut process. Covad's current position regarding particular processes for hot cuts is expressed in response to Interrogatories Nos. 72 and 77.



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d/b/a Covad Communications, Company

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing DIECA Communications, Inc. d/b/a Covad Communications Company's Response and Objections to BellSouth Telecommunications, Inc.'s First Request for Production of Documents (Nos. 1 – 21) and First Set of Interrogatories (Nos. 1 – 84) has been provided by (*) hand delivery, (**) email and U.S. Mail this 30th day of October 2003, to the following:

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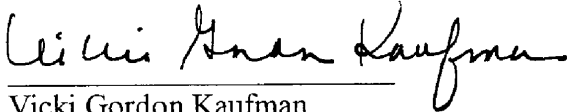
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