

STATE OF FLORIDA

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Public Service Commission

November 7, 2003

Nancy B. White, Esquire
James Meza III, Esquire
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

STAFF DATA REQUEST

**VIA FACSIMILE
AND U.S. MAIL**

Lisa Spooner Foshee, Esquire
BellSouth Center
675 West Peachtree Street, N.E., Suite 4300
Atlanta, Georgia 30375

RE: Docket No. 030945-TP - Complaint of DIECA Communications Inc. d/b/a Covad Communications Company against BellSouth Telecommunications, Inc. for breach of parties' interconnection agreement and Sections 271 and 251 of the Telecommunications Act of 1996, request for maintenance of status quo, and request for expedited relief.

Dear Ms. White and Ms. Foshee:

By this letter, the Commission staff requests that BellSouth Telecommunications, Inc. (BellSouth) provide responses to the following data requests.

1. What is the Florida Public Service Commission's (FPSC) legal authority to prohibit BellSouth from taking any action to discontinue service to Covad Communications Company (Covad) or its customers during the pendency of Covad's Complaint filed September 26, 2003? Please explain your response.
2. What is the FPSC's legal authority to require BellSouth not to discontinue existing service to Covad or to its customers as a result of BellSouth's completion of necessary network upgrades? Please explain your response.

DOCUMENT NUMBER - DATE
11155 NOV-7 8
FPSC-COMMISSION CLERK

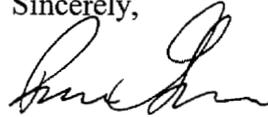
3. In its Complaint, Covad cites to various federal and state actions and orders and seeks relief from the FPSC for enforcement of the Parties' Interconnection Agreement. (See generally, pp. 3-9 of Complaint) Please explain whether you believe the FPSC is the appropriate forum for this Complaint to be resolved, and why. Please include in your response specific analysis regarding which authority, action, or order prevails for the purposes of resolving this case, and why.
4. Are there any disputed issues of material fact involved in the resolution of this Complaint, or is BellSouth amenable to having the Complaint addressed in an informal hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, after the filing of briefs by the parties?
5. Please specifically identify when Covad will no longer be able to provision service via copper loops to each of the Covad customers identified in confidential Exhibit A (attached to Covad's September 26, 2003 Complaint).
6. During the November 4, 2003, conference call between Covad, BellSouth and staff members, BellSouth's counsel noted that if BellSouth were to go forward with its network modifications, it would be amenable to a "true-up" process after the Commission reaches a decision on the merits of the Complaint.
 - a. Please provide details of your "true-up" proposal.
 - b. Has this "true-up" proposal been presented to Covad? If so, did Covad accept this proposal? If not, does BellSouth intend to present such a proposal?
7. During the November 4, 2003, conference call between Covad, BellSouth and staff members, BellSouth's counsel stated that one project was for replacing a "deteriorated cable," and not a road construction or public works project.

Do you believe network upgrades or modifications which are undertaken for different reasons (i.e., cable deterioration versus road construction/public works projects) should be evaluated differently by the FPSC in its consideration of this Complaint? Please explain your answer.

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Please file the original and five copies of the requested information by Tuesday, November 25, 2003, with Ms. Blanca Bayó, Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850. Please feel free to call me at (850) 413-6224 if you have any questions.

Sincerely,



Rosanne Gervasi
Senior Attorney

RG/dm

cc: Division of the Commission Clerk and Administrative Services
Charles (Gene) Watkins, Senior Counsel, Covad
Vicki Gordon-Kaufman, Esquire