

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: January 13, 2004
_____)

SPRINT'S MOTION TO COMPEL

Sprint Communications Company Limited Partnership and Sprint-Florida, Incorporated (collectively, "Sprint") hereby move, pursuant to Rules 28-106.204 and 28-106.206, Florida Administrative Code and Rules 1.350 and 1.380, Florida Rules of Civil Procedure, for the entry of an Order compelling the production of documents by BellSouth and granting Sprint leave to file supplemental testimony, as necessary, and state as grounds in support thereof the following:

1. On December 4, 2003, BellSouth filed its direct testimony in Docket No. 030851-TP, in which it asks the Commission to find that no impairment exists without access to unbundled local switching to serve mass market customers in certain Florida markets, based on the purported ability of CLECs to compete economically in such markets, even though the competitive triggers are not met (i.e., potential deployment). (See, BellSouth Direct Testimony of Dr. Debra J. Aron) BellSouth's assertions are based on its analysis of economic deployment via the use of its BellSouth Analysis of Competitive Entry

DOCUMENT NUMBER 030851

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("BACE") Model. (See, BellSouth Direct Testimony of witnesses Debra J. Aron and James W. Stegeman)

2. Sprint has engaged in discussions with BellSouth in an effort to obtain the source code for the BACE Model. The source code houses the step-by-step instructions for the BACE Model processing, essentially all the calculations that start with the inputs, and transforms the data into final results. The source code, in an executable format, along with the associated data tables will enable Sprint to analyze, assess and manipulate the calculations, inputs, subroutines and results of the Model.

3. Sprint witness Kent Dickerson's Rebuttal Testimony summarizes Sprint's discussions with BellSouth and the result of these discussions. (See, Rebuttal Testimony of Kent W. Dickerson, pp. 3-10, attached as Attachment A) Ultimately, BellSouth agreed to provide only a virtually unusable soft copy of the source code and refused to provide an executable, visible version of the code as Sprint had requested. (See, e-mails between Sprint and BellSouth, attached as Attachment B)

4. As explained in Mr. Dickerson's Rebuttal Testimony, without such executable, visible access to the BACE Model processing and associated data tables, neither Sprint, nor any other participant in this proceeding, is able to adequately assess the validity of BellSouth's claims based on the Model results. (See Attachment A)

5. Because this proceeding in Florida is, to Sprint's knowledge, the first opportunity for the BACE Model to undergo industry peer review, it is critical that complete and full access be afforded to the Model inputs, calculations and results.

6. The basis of BellSouth's refusal to allow full access to the Model appears to be BellSouth's position that such access would jeopardize BellSouth's proprietary interests

in its intellectual property. However, a claim that information is proprietary has not generally been deemed a sufficient grounds to deny access to information relevant to a determination of the issues in a proceeding, but rather as grounds for the Commission to issue protective orders to ensure that the confidentiality and proprietary nature of the information is protected. See Section 364.183, F.S. and Fla. Rule of Civil Procedure 1.280. The Commission has already issued a Protective Order for proprietary information in this docket (Order No. PSC-03-1263-PCO-TP) and Sprint has executed a separate protective agreement with BellSouth. In addition, because Sprint recognizes and is sensitive to BellSouth's intellectual property concerns, Sprint has offered to execute a separate and more restrictive agreement with BellSouth governing access to the executable and visible version of the source code and associated tables, similar to protective agreements Sprint has executed in other states in which Sprint has been required to provide access to its own proprietary cost models. (See, Attachment C)

8. On December 22, 2003, BellSouth filed its direct testimony in Docket No. 030852-TP in which it asks the Commission to find that no impairment exists for certain customer locations and certain transport routes based on the purported ability of CLECs to compete economically at those locations or for those routes, even though the competitive triggers are not met for those locations and routes (i.e., potential deployment). (See, Direct Testimony of BellSouth's witness Aniruddha (Andy) Banerjee) BellSouth relies on its BACE Model to support its claims relating to potential deployment of loops to certain customer locations. (Banerjee Direct Testimony at pp. 11-12) Therefore, Sprint's need to obtain the executable version of the source code is also applicable to the loop/transport proceedings.

9. Because Sprint has been attempting to work with BellSouth informally to obtain the necessary full access to the Model, because of the time constraints of the formal discovery process, and because BellSouth has unequivocally stated that it would object to any formal request to provide the visible version of the source code Sprint has requested, Sprint has not heretofore requested this information from BellSouth through the formal discovery process. However, to the extent such a formal request is necessary for the Commission to rule on this Motion, Sprint has separately served BellSouth with a formal discovery request for this information simultaneous with this filing. (See, Attachment D)

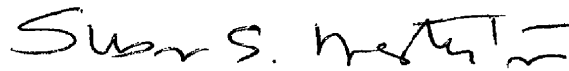
10. Due to the severe time constraints of the TRO proceedings, Sprint asks the Commission to rule expeditiously on Sprint's Motion, but no later than January 27, 2004. To the extent that the Commission grants Sprint's Motion to Compel, Sprint also requests the opportunity to submit supplemental testimony setting forth its conclusions based on its analysis of the BACE Model. Should Sprint be successful in obtaining the full access to the BACE Model it is requesting, Sprint estimates it will need 2-3 weeks after it obtains access to the model to adequately review and analyze the necessary data from the model.

11. This issue is unlikely to be resolved in time for Sprint to incorporate into its surrebuttal testimony in the mass market switching docket (due January 28, 2004) or its rebuttal testimony in the loop and transport docket (due January 23, 2004). However, the hearing in the mass market switching docket is more than 6 weeks away and the hearing in the loop and transport docket is more than 7 weeks away. The discovery cut-off dates are February 17, 2004 and February 25, 2004, respectively. Therefore, assuming Sprint obtains the source code and files any relevant supplemental testimony by February 10,

2004, there will still be sufficient time for any party to conduct depositions of Sprint's witnesses concerning such testimony. Therefore, no party will be prejudiced by the granting of Sprint's Motion.

WHEREFORE, Sprint asks the Commission to grant its Motion to Compel and grant its request to file supplemental testimony, if its Motion to Compel is granted.

RESPECTFULLY SUBMITTED this 13th day of January 2004.



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ATTORNEY FOR SPRINT

1 provisioned switch from day one and thus the error in BellSouth's unimpaired
2 market conclusions.

3

4 **SPRINT'S ANALYSIS OF BELL SOUTH'S COMPETITIVE ENTRY (BACE) MODEL**

5

6 **Q. Have you reviewed the testimony of BellSouth witness James W. Stegeman**
7 **and the BACE Model, BACE Model Methodology Manual and User Guide?**

8 **A. Yes, I have.**

9

10 **Q. Based on this review, have you been able to validate the internal workings of**
11 **the BACE Model?**

12 **A. No, I have not. As I detail below, BellSouth has chosen to unreasonably prevent**
13 **external users' access to numerous critical areas of the model's calculations,**
14 **inputs, subroutines and results, thus rendering BellSouth's potential deployment**
15 **case an unverifiable "Black Box".**

16

17 **Q. Why has BellSouth denied the external user's access to numerous critical**
18 **areas within the BACE Model?**

19 **A. BellSouth attempts to justify this unreasonable access restriction based upon the**
20 **need to protect intellectual property rights associated with the BACE Model.**
21 **While Sprint does not object to BellSouth's desire to protect intellectual property**
22 **rights associated with the BACE Model, their approach seeking to block all**
23 **external user's access to critical inputs and calculations within the model is an**
24 **unreasonable and unworkable restriction.**

25

1 I have attached as Exhibit KWD-2 a Protective Agreement Provision used by
2 Sprint-Nevada to protect intellectual property rights associated with Sprint's
3 internally developed UNE cost model while allowing the necessary full and
4 complete external user access to all Sprint UNE model inputs, calculations,
5 routines and results. Sprint offered to sign a similar document in this case but
6 BellSouth refused this necessary solution. Thus, as I explain more fully below,
7 BellSouth's BACE model cannot be sufficiently reviewed and validated.
8 BellSouth's claims of non-impaired Mass Markets cannot be accepted for that
9 reason alone.

10
11 **Q. Please explain the BACE Model Input and Results Tables which are**
12 **restricted and unavailable for viewing and validation to external users.**

13 **A.** The BACE model uses four significant groupings of complex calculations. These
14 four groupings of calculations are the Price Process (P-Process), the Quantity
15 Process (Q-Process), the Revenues Process (R-Process) and the Operations and
16 Network Process (ON-Process). Within each process are input data tables which
17 are used in the model computations to develop the final output table. Many of the
18 referenced input data tables are not available to the user for input or viewing.
19 Numerous intermediate results tables and final results tables, which are used in
20 subsequent calculations, are also not available to the user for viewing. I will now
21 elaborate on each routine and the currently known deficiencies.

22 **Process (P-Process)**

23 The first routine in the BACE model process is the Price Process (P-Process).
24 Through the use of 5 data tables and 7 tasks, market prices are determined for the
25 5 main products offered. In addition, individual component prices are developed

1 for the bundles. Only 4 of the 5 input data tables are available to the external user
2 for input changes and viewing. The Baseline Product Price table is not available
3 for input changes or viewing. The Baseline Product Price table "defines the initial
4 prices of *à la carte* products by geographic area."¹ This table houses the starting
5 price for all products. BellSouth witness Dr. Aron refers to the data in this table
6 as coming from "...a pre-processing program..."² Tasks 2, 3 and 4 use this table
7 as a starting point to develop discounted product prices (task 2), prices over time
8 (task 3), and the individual component prices for bundles (task 4). It is an
9 unworkable repetitive and laborious task of trial and error to determine the impact
10 of input changes for discounts and prices over time since the user is unable to
11 know the starting price point. PMaster is the output data table for this routine.³
12 The PMaster results table is not available for review and thus cannot be validated.

13 Quantity Process (Q-Process)

14 The second routine in the BACE model process is the Quantity Process (Q-
15 Process). Through the use of 11 tables and 10 tasks, demand quantities for *à la*
16 *carte* products and bundled products are developed. Two of the tables are not
17 available for input and viewing by the user. The Exchange Demographics table is
18 not available for input changes or viewing. The Exchange Demographics table
19 contains "the customer population of each wire center. The wire center
20 population is divided into residence and four business segments described earlier.
21 This segmentation supports granular demand, pricing, market share
22 considerations, and revenue analysis."⁴ Based on this description, this table is

¹ The BellSouth Analysis of Competitive Entry Model-Methodology Manual, page 30.

² Direct Testimony of Debra Aron, December 4, 2003, page 23.

³ The BellSouth Analysis of Competitive Entry Model-Methodology Manual, page 32.

⁴ The BellSouth Analysis of Competitive Entry Model-Methodology Manual, page 33.

1 used to drive critical numbers surrounding demand, market share and revenue.
2 This table is the starting point for determining the year ten CLEC customer
3 counts, yet is unavailable for viewing. The Baseline Demand table is also not
4 available. This table has data regarding the expected initial demand for products
5 and services offered by the CLEC. Several intermediate results tables are created
6 and subsequently used throughout the 10 task routine of the Q-Process. None are
7 available for reviewing. These intermediate tables include BACE processing
8 table Q2 during task 1, BACE processing table Q4 during tasks 2, 3 and 6, BACE
9 processing table Q6 during task 6, BACE processing table Q3 during task 7.⁵
10 QMaster is the output data table for this routine.⁶ The QMaster results table is not
11 available for review and validation by external users.

12 **Revenue Process (R-Process)**

13 The third routine in the BACE model process is the R-Process (Revenue Process).
14 Through the use of 5 tables and 3 tasks, gross revenue is derived along with the
15 net present value of the revenue. Two of the 5 tables are not available for input
16 and viewing by external users. The PMaster results table and QMaster results
17 table, discussed earlier, are used as input tables to this routine. These tables are
18 not available for review as discussed earlier. RMaster is the output data table for
19 this routine. The RMaster results table is not available for review.

20 **Operations and Network Process (ON-Process)**

21 The fourth routine in the BACE model process is the Operations and Network
22 Process (ON-Process). Approximately 7 tables and approximately 27 tasks
23 calculate investments and operations costs associated with the CLEC network.

⁵ Direct Testimony of James W. Stegeman, December 4, 2003, pages 36-39.

⁶ The BellSouth Analysis of Competitive Entry Model-Methodology Manual, page 35.

1 The 7 referenced tables are available for input changes and viewing. However,
2 this routine uses the QMaster and RMaster tables that are developed in prior
3 routines and, as discussed earlier, are not available for review. Examples of the
4 use of the QMaster table include: "Results from the Q-Process that identify
5 demand (where appropriate) for each of the various levels of the product,
6 customer and location hierarchies provide the basis for establishing an
7 appropriately sized CLEC network architecture."⁷ "For non-capital cost records
8 that have a *Frequency* of Recurring or NonRecurring, BACE uses the demand
9 requirements in each year (from the Q-Process) based on the product, customer
10 and location hierarchies and the *UNEZone* and *RateCenter* entries in the Network
11 and Operations Cost Input tables."⁸ The RMaster results table is used in the
12 Optimization Phase of the ON-Process in determining whether an EEL or
13 Collocation is the most economic approach to the network architecture. The
14 RMaster results table is also used for any additional user flagged optimization.
15 BellSouth's decision to hide the QMaster and RMaster table results from external
16 users makes any independent verification and validation of the ON-Process
17 impossible.

18

19 **Q. Are the numerous hidden tables described above housed in a central**
20 **database within the BACE Model?**

21 **A. Apparently yes. Conversation with BellSouth witness James W. Stegeman**
22 **reveals the existence of a central database file within the BACE Model containing**
23 **extensive interim and final results tables. BellSouth, however, has chosen to**

⁷ The BellSouth Analysis of Competitive Entry Model-Methodology Manual, page 54.

⁸ The BellSouth Analysis of Competitive Entry Model-Methodology Manual, page 55.

1 password protect the file and has refused to allow distribution of the password
2 thus denying the external user access to over 1.0 Gigabyte of data inputs and
3 calculation results.

4
5 **Q. Can the external user review, trace, test and verify the calculations within the**
6 **BACE Model?**

7 A. No. Actual calculations within the BACE Model cannot be seen nor verified by
8 the external user. Rather, in place of viewable, functioning model calculations,
9 BellSouth has merely provided a soft copy document in the form of an Adobe
10 Acrobat (.pdf) file. The file cannot be printed and each page has 3 vertical lines
11 stating "Proprietary and Confidential" written across the code, therefore, making
12 it extremely difficult to read. There are references to variables and routines that
13 are not defined within the file. Without access to the password protected file
14 described directly above, a programmer cannot follow the field names that are
15 used in the code calculations, thus rendering the file, as is, effectively useless.

16
17 **Q. Has the BACE Model benefited from any previous public review and**
18 **scrutiny?**

19 A. No it has not. It is my understanding that this case is the first opportunity for the
20 BACE Model to undergo necessary peer review within the industry, thereby
21 making it all the more critical that complete and full access to the BACE model
22 inputs, calculations and results be afforded. BellSouth's filing falls far short of
23 what is required to complete a full and independent investigation.

24

1 **Q. Based on your experience with UNE and USF models, would you expect an**
2 **extremely complex first generation prototype model such the BACE model to**
3 **be error free?**

4 **A. No, I expect quite the opposite. Sprint has been an active industry sponsor of the**
5 **Benchmark Cost Model (BCM) leading to the Benchmark Cost Proxy Model**
6 **(BCPM) since the passage of the 1996 Telecommunications Act. Sprint has also**
7 **been very active in the critical review and validation of numerous other industry**
8 **UNE/USF models including the Hatfield model (evolving eventually to the HAI**
9 **model) and the FCC Hybrid Cost Proxy Model (HCPM). The BCM evolved over**
10 **four years and eight different model versions to its current "BCPM 3.1" state.**
11 **The Hatfield model included some fourteen model releases since its 1995**
12 **introduction. Similarly the FCC HCPM has been released at least 23 different**
13 **times since 1997. A large part of these model releases resulted from objective**
14 **external critical review efforts which identified errors and shortcomings in the**
15 **various model releases which required correction in order to generate reliable and**
16 **accurate results. All of this relevant industry experience instructs that this first**
17 **generation prototype BACE model could not be reasonably expected to be error-**
18 **free given the complete lack of objective external critical review at the juncture of**
19 **its first public filing.**

20
21 **Q. Do you have any other instructive examples of the need for, and benefits of,**
22 **full and objective industry peer review of complex cost models?**

23 **A. Yes. I have attached as Exhibit KWD-3 to this testimony a letter filed by**
24 **BellSouth in the UNE pricing Docket No. 990649A-TP. The letter describes the**
25 **numerous corrections needed to BellSouth's BSTLM loop cost model including,**

1 notably, several errors that surfaced as a result of external party review and
2 comment. It provides yet another validation that neither the BACE model nor the
3 non-impairment conclusions alleged by BellSouth can be relied upon, particularly
4 in light of the extreme lack of model access, disclosure and support for critical
5 inputs that I highlight in this testimony.

6
7 **BACE Model Collocation Costs are in Error**

8
9 **Q. Have you been able to perform any independent verification of the BACE**
10 **Model?**

11 **A. Yes. While the unreasonably limited access to critical BACE Model tables,**
12 **calculations, “optimization” routines and results makes a complete independent**
13 **review of the BACE Model impossible at this time, I have been able to perform**
14 **analysis which demonstrates significant errors in the area of Collocation and**
15 **EELs cost. As I will explain below, I have computed CLEC initial collocation**
16 **build-out costs and ongoing monthly collocation power consistent with**
17 **BellSouth’s assumed CLEC demand and then compared these figures to the**
18 **internally generated BACE Model costs for the same. The comparison shows the**
19 **BACE Model costs to be drastically understated (554% and 198% respectively).**
20 **This evidence of severely understated BACE Model collocation costs completely**
21 **taints the model’s Collocation/EELs “optimization” routine and ultimately renders**
22 **the financial results and BellSouth’s associated claims of 10 un-impaired mass**
23 **markets unreliable and invalid.**

24

Masterton, Susan S [CC]

From: Mays, Meredith [Meredith.Mays@bellsouth.com]
Sent: Tuesday, December 23, 2003 1:11 PM
To: Masterton, Susan S [CC]; michaeljhenry@att.com
Cc: Lackey, Douglas
Subject: RE: BACE Source Code
Susan and Mickey,

This email is in follow-up to requests that both of you have made for a visual basic version of the source code to the BACE model. This is not a request that BellSouth will comply with. It is BellSouth's position that the pdf version of the source code provides information that allows you to review the model, while protecting BellSouth's intellectual property. This is not an issue that would be resolved with a formal discovery request; filing such a request would be objected to by BellSouth.

I trust this email answers your questions on this matter,

Meredith Mays

-----Original Message-----

From: Masterton, Susan S [CC] [mailto:susan.masterton@mail.sprint.com]
Sent: Monday, December 22, 2003 11:21 AM
To: Mays, Meredith
Cc: Lackey, Douglas; michaeljhenry@att.com
Subject: RE: BACE Source Code

Meredith, Sprint's SMEs who have requested the BACE Model source code have told me that what they need, instead of what is provided below, is an executable, visual basic file (that is, something that will allow them to see the calculations and to change them if necessary). Will BellSouth provide that to Sprint without a formal discovery request? If so, are there any special conditions that BellSouth would believe necessary to impose, such as additional commercial protection language (in addition to the standard provisions of the parties' protective agreement)? Sprint would very much like to reach agreement with BellSouth concerning this request and obtain the information we are requesting, as soon as possible.

Thanks for your attention to this matter.

Susan Masterton
Attorney for Sprint

-----Original Message-----

From: Mays, Meredith [mailto:Meredith.Mays@bellsouth.com]
Sent: Monday, December 22, 2003 9:01 AM
To: michaeljhenry@att.com; Masterton, Susan S [CC]
Cc: Lackey, Douglas
Subject: BACE Source Code

In response to your recent requests, I am attaching the BACE source code. In addition, the source code is available on Costquest's web site. [REDACTED] To access this site, you will need to use the following user id and password information: [REDACTED]

Please note that BellSouth is providing you this information pursuant to the Protective Agreement between the parties and your disclosure of this information is governed by the terms of that Agreement. As such, you may forward this information only to those that have executed the required certificates and please be reminded to log those to whom you have forwarded this information consistent with paragraph 4 (B) (i) of the Agreement.

Meredith Mays
404-335-0750

"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers." 113

Sprint-Florida, Inc.
Docket No. 030851-TP
Exhibit KWD-2
Filed: January 7, 2004
Page 1 of 1

**Protective Agreement Provision
Sprint of Nevada's UNE Cost Model**

Protected Materials shall include, without being stamped "Confidential" or "Proprietary," Sprint's UNE cost model. Sprint's UNE cost model consists of, but is not limited to, the computer programming code in both Source Code (i.e., human-readable) and Object Code (i.e., machine-readable form). Allowing the parties to review and analyze Sprint's UNE cost model shall not be deemed in any manner as a grant of a license with respect to the UNE cost model and/or any components of the UNE cost model. Sprint provides its UNE cost model to the Parties subject to this Agreement, only to assist the Parties in their analysis in this proceeding. Sprint's UNE cost model may not be used by the Parties for any other purpose whatsoever.

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)
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In re: Implementation of requirements arising) Docket No. 030852-TP
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 Route-Specific Review for DS1, DS3 and)
 Dark Fiber Transport)
 _____)

SPRINT'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 28-30) TO BELL SOUTH TELECOMMUNICATIONS INC. IN DOCKET NO. 030851-TP AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-3) IN DOCKET NO. 030852-TP

Sprint Communications Limited Partnership and Sprint-Florida, Incorporated (collectively, "Sprint"), by and through its undersigned counsel, hereby serves its Second Request for Production of Documents (Nos. 28-30) in Docket No. 030851-TP and First Request for Production of Documents (Nos. 1-3) in Docket No. 030852-TP to BellSouth Telecommunications Inc. (BellSouth). These Requests for Production of Documents shall be served upon Sprint to Susan S. Masterton, Hand delivery: 1313 Blair Stone Road, Tallahassee, FL 32301, e-mail: susan.masterton@mail.sprint.com.

DEFINITIONS

"You," "your" or "BellSouth" refers to BellSouth Telecommunications Inc. and any parent or subsidiary corporations, DBAs, FKAs, and the employees, agents, representatives, or consultants of BellSouth Telecommunications Inc. or any parent or subsidiary corporations.

"Representative(s)" means those persons, past and present not in the direct employment of either Sprint or BellSouth, including outside counsel, who represent or represented the interests of Sprint or BellSouth in matters related to this proceeding.

"Employee(s)" means those persons in the direct employment of either Sprint or BellSouth, past and present.

"Person" and "persons" include individuals, firms, partnerships, associations, joint ventures, corporations, government entities, or other groups, however organized.

Each of the words "each," "any" and "all" means each, any, and all.

"Document" or "documentation" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, e-mail, facsimile ("fax"), cable, report, recording, contract, agreement, study, handwritten note, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing tape, disk, file stored on computer, or any other written, recorded, transcribed, punched tape, filmed or graphic matter, however produced or reproduced, which is in your possession, custody, control or otherwise accessible to you or which was, but is no longer, in your possession, custody or control.

"Identification" or "identify" when used in reference to: (i) a document other than a contract or agreement, means to state: (1) its date; (2) its author; (3) the type of document; (4) its title; (5) its present location; (6) the name of each of its present custodians; (ii) a contract or agreement, means: (1) state the date of its making; (2)

identify the parties thereto; (3) state whether the contract is oral or in writing; (4) state fully and precisely and separately all of the terms of said contract; (iii) a person other than an individual, means to state: (1) its full name; (2) its nature of organization, including the name of the state or country under the laws of which it was organized; (3) the address of its principal place of business; and (4) its principal line of business; (iv) a communication, requires you, if any part of the communications was written, to identify the document or documents which refer to or evidence the communication, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

“Possession, custody or control” includes actual and constructive possession. Any document which is not in your immediate physical possession, but to which you have or had a right to compel or secure production from a third person or which is otherwise subject to your control, shall be obtained and produced as directed.

“Relate to” means concern, consist of, refer to, pertain to, reflect, evidence, or to be in any way logically or factually connected with the matter discussed.

"And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these interrogatories anything that would not otherwise be brought within their scope.

“Concerning” shall mean comprising, describing, evidencing, referring to, responding to, quoting, or pertaining in any way to any part of a specified subject matter and/or to the contents or subject matter of any document including the specified subject matter.

“Communication” includes, without limitation of its generality, correspondence, statements, agreements, contracts, discussions, conversation, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as e-mail, intercoms, telephones, television or radio, data systems, and electronic reproductions and delivery systems.

“Act” refers to the Communications Act of 1934, as amended (including, without limitation, as amended by the Telecommunications Act of 1996).

“CLEC” means a local exchange carrier that is not an ILEC.

“FPSC” or “Commission” refers to the Florida Public Service Commission.

“ILEC” means an incumbent local exchange carrier as defined in 47 U.S.C., Section 251 (h).

“Sprint” refers to Sprint Communications Company Limited Partnership and/or Sprint-Florida, Incorporated.

“Telecommunications service” and “service” are used herein to have the same definitions contained in the federal and state statutes, rules and regulations.

“FCC” refers to the Federal Communications Commission.

The “BACE Model” also known as the “*BellSouth Analysis of Competitive Entry Model*” refers to the TRO Impairment Modeling developed for BellSouth by COSTQUEST Associates.

INSTRUCTIONS

This Request for Production of Documents is to be answered with reference to all information in your possession, custody or control or reasonably available to you. When the information requested by a request varies over time, state the response for each period of time as to which the response differs, and identify the time periods. If you cannot answer a request in full after exercising due diligence to secure all the information requested, or do not have precise information with regard to any part of a request, you should so state in your response, describing in full your efforts to obtain the information requested, and then proceed to respond to the fullest extent possible. If you object to any part of a request, answer all parts of the request to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

This Request for Production of Documents is continuing in nature to the extent required or permitted by the Florida Rules of Civil Procedure and the Commission's Rules and Regulations (collectively, "the Rules"). In the event you obtain additional information with respect to any request after it has been answered and for which supplementation is called for by the Rules, you are required to supplement your response promptly following receipt of such additional information, giving the additional information to the same extent as originally requested. If you are unwilling to supplement your responses, please state the basis for your refusal to supplement.

If any response required by way of answer to this Request for Production of Documents is considered to contain confidential or protected information, please furnish this information subject to the Protective Agreement entered into for this proceeding.

In the event you assert that any requested information is not available in the form requested, in your written response thereto, you should disclose the following:

a. The form in which the requested information currently exists (identifying documents by title or description); and

b. The earliest dates, time period, and location that representatives of Sprint may inspect your files, records or documents in which the information currently exists.

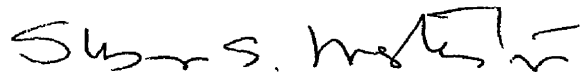
REQUESTS FOR PRODUCTION

28. Please provide the executable Visual Basic program that when compiled produces the BACE.exe file.

29. Please provide any ancillary files not previously provided that are necessary for the compilation of the executable program.

30. Please provide any passwords that allow full access to data tables, SQL or other password protected files that are necessary for the execution of the Visual Basic program and subsequent intermediate results and final results data.

Dated this 13TH day of January, 2003.



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