

ORIGINAL

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General Counsel - Florida

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January 23, 2004

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

RECEIVED-PTSC  
C. JAN 23 PM 4:26  
COMMISSION  
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Re: Docket No. 030852-TP

Dear Ms. Bayó:

Today, BellSouth Telecommunications, Inc. served its First Request for Admissions, First Set of Interrogatories (1-5) and First Requests for Production of Documents (1) to Adelpia Business Solutions d/b/a Telecove in the above referenced docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

RECEIVED & FILED

*Jh*  
EPSC-BUREAU OF RECORDS

Sincerely,

*Nancy B. White*  
Nancy B. White (CB)

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

523470

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
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DOCUMENT NUMBER-DATE  
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**CERTIFICATE OF SERVICE**  
**Docket No. 030852-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, Hand Delivery\* and FedEx® this 23<sup>RD</sup> day of January 2004 to the following:

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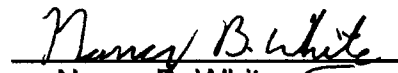
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Nancy B. White (C3)

**(+) signed protective agreement**  
**(\*) via Hand Delivery**  
**(⊗) via FedEx**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
From Federal Communications Commission ) Docket No. 030852-TP  
Triennial UNE review: Location Specific-Review )  
For DS1, DS3, and Dark Fiber Loops and ) Filed: January 23, 2004  
Route-Specific Review for DS1, DS3, and Dark )  
Fiber Transport )  
\_\_\_\_\_ )

**BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST  
REQUEST FOR ADMISSIONS, FIRST SET OF INTERROGATORIES (1-5) AND  
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS (1) TO ADELPHIA  
BUSINESS SOLUTIONS INVESTMENT LLC d/b/a TELCOVE, ADELPHIA BUSINESS  
SOLUTIONS OF JACKSONVILLE, INC. d/b/a TELCOVE**

BellSouth Telecommunications, Inc. ("BellSouth"), hereby serves the following discovery to ADELPHIA BUSINESS SOLUTIONS INVESTMENT LLC d/b/a TELCOVE, ADELPHIA BUSINESS SOLUTIONS OF JACKSONVILLE, INC. d/b/a TELCOVE.

**DEFINITIONS**

1. "BellSouth" means BellSouth Telecommunications, Inc., and its subsidiaries, their present and former officers, employees, agents, representatives, directors, and all other persons acting or purporting to act on behalf of BellSouth Telecommunications, Inc.
2. The terms "you" and "your" refer to TELCOVE.
3. TELCOVE means ADELPHIA BUSINESS SOLUTIONS INVESTMENT LLC d/b/a TELCOVE, ADELPHIA BUSINESS SOLUTIONS OF JACKSONVILLE, INC. d/b/a TELCOVE its predecessors in interest, parent(s), subsidiaries, affiliates, present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of TELCOVE.
4. The term "person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

5. The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of TELCOVE including, but not limited to, correspondence, memoranda, drafts, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files; and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term "document" further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

6. The term "communication" means any oral, graphic, demonstrative, telephonic, verbal, electronic, written or other conveyance of information, including, but not limited to, conversations, telecommunications and documents.

7. The term "referring or relating to" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

8. "And" and "or" as used herein 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 discovery requests any information that would otherwise not be brought within their scope.

9. The singular as used herein shall include the plural, and vice versa, and the masculine gender shall include the feminine and the neuter.

10. "Identify" or "identifying" or "identification" when used in reference to a natural person means to state:

- a) the full legal name of the person;
- b) the name, title and employer of the person at the time in question;
- c) the present or last known employer of such person;
- d) the present or last known home and business addresses of the person; and
- e) the present home address.

11. "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state:

- a) the full name of the person and any names under which it conducts business;
- b) the present or last known address of the person; and
- c) the present or last known telephone number of the person.

12. "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- a) the type of document (e.g., letter, memorandum, etc.);
- b) the date of the document;
- c) the title or label of the document;
- d) the Bates number or other identifier used to number the document for use in litigation;

- e) the identity of the originator;
- f) the identity of each person to whom it was sent;
- g) the identity of each person to whom a copy or copies were sent;
- h) a summary of the contents of the document;
- i) the name and last known address of each person who presently has possession, custody or control of the document; and
- j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

13. "Identify," "identifying" or "identity" when used in reference to a communication means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, the identity of the document(s) containing or referring to the communication.

14. "Business case" refers to any undertaking that analyzes or evaluates, among other things, the business value to be realized, the tangible and intangible benefits, the effect on business processes and people's jobs, the financials, the technology to be applied, and the risks, potential problems and rewards of a particular course of action. It is the process that would be undertaken prior to going into a particular business, or before undertaking a particular course of action in order to determine whether the actions taken would provide a positive business benefit, when balanced against the potential problems that might be incurred.



15. "ILEC" refers to Incumbent Local Exchange Carrier.
16. "Southeastern states" include the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.
17. "IRU" refers to an indefeasible right of use, or a type of arrangement that conveys a right that cannot be arbitrarily changed or altered.
18. "Dark fiber" refers to optical transmission facilities without attached electronics, through which no light is transmitted and no signal is carried.
19. "Dark fiber transport" refers to optical transmission facilities without activated electronics, through which no light is transmitted and no signal is carried.
20. "Optronics" refers to equipment, materials, and devices that are attached to dark fiber for the purpose of lighting the fiber to carry a signal to serve customers.
21. "Loop" refers to a transmission facility between a distribution frame (or its equivalent) and the loop demarcation point at an end-user customer premises. This definition is intended to include facilities between a switch, wire center, collocation, or point of interconnection and a customer's premises and is inclusive of both transmission facilities between an incumbent LEC central office and transmission facilities between non-ILEC wire centers and switches.
22. "DSO" refers to Digital Signal, level zero.
23. "DS1" refers to Digital Signal, level 1.
24. "MSA" refers to Metropolitan Statistical Area.
25. A "qualifying service" is a service as defined in 47 C.F.R. §51.5, as that rule is currently set forth in connection with the FCC's Triennial Review Order (TRO).

26. "High capacity" refers to transmission and loop facilities with a total digital signal speed of DS1 or higher.

27. "CLLI code" refers to the Common Language Location Identifier that identifies a specific physical location or specific piece of equipment at a physical location.

### **GENERAL INSTRUCTIONS**

1. If you contend that any response to any Interrogatory may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:

- a) the privilege asserted and its basis;
- b) the nature of the information withheld; and
- c) the subject matter of the document, except to the extent that you claim it is privileged.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.

3. If any Interrogatory cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

4. These interrogatories are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these interrogatories subsequently become known.

5. For each Interrogatory, provide the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer.

6. To the extent TELCOVE has previously provided a response to any Interrogatory, which prior response is responsive to any of the following Interrogatories, in Florida or any other state in proceedings in which BellSouth and TELCOVE are parties, TELCOVE need not respond to such Interrogatory again, but rather may respond to such Interrogatory by identifying the prior response to such Interrogatory by state, proceeding, docket number, date of response, and the number of such response. If such prior response does not respond to the Interrogatory contained below in its entirety, you should provide all additional information necessary to make your answers to these Interrogatories complete.

#### **ADMISSONS AND INTERROGATORIES**

1. Please admit that TELCOVE has deployed high capacity transport facilities to each of the central offices (identified by CLLI codes) listed in the confidential attachment.

2. Please admit that TELCOVE can route or transport traffic using TELCOVE's own facilities between any pair of central offices to which it has deployed high capacity transport facilities. This includes routing or transporting traffic directly between the central offices or indirectly through an intermediate aggregation point, such as TELCOVE's switch or the switch of another CLEC.

3. Please admit that TELCOVE has fiber based collocation arrangements at the central offices (identified by CLLI code) listed in the confidential attachment.

4. If TELCOVE has denied any of the previous Requests for Admissions, state all facts and identify all documents that support such denial.

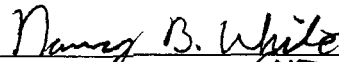
5. If TELCOVE has deployed any high capacity loop facilities in any of the Southeastern states, please provide the percentage of buildings where TELCOVE installed its own inside wiring, the percentage of buildings where TELCOVE is leasing inside wiring from another carrier, including the ILEC, and the percentage of buildings where TELCOVE is using inside wiring owned by the building owner. In each of these situations, please describe with specificity the cost paid for installing or leasing the inside wire in buildings.

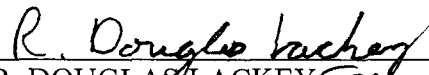
**REQUESTS FOR PRODUCTION**

1. Produce any documents identified above.

Respectfully submitted this 23rd day of January 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
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**CONFIDENTIAL**  
**ADELPHIA/TELCOVE**

FL	BCRTFLBT	ADELPHIA/TELCOVE
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FL	DLBHFLMA	ADELPHIA/TELCOVE
FL	DRBHFLMA	ADELPHIA/TELCOVE
FL	EGLLFLBG	ADELPHIA/TELCOVE
FL	FTLDFLCY	ADELPHIA/TELCOVE
FL	FTLDFLJA	ADELPHIA/TELCOVE
FL	FTLDFLMR	ADELPHIA/TELCOVE
FL	FTLDFLQA	ADELPHIA/TELCOVE
FL	FTLDFLPL	ADELPHIA/TELCOVE
FL	FTLDFLSG	ADELPHIA/TELCOVE
FL	FTLDFLWN	ADELPHIA/TELCOVE
FL	HLWDFLPE	ADELPHIA/TELCOVE
FL	HLWDFLWH	ADELPHIA/TELCOVE
FL	JCBHFLMA	ADELPHIA/TELCOVE
FL	JCVLFLAR	ADELPHIA/TELCOVE
FL	JCVLFLBW	ADELPHIA/TELCOVE
FL	JCVLFLCL	ADELPHIA/TELCOVE
FL	JCVLFLJT	ADELPHIA/TELCOVE
FL	JCVLFLNO	ADELPHIA/TELCOVE
FL	JCVLFLRV	ADELPHIA/TELCOVE
FL	JCVLFLSJ	ADELPHIA/TELCOVE
FL	JCVLFLSM	ADELPHIA/TELCOVE
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FL	ORLDFLAP	ADELPHIA/TELCOVE
FL	ORLDFLCL	ADELPHIA/TELCOVE
FL	ORLDFLMA	ADELPHIA/TELCOVE
FL	ORLDFLPC	ADELPHIA/TELCOVE
FL	ORLDFLPH	ADELPHIA/TELCOVE
FL	ORLDFLSA	ADELPHIA/TELCOVE
FL	PMBHFLFE	ADELPHIA/TELCOVE
FL	PMBHFLMA	ADELPHIA/TELCOVE
FL	TTVFLFLMA	ADELPHIA/TELCOVE
FL	WPBHFLAN	ADELPHIA/TELCOVE

FL	WPBHFLGA	ADELPHIA/TELCOVE
FL	WPBHFLGR	ADELPHIA/TELCOVE
FL	WPBHFLRB	ADELPHIA/TELCOVE