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February 25, 2004

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

Re: Docket No. 030852-TP
Implementation of requirements arising from Federal Communications
Commission's Triennial UNE Review: Location-Specific Review for DS1, DS3, and
Dark Fiber Loops, and Route-Specific Review for DS1, DS3, and Dark Fiber
Transport

Dear Ms. Bayo:

Please find enclosed an original and 15 copies of Verizon Florida Inc.'s Motion to Compel AT&T Loop Discovery for filing in the above matter. Service of the Motion has been made as indicated on the Certificate of Service. An additional copy of the Motion has been included to be file stamped and returned to the person filing the Motion. If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Chapkis / RC".

Richard A. Chapkis
Vice President & General Counsel –
Southeast Region

RAC:mbc
Enclosures

DOCUMENT NUMBER-DATE

02783 FEB 25 04

FPSC-COMMISSION CLERK

EXHIBIT ONE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising) Docket No. 030852-TP
from Federal Communications Commission's) Filed: February 2, 2004
triennial UNE Review: Location-Specific)
Review for DS1, DS3, and Dark Fiber Loops)
and Route-Specific Review for DS1, DS3 and)
Dark Fiber Transport)
_____)

**VERIZON FLORIDA INC.'S
SECOND REQUEST FOR ADMISSIONS (NO. 3),
SECOND SET OF INTERROGATORIES (NOS. 25-27) AND
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 12) TO
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC**

Verizon Florida Inc. ("Verizon") hereby requests that AT&T Communications of the Southern States, LLC ("Respondent" or "AT&T") respond to the following Combined Requests for Admission, Interrogatories, and Production of Documents (collectively, "Requests"). These Requests are to be answered by the Respondent's corporate officers, employees, or agents who know the requested information and are authorized to respond on behalf of Respondent, with said answers being served upon Verizon within 20 calendar days of service of these Requests pursuant to Order No. PSC-03-1265-PCO-TP. These Requests are continuing in nature and therefore require Respondent to submit supplemental answers or documents should additional responsive information become known or documents supplied in response prove to be incorrect or defective.

I. INSTRUCTIONS

A. If you object to any part of a Request, answer all parts of such Request to which you do not object, and as to each part to which you do object, set forth the specific basis for the objection.

B. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a Request contained in a non-written communication, state the following with respect to the non-written communication:

1. The date;
2. The identity of each of the participants in the non-written communication;
3. The identity of each person present during all or any part of the non-written communication;
4. A description of the non-written communication that is sufficient to identify the particular communication without revealing the information for which a privilege or protection from non-disclosure is claimed;
5. The nature of your claim of non-discoverability (e.g., attorney-client privilege); and
6. Each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Verizon to make a full determination as to whether your claim is valid.

C. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a Request contained in a document, set forth with respect to the document:

1. The date and number of pages;

2. The identity of the author(s) or preparer(s);
3. The identity of the addressee, if any;
4. The title;
5. The type of tangible thing (e.g., letter, memorandum, telegram, chart, report, recording disc);
6. The subject matter (without revealing the information as to which privilege or protection from non-disclosure is claimed);
7. The identity of each person who has received the document or to whom knowledge of the contents of the document was communicated;
8. The identity of the present custodian(s);
9. The nature of your claim of non-discoverability (e.g., attorney-client privilege); and
10. The facts on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Verizon to make a full determination as to whether your claim is valid.

D. On each Request response, list the name and title of the person or persons who prepared the response or who is responsible for the information contained therein.

II. DEFINITIONS

As used in these Requests, the following terms have the meaning as set forth below:

A. The terms "your company" shall include all of your subsidiaries and affiliates, including without limitation all former and present officers, attorneys, servants, agents, and representatives. For example, a request to AT&T includes without limitation TCG, and a request to MCI or WorldCom includes without limitation Intermedia.

B. The term "Verizon" shall include former GTE, including without limitation all former and present officers, attorneys, servants, agents, and representatives.

C. The terms "relates to" or "relating to" mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.

D. The term "including" means "including, but not limited to."

E. The terms "document" or "documents" shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, papers, files, books, contracts, contract amendments or supplements, contract

offers, and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media.

F. The term "date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.

G. The term "person" or "persons" means and includes any individual, committee, task force, division, department, company, contractor, state, federal or local government agency, corporation, firm, association, partnership, joint venture or any other business or legal entity.

H. The terms "identify" and "identity" when used with reference to a natural person mean to state his or her full name, present or last known address, present or last known telephone number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.

I. The terms "identify" and "identity" when used with respect to any other entity mean to state its full name, the address of its principal place of business and the name of its chief executive officers.

J. The terms "identify" and "identity" with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s)

who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in Respondent's possession or subject to its control, state what disposition was made of it and explain the circumstances surrounding, and the authorization, for such disposition, and state the date or approximate date thereof.

K. The terms "identify" and "identity" with respect to any non-written communication mean to state the identity of the natural person(s) making and receiving the communication, their respective principals or employers at the time of the communication, the date, manner and place of the communication, and the topic or subject matter of the communication.

L. The terms "and" and "or" have both conjunctive and disjunctive meanings as necessary to bring within the scope of the Requests.

M. The terms "transport services" or "transport facilities" include but are not limited to transport services or facilities that directly or indirectly connect a Verizon wire center or switch to another Verizon wire center or switch.

III. INTERROGATORIES

25. In connection with AT&T's responses to the Florida Public Service Commission Staff's Data Request Loop Questions, please answer the following:

- a. For each location where AT&T indicated that it cannot serve all customer at that location:
 - (i) Explain how AT&T has terminated its fiber to serve the customer at that location.

- (ii) Explain the circumstances at that location that cause AT&T not to have access to the entire customer location, including each individual unit within that location.
 - b. Identify the number of strands of fiber optic cables deployed to the location, the number that are dark, and the number that are lit.
26. Provide a list of the customer locations to which you have obtained high-capacity loop facilities or services from a supplier other than an ILEC (including wholesale providers and non-certificated providers), as well as the address of each location.
27. For each of the facilities identified in response to Interrogatory No. 26, please provide the following information:
- a. The suppliers from whom you have obtained those facilities.
 - b. The capacity or capacities (e.g., DS-1, DS-3, voice-grade equivalent lines) obtained to each location.

Form for Response to Interrogatories 26 and 27		
Customer Locations Currently Served with Self-Deployed High-Capacity Loop Facilities		
Customer Address (Street, City, Zip)	Supplier	Capacity
[use as many lines as needed]		

IV. REQUEST FOR ADMISSIONS

3. Please admit that AT&T typically deploys two 24-strand fiber optic cables to each building location to which it has deployed loop facilities.

V. REQUEST FOR DOCUMENTS

12. Please provide any and all documents that describe, discuss or relate to any fiber loop facilities that AT&T offers to other carriers.

EXHIBIT TWO

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission's) Docket No. 030852-TP
triennial UNE review: Location-Specific Review)
for DS1, DS3 and Dark Fiber Loops, and Route-) Filed: February 23, 2004
Specific Review for DS1, DS3 and Dark Fiber)
Transport.)

AT&T'S RESPONSES TO VERIZON'S
SECOND REQUEST FOR ADMISSIONS (NO. 3),
SECOND SET OF INTERROGATORIES (NOS. 25-27) AND
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 12)

AT&T Communications of the Southern States, LLC ("AT&T") pursuant to Rule 28.106-206, Florida Administrative Code, Rule 1.340, Florida Rules of Civil Procedure and Order No. PSC-03-1055-PCO-TP, issued in this docket on September 22, 2003, hereby files its Responses to Verizon's Second Request for Admissions, Second Set of Interrogatories (Nos. 25-27) and Second Request for Production of Documents (No. 12) as follows:

AT&T's Responses to Verizon's Second Request for Admissions
Second Set of Interrogatories (Nos. 25-27); and
Second Request for Production of Documents
Docket 030852-TP
February 23, 2004

RESPONSES TO REQUEST FOR ADMISSIONS

REQUEST: Verizon Request For Admission

DATED: February 2, 2004

Request for Admission No. 3: Please admit that AT&T typically deploys two 24-strand fiber optic cables to each building location to which it has deployed loop facilities.

Response: AT&T cannot admit to this statement. AT&T has variously deployed a number of different configurations of one or two cables having 12 or 24 fiber strands per cable.

RESPONSES TO INTERROGATORIES

- REQUEST: Verizon's 2nd Set of Interrogatories
- DATED: February 2, 2004
- Interrogatory No 25: In connection with AT&T's responses to the Florida Public Service Commission Staff's Data Request Loop Questions, please answer the following:
- a. For each location where AT&T indicated that it cannot serve all customer at that location:
 - (i) Explain how AT&T has terminated its fiber to serve the customer at that location.
 - (ii) Explain the circumstances at that location that cause AT&T not to have access to the entire customer location, including each individual unit within that location.
 - b. Identify the number of strands of fiber optic cables deployed to the location, the number that are dark, and the number that are lit.
- Response:
- a. The information AT&T provided to the FPSC Staff AT&T did not include any such indications.
 - b. AT&T has no information responsive to this Interrogatory.

AT&T's Responses to Verizon's Second Request for Admissions
Second Set of Interrogatories (Nos. 25-27); and
Second Request for Production of Documents
Docket 030852-TP
February 23, 2004

REQUEST: Verizon's Second Set of Interrogatories

DATED: February 2, 2003

Interrogatory 26: Provide a list of the customer locations to which you have obtained high-capacity loop facilities or services from a supplier other than an ILEC (including wholesale providers and non-certificated providers), as well as the address of each location.

Response: AT&T has not obtained high capacity loop facilities or services from a supplier other than an ILEC.

AT&T's Responses to Verizon's Second Request for Admissions
Second Set of Interrogatories (Nos. 25-27); and
Second Request for Production of Documents
Docket 030852-TP
February 23, 2004

REQUEST: Verizon's First Set of Interrogatories

DATED: February 2, 2003

Interrogatory 27: For each of the facilities identified in response to Interrogatory No. 26, please provide the following information:

<i>Form for Response to Interrogatories 26 and 27</i>		
Customer Locations Currently Served with Self-Deployed High-Capacity Loop Facilities		
Customer Address (Street, City, Zip)	Supplier	Capacity
[use as many lines as needed]		

Response: See Response to Interrogatory No. 26.

RESPONSES TO REQUEST FOR PRODUCTION

REQUEST: Verizon's Second Request for Production of Documents

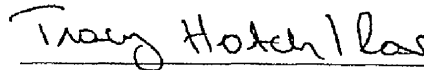
DATED: February 2, 2004

POD No. 12: Please provide any and all documents that describe, discuss or relate to any fiber loop facilities that AT&T offers to other carriers.

Response: AT&T does not offer wholesale loop facilities to other carriers and therefore has no documents to provide.

AT&T's Responses to Verizon's Second Request for Admissions
Second Set of Interrogatories (Nos. 25-27); and
Second Request for Production of Documents
Docket 030852-TP
February 23, 2004

SUBMITTED this 23th day of February, 2004.



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Attorney for AT&T Communications of the
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Florida

EXHIBIT THREE

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

<p>Order Instituting Rulemaking on the Commission's Own Motion Into Competition for Local Exchange Service.</p>	<p>R.95-04-043</p>
<p>Order Instituting Investigation on the Commission's Own Motion Into Competition for Local Exchange Service.</p>	<p>(Triennial Phase) I.95-04-044</p>

STIPULATION IN CONNECTION WITH DATA REQUEST 3.1(b) TO VERIZON CALIFORNIA INC.'S (U 1002 C) THIRD SET OF DATA REQUESTS OF AT&T COMMUNICATIONS OF CALIFORNIA, INC., TCG LOS ANGELES (U 5462 C), TCG SAN DIEGO (U 5389 C), AND TCG SAN FRANCISCO (U 5462 C)

AT&T Communications of California, Inc., et. al ("AT&T") stipulate, solely for purposes of this proceeding, that they have dark fiber strands in combination with lit fiber at each building for which Verizon contends the California Public Utilities Commission ("CPUC") should find that there is no impairment (see Testimony of Orville D. Fulp and John White, dated December 30, 2003, Attachment G) and that also is identified in AT&T's spreadsheet responses to the CPUC's October 22, 2003 Data Request on High Capacity Loops. Verizon agrees that this answer satisfies its Data Request 3.1(b) for purposes of this proceeding.

AT&T COMMUNICATIONS OF CALIFORNIA, INC
TCG LOS ANGELES (U 5462 C)
TCG SAN DIEGO (U 5389 C)
TCG SAN FRANCISCO (U 5462 C)

By: 
Gregory H. Hoffman

Attorney for AT&T Communications of California, Inc.

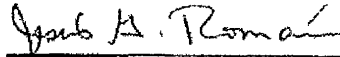
795 Folsom Street, Room 2161
San Francisco, CA 94107
415.442.3776
281.664.9946 (Fax)

Dated: February 11, 2004

12

VERIZON CALIFORNIA INC.

By:



JESUS G. ROMAN

Attorney for Verizon California Inc.
112 Lakeview Canyon Road
San Francisco, CA 91362



795 Folsom St., 2nd Floor
San Francisco, CA 94107

FAX

Date: February 13, 2004

Number of pages including cover sheet: 3

To:

Jesus Roman

Verizon

Phone: 805-372-6233

Fax phone: 805-373-7515

CC:

From:

Greg Hoffman, Esq.

AT&T

Phone: 415-442-3779

Fax phone: 281-664-9946

REMARKS: Urgent For your review Reply ASAP Please comment

Confidentiality Notice

This facsimile transmission cover sheet, and any documents which may accompany it, contains information from AT&T which is intended for the use of the individual or entity to which it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, any disclosure, dissemination, distribution, or copying or other use of this communication or its substance is prohibited. If you have received this communication in error, please immediately notify us by telephone to arrange for the destruction of the communication of the communication or its return to us at our expense. Thank you.

If you experience any problems receiving this transmission, please call Agnes Ng at 415-442-5557.

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements)	
arising from Federal Communications)	Docket No. 030852-TP
Commission's Triennial UNE Review:)	
Location-Specific Review for DS1, DS3)	Filed: February 25, 2004
and Dark Fiber Loops, and Route-Specific)	
Review for DS1, DS3 and Dark Fiber)	
Transport)	

VERIZON FLORIDA INC.'S MOTION TO COMPEL AT&T LOOP DISCOVERY

Pursuant to Rules 28-106.204 and 28-106.206 of the Florida Administrative Code and Rules 1.280 and 1.380 of the Florida Rules of Civil Procedure, Verizon Florida Inc. ("Verizon"), by and through its undersigned counsel, hereby submits this Motion to Compel Discovery requesting the Florida Public Service Commission ("Commission") to order AT&T Communications of the Southern States ("AT&T") to respond fully and completely to Verizon's Second Request for Admissions (No. 3), Second Set of Interrogatories (Nos. 25-27) ("Interrogatories") and Second Request for Production of Documents (No. 12) (collectively, "Verizon's Second Set") (Exhibit 1). Verizon served AT&T with these discovery requests, which concern AT&T's loop facilities in Florida, on February 2, 2004. On February 23, 2004, AT&T filed Responses to Verizon's Second Set ("Responses") (Exhibit 2). Verizon here specifically seeks a complete response by AT&T to Interrogatory No. 25(b).

Pursuant to Rule 28-106.204(3), Verizon has conferred with AT&T regarding this motion: counsel for AT&T indicated that he would look into the particular issue raised by Verizon. However, because today (February 25, 2004) is the discovery cut-off for this case, Verizon is filing this motion to preserve its right to complete responses from AT&T to Verizon's

Second Set. In the event AT&T provides additional information or makes further representation regarding its loop facilities, Verizon will assess whether to withdraw this motion.

Verizon's Interrogatory No. 25 states:

In connection with AT&T's responses to the Florida Public Service Commission Staff's Data Request Loop Questions, please answer the following:

- a. For each location where AT&T indicated that it cannot serve all customer [sic] at that location:
 - (i) Explain how AT&T has terminated its fiber to serve the customer at that location.
 - (ii) Explain the circumstances at that location that cause AT&T not to have access to the entire customer location, including each individual unit within that location.
- b. Identify the number of strands of fiber optic cables deployed to the location, the number that are dark, and the number that are lit.

In response to (b), AT&T stated as follows: "AT&T has no information responsive to this Interrogatory."

AT&T should not be allowed to evade basic discovery about its loop facilities through the highly suspect contention that it has "no" responsive information. Critically, Interrogatory 25(b) asks AT&T to identify the number of strands of fiber optic cables deployed, the number that are dark, and the number that are lit *at all customer locations* identified on AT&T's responses to the Florida Public Service Commission staff's data requests. Certainly AT&T must have *some* records containing information responsive to this request. For example, AT&T should be able identify whether it has dark fibers going to these locations. Indeed, AT&T provided information about its dark fiber deployments in response to similar discovery in other

states. At a minimum, AT&T should be made to stipulate that it has dark fiber in each building at its customer locations, as it did in California (Exhibit 3).¹

By all appearances, AT&T has not been fully forthcoming in response to Verizon's Interrogatory 25(b). AT&T should be made to provide a full and complete response to this question.

CONCLUSION

For the foregoing reasons and in light of the impending discovery cut-off on February 25, 2004 and subsequent hearings beginning March 3, 2004, the Commission should order AT&T immediately to provide full and complete responses to Verizon's Second Set, including specifically Interrogatory 25(b).

Respectfully submitted,

Verizon Florida Inc.

By: Richard A. Chapkis / r/c

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Counsel for Verizon Florida Inc.

February 25, 2004

¹ The California stipulation, which states that it was made "solely for purposes of [the California] proceeding," clearly does not apply to this proceeding. However, Verizon suggests that it is indicative of AT&T's network and the information it has available regarding its loop facilities.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of Verizon Florida Inc.'s Motion to Compel AT&T Loop Discovery in Docket No. 030852-TP were sent via electronic mail and U.S. mail on February 25, 2004 to:

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