

Meredith Mays
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BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0750

March 9, 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

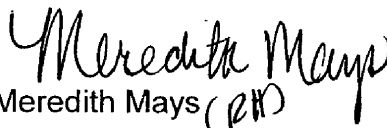
Re: Docket No. 030829-TP (FDN Complaint)

Dear Ms. Bayó:

Today, BellSouth Telecommunications, Inc. served its First Request for Admission, First Set of Interrogatories (Nos. 1-28), and First Request for Production of Documents (1-2) to FDN 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.

Sincerely,


Meredith Mays (pm)

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

530422

DOCUMENT NUMBER-DATE

03332 MAR-9 8

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 030829-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, Hand Delivery* and/or Fedex this 9th day of March, 2004 to the following:

Linda Dodson*
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ldodson@psc.state.fl.us

Matthew Feil (+)
Scott Kassman(+)
FDN Communications
2301 Lucien Way
Suite 200
Maitland, FL 32751
Tel. No. 407 835-0460
Fax No. 407 835-0309
mfeil@mail.fdn.com
skassman@mail.fdn.com


Meredith E. Mays

**(+) signed Protective Agreement
(*) Hand Delivery**

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In Re:)	
)	
Complaint of FDN Communications for)	Docket No. 030829-TP
Resolution of Certain Billing Disputes)	
And Enforcement of UNE Orders and)	Filed: March 9, 2004
Interconnection Agreements with)	
BellSouth Telecommunications, Inc.)	
)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
FIRST REQUESTS FOR ADMISSION,
FIRST SET OF INTERROGATORIES (NOS. 1 – 28),
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (1 - 2)
TO FDN COMMUNICATIONS**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 28.106-206, Florida Administrative Code, Rule 1.340, Florida Rules of Civil Procedure and Order No. PSC-04-0121-PCO-TP, issued in this docket on February 4, 2004, hereby serves its First Request for Admissions, First Interrogatories, and First Request for Production of Documents to FDN Communications ("FDN").

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 FDN.
3. "FDN" means FDN Communications and its subsidiaries, present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of FDN.
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 FDN, 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.

GENERAL INSTRUCTIONS

1. If you contend that any response to any discovery request 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 discovery request cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

4. These discovery requests 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 or Request for Admission, provide the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer.

INTERROGATORIES AND REQUESTS FOR ADMISSION

1. Referring to paragraph 6 of the Amended Complaint, describe the circumstances when “FDN has initiated the disconnect request because of FDN’s own or its own customers’ needs”. Explain with particularity the types of disconnect nonrecurring orders as well as the disconnect nonrecurring charges that FDN *does not* dispute. Your explanation should include a description of the specific types of orders that FDN submits.

2. Referring to paragraph 6 of the Amended Complaint and referring also to the Introduction section of FDN's Answer to BellSouth's Counterclaim filed on January 6, 2004 ("Answer"), describe with specificity the circumstances in which "FDN is the cost-causer." State all facts and identify all documents that refer or relate to the statement that "FDN accepts paying the disconnect fees when FDN is the cost-causer." State all facts and identify all documents that support your contention that "FDN is not the cost-causer in the disputes at bar."

3. Describe with particularity the types of disconnect nonrecurring charges that FDN disputes. Your description should include a description of the specific types of orders that FDN disputes.

4. Please admit that FDN is not contesting the disconnect nonrecurring *rate*.

5. If the foregoing Request for Admission is denied, state all facts and identify all documents that support such denial.

6. Please admit that FDN prefiled testimony in Docket No. 990649-TP, which included recommended nonrecurring disconnect rates.

7. If the foregoing Request for Admission is denied, state all facts and identify all documents that support such denial.

8. Please admit that FDN filed a prehearing statement in Docket No. 990649-TP, which included recommended nonrecurring disconnect rates.

9. If the foregoing Request for Admission is denied, state all facts and identify all documents that support such denial.

10. Referring to paragraph 7(a) of the Amended Complaint, describe with specificity how BellSouth "gets the benefit of" a port back transaction in which an FDN end user customer

transfers service to another carrier, such as AT&T. Explain how such a transaction varies from a BellSouth end user customer transferring service to FDN.

11. Referring to paragraph 6 of the Amended Complaint, does FDN ever “order through” BellSouth?

12. Please describe with specificity how “disconnecting the FDN loop” in the situation in which an FDN end user transfers service to BellSouth or another carrier is “just as much a part of the cutover process” if this Commission ordered separate installation and disconnect rates.

13. Please admit that FDN waives retail installation charges to its end user customers on occasion.

14. If the foregoing Request for Admission is denied, state all facts and identify all documents that support such denial.

15. Please admit that when FDN waives retail installation charges to its end user customers that are transferring service from BellSouth, BellSouth charges FDN nonrecurring installation charges.

16. If the foregoing Request for Admission is denied, state all facts and identify all documents that support such denial.

17. Referring to Paragraph 28(a) of the Amended Complaint describe with specificity the “industry cost causation principles” referred to. State all facts and identify all documents, including providing specific references to language in any regulatory decision that addresses such “industry cost causation principles.”

18. Referring to FDN's Answer, state all facts and identify all documents that support your contention that "FDN never agreed to pay BellSouth disconnect . . . NRCs in situations where customers port their service back to BellSouth."

19. Referring to FDN's Answer, state all facts and identify all documents that support your contention that "the parties' interconnection agreements do not address how or when the disconnect charge is applied." Include specific citations to any provisions in the interconnection agreements that support this contention.

20. Referring to FDN's Answer, state all facts and identify all documents that support your contention that "the issue of how and when the disconnect fees apply was never litigated, much less determined, by the Commission in the UNE docket (Docket No. 990649A)."

21. Referring to Order No. PSC-98-0604-FOF-TP (page 69) admit that the Florida Public Service Commission has ordered that "disconnect costs shall not be included in the non-recurring installation charges."

22. If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to any and all language in regulatory decisions that support such denial.

23. Is it FDN's contention that the issue of how and when disconnect fees was never litigated or determined by the Commission in Order No. PSC-98-0604-FOF-TP? State all facts and identify all documents, including providing specific references to any and all language in Order No. PSC-98-0604-FOF-TP that supports your answer.

24. FDN's Answer at page 5 refers to "disconnect charges in a winback situation." FDN's Amended Answer refers to "attempting to recover costs associated with disconnecting loops . . . ported to some other carrier ordering through BellSouth" Is FDN suggesting that

a customer that transfers service from FDN to another carrier is a winback for BellSouth? State all facts and identify all documents that support your answer.

25. FDN's Answer at paragraph 17 denies that this matter "relate[s] solely to situations in which customers have ported their service back to BellSouth." Concerning the disconnect charges that FDN has disputed, what approximate proportion of the charges relate to situations in which customers have ported their service back to BellSouth? What approximate proportion of the charges relate to situations in which customers have ported their service to another carrier? If there are other types of disconnect charges in dispute, please provide the approximate proportion of the charges that related to other situations and state what such situations are.

26. Please admit that if the Commission had modified the UNE rate zones such that Zone 2 wire centers were moved to Zone 1 wire centers, that FDN would not have contested BellSouth's immediate implementation of such a zone structure.

27. If the foregoing Request for Admission is denied, state all facts and identify all documents that support such denial.

28. Please state whether the total amounts in dispute for both disconnection orders and the UNE zone changes remain approximately \$100,000.00 and \$85,000.00. If not, please state the amount currently in dispute. If FDN contends that the amounts in dispute accrue on a monthly basis, provide the approximate amount of such monthly accrual.

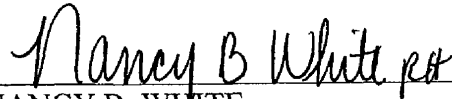
REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents identified in your responses to the foregoing Interrogatories and Requests for Admission.

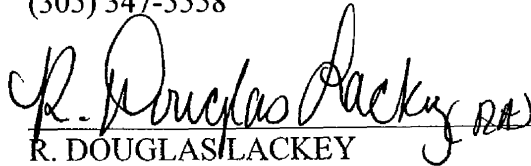
2. Please produce copies of all documents referring or relating to FDN's dispute of the disconnect charges and charges relating to the implementation of rate zone changes.

Respectfully submitted this 9th day of March, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



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