

ORIGINAL

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March 10, 2004

RECEIVED FPSC
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COMMISSION
CLERK

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

Re: Docket No. 030300-TP (Petition of the Florida Public Telecommunications Association for Expedited Review of BellSouth Telecommunications Inc.'s Tariffs With Respect to Rates for Payphone Line Access, Usage, and Features)

Dear Ms. Bayó:

Today, BellSouth Telecommunications, Inc.'s served its First Set of Interrogatories/Admissions (Nos. 1-36), First Request for Production of Documents to FPTA, which we ask that you file in the captioned matter.

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 E. Mays
Meredith E. Mays (RM)

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

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DOCUMENT NUMBER-DATE

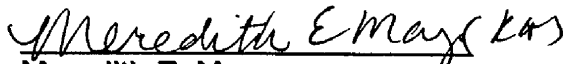
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**CERTIFICATE OF SERVICE
DOCKET NO. 030300-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, Hand Delivery* and FedEx this 10TH day of March, 2004 to the following:

Lee Fordham*
Staff Counsel
Florida Public Service
Commission
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abgreen@angelabgreen.com


Meredith E. Mays

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

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In Re:)	
)	
Petition of Florida Public Telecommunications Association for Expedited Review of BellSouth Telecommunications, Inc.'s Tariffs With respect to Rates for Payphone Line Access, Usage, and Features)	Docket No. 030300-TP
)	Filed: March 10, 2004
)	
)	
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**BELLSOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES/ADMISSIONS (NOS. 1 – 36),
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (1 - 2)
TO FLORIDA PUBLIC TELECOMMUNICATIONS ASSOCIATION**

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-03-1066-PCO-TP, issued in this docket on September 24, 2003, hereby serves its First Request for Admissions, First Interrogatories, and First Request for Production of Documents to Florida Public Telecommunications Association ("FPTA").

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 FPTA.
3. "FPTA" means Florida Public Telecommunications Association and its subsidiaries, present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of FPTA.
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 FPTA, 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. Please provide a full listing of all current FPTA individual member companies, including the legal name and any trade names or “doing business as” names of each individual member company.

2. Please provide a full listing of all FPTA individual member companies as of January 20, 1999, including the legal name and any trade names or “doing business as” names of each individual member company.

3. Please state the approximate percentage of pay telephone service providers in Florida currently represented by the FPTA.

4. Please state the approximate percentage of pay telephone access lines in Florida that are owned and/or operated by FPTA members.

5. Referring to Paragraph 6 of the Petition filed in March 26, 2003 ("Petition"), state all facts and identify all documents that support your contention that "since the effective date of Docket 970281-TL, BellSouth's costs to provide PTAS have consistently decreased."

6. Referring to Paragraph 8 of the Petition, how many public pay telephones throughout Florida do FPTA members currently own and operate?

7. Referring to Paragraph 8 of the Petition, how many public pay telephones throughout do FPTA members currently own and operate in BellSouth's serving territory in Florida?

8. Please describe with particularity how FPTA is funded; including, but not limited to, a description of the financial contributions and percentages of contributions made by each individual FPTA member.

9. Please list the names, titles, and business addresses of the officers, directors, and management employees of FPTA. State also whether each officer, director, and management employee is affiliated with an individual member company of FPTA; if so, provide the title and name of the individual member company.

10. Of the FPTA members, state how many members (or the approximate percentage) currently purchase retail payphone access lines from BellSouth?

11. Of the FPTA members, state how many members (or the approximate percentage) currently purchase retail payphone access lines from CLECs?

12. Of the FPTA members, state how many members (or the approximate percentage) purchased retail payphone access lines from BellSouth in January 1999?

13. Of the FPTA members, state how many members (or the approximate percentage) purchased retail payphone access lines from CLECs in January 1999?

14. Referring to Paragraph 13 of the Petition, state all facts and identify all documents that support your contention that “FPTA members . . . compete with BellSouth . . .”

15. Referring to Paragraph 22 (a) of the Petition, state all facts and identify all documents that support your contention that “BellSouth’s PTAS rates preclude the ‘widespread deployment’ of pay telephones”

16. Referring to page 4 of the Direct Testimony of Bruce Renard state all facts and identify all documents that support your contention that “the excessive rates charged today by BellSouth have greatly reduced the availability of payphone service”

17. Referring to page 4 of the Direct Testimony of Bruce Renard state all facts and identify all documents that support your contention that “the requested relief will meaningfully promote the continued widespread availability of payphone service.”

18. State all facts and identify all documents, including providing specific references to language in any regulatory decision that supports your contention that this Commission has the authority to order refunds.

19. Referring to page 9 of the Direct Testimony of Bruce Renard state all facts and identify all documents, including providing specific references to language in any regulatory decision, that support your contention that “Congress and the FCC have recognized that this economic decline in the industry has significantly intensified the need for sharp reductions in costs payphone service providers pay for access service.”

20. Referring to pages 10-11 of the Direct Testimony of Bruce Renard, has any analysis, study, or evaluation been conducted by, on behalf of, or at the direction of Mr. Renard concerning “a significant rate reduction and a refund of past overcharges will have a direct effect on the number of installed payphones in Florida.” If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

21. Referring to page 12 of the Direct Testimony of Bruce Renard, has any analysis, study, or evaluation been conducted by, on behalf of, or at the direction of Mr. Renard concerning “PSPs will be forced to remove a large number of payphones in rural, high cost and less populated areas, and increase rates for local coin calls at the phones in those area.” If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

22. Referring to pages 10-11 of the Direct Testimony of Bruce Renard, has any analysis, study, or evaluation been conducted by, on behalf of, or at the direction of Mr. Renard concerning “more and more payphones will be removed from service.” If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

23. Referring to pages 5-6 of the Rebuttal Testimony of Bruce Renard, is it the FPTA’s contention that this Commission has equitable jurisdiction? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents that support your answer.

24. Referring to page 5 of the Rebuttal Testimony of Bruce Renard, state all facts and identify all documents that support your contention that “BellSouth’s arguments as set forth in its Motion to Dismiss are all based upon principles of ‘equity’ and not ‘law.’”

25. Referring to page 7 of the Rebuttal Testimony of Bruce Renard, state all facts and identify all documents, including providing specific references to language in any regulatory decision, that support your contention that “the *Second Wisconsin Order* was not intended to implement a new requirement prospectively.”

26. Referring to page 9 of the Rebuttal Testimony of Bruce Renard, has any analysis, study, or evaluation been conducted by, on behalf of, or at the direction of Mr. Renard concerning whether the denial of a refund “will have a severe negative impact on the widespread deployment of payphones and payphone competition in the State of Florida.” If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

27. Referring to page 9 of the Rebuttal Testimony of Bruce Renard, state all facts and identify all documents that support your contention that “[t]here is no doubt that a significant rate reduction will have a direct effect on the number of installed payphones in Florida.”

28. Referring to page 5 of the exhibit attached to the Rebuttal Testimony of Bruce Renard identify the precise page or reference in *GTE Florida Inc. v. Clark* that supports your contention that “Florida law requires the PSC to determine rates based upon equitable considerations.”

29. Referring to pages 5-6 of the exhibit attached to the Rebuttal Testimony of Bruce Renard state all facts and identify all documents, including citations to regulatory decisions or

cases, that support your contention that “[t]he cornerstone to the general prohibition on retroactive ratemaking is the utilities’ reasonable reliance on the approved rate.”

30. Referring to page 7 of the Direct Testimony of Don Wood, state all facts and identify all documents, including providing specific references to language in any regulatory decision, that support your contention that “the Commission can and should order refunds.”

31. Referring to page 24 of the Direct Testimony of Don Wood, state all facts and identify all documents that support your contention that “while cellular providers currently pay cost-based rates to BellSouth, payphone providers are paying much higher rates”

32. Referring to page 25 of the Direct Testimony of Don Wood, has any analysis, study, or evaluation been conducted by, on behalf of, or at the direction of Mr. Wood that refers or relates to your contention that “[t]he adoption of cost-based PAL rates, coupled with refunds of the excessive charges, is necessary to permit FPTA members to continue to provide payphone service in the marketplace.” If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation, and identify all documents referring or relating to such analysis, study, or evaluation.

33. Referring to page 31 of the Direct Testimony of Don Wood, state all facts and identify all documents that support your contention that “BellSouth has presented conflicting direct cost results for certain elements and has not presented information that demonstrates the reasonableness of the existing level of overhead loadings.”

34. For the purposes of this question, please assume that BellSouth cannot eliminate the federal subscriber line charge from monthly bills, and that payphone service providers will be billed the tariffed rate plus the federal subscriber line charge. Referring to page 27 of the

Rebuttal Testimony of Don Wood and page 13 of the Rebuttal Testimony of Bruce Renard, what monthly rate is the FPTA recommending in this proceeding?

35. Referring to the preceding Interrogatory, please identify with specificity the analysis, study, or evaluation that has been conducted by, on behalf of, or at the direction of the FPTA that supports your response.

36. Referring to your response to Interrogatory 34, please identify with specificity how the FPTA's proposed rate differs from the statewide average rate contained in BellSouth's cost study filed in this docket.

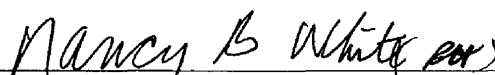
REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents identified in your responses to the foregoing Interrogatories.

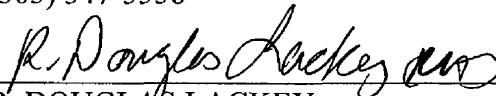
2. Please produce copies of any responses you have made to discovery requests served by the Commission staff.

Respectfully submitted this 10th day of March, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



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