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BellSouth Telecommunications, Inc.
FL Dkt. No. 041269-TP
Covad's 1st Request for Production
August 18, 2005
3rd SUPPLEMENTAL Item No. 1
ATTACHMENT

PROPRIETARY

DOCUMENT NUMBER DATE
CVD3rdSuppPODNo1000239

10540 OCT 31 '05

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP

**DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS
COMPANY'S RESPONSES TO BELL SOUTH'S FIRST SET OF INTERROGATORIES
(NOS. 1-3)**

DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), pursuant to rule 28.106-206, Florida Administrative Code, rule 1.340, Florida Rules of Civil Procedure, and Order No. PSC-05-0736-PCO-TP, hereby responds to BellSouth Telecommunications, Inc.'s (BellSouth) First Set of Interrogatories (Nos. 1-3). The answers to these interrogatories were provided by Charles E. (Gene) Watkins, counsel to Covad.

INTERROGATORIES

1. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee wherein Covad is a fiber-based collocator.

RESPONSE:

2. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which Covad has an active collocation arrangement(s) and obtains fiber or fiber capacity from another entity that is not BellSouth, whether or not Covad considers such arrangements to qualify as "fiber-based collocation" pursuant to the FCC's definition. Please describe with specificity the manner in which Covad obtains fiber. If Covad contends that it is not a fiber based collocator in any such wire center, please explain with specificity the basis for this contention.

RESPONSE:

3. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which Covad has an active collocation arrangement(s) and obtains access to transport facilities from another entity that is not BellSouth, whether or not Covad considers such facilities to qualify as "comparable transmission facilities" pursuant to the FCC's definition. Please describe with specificity the manner in which Covad obtains such facilities or transport and the quantity and bandwidth/capacity of such facilities, both activated and not currently activated. If Covad contends that it is not a fiber based collocator in any such wire center, please explain with specificity the basis for this contention.

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RESPONSE:

s/Vicki Gordon Kaufman
Charles (Gene) E. Watkins
Covad Communications Co.
1230 Peachtree Street, NE
Suite 1900
Atlanta, GA 30309
(404) 942-3492
GWatkins@Covad.com

Vicki Gordon Kaufman
Moyle Flanigan Katz Raymond & Sheehan, PA
118 North Gadsden Street
Tallahassee, Florida 32301
(850) 681-3828
vkaufman@moylelaw.com

Attorneys for Covad

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Docket No. 041269-TP

**Covad's Response to BellSouth
Interrogatory No. 3
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CVD3rdSuppPODNo1000242

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P.O. Box 182255
536 Market St.
Chattanooga, TN 37422
423-648-1500
www.epb.net



October 12, 2005

Guy M. Hicks, General Counsel
BELLSOUTH TELECOMMUNICATIONS, INC.
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300

Dear Mr. Hicks:

If you have any additional questions, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Laub".

Randy Laub
Director, Marketing & Strategic Planning

:md

cc: Mr. Mark W. Smith

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP

SERVED: October 6, 2005

FDN COMMUNICATIONS RESPONSES AND OBJECTIONS TO BELLSOUTH'S
FIRST SET OF INTERROGATORIES (NOS. 1-3)

Florida Digital Network, Inc., d/b/a FDN Communications, Inc. ("FDN") hereby responds to BellSouth Telecommunications, Inc.'s first set of interrogatories as provided below.

INTERROGATORIES

1. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee wherein FDN is a fiber-based collocator that were not previously listed in BellSouth's First Request for Admissions served in North Carolina. If you have previously furnished this information, or a portion of this information, on an informal basis, it is not necessary to duplicate that response.

1
Answer provided by: Craig Schanley, Director of Engineering.

2. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee in which FDN has an active collocation arrangement(s) and obtains fiber or fiber capacity from another entity that is not BellSouth, whether or not FDN considers such arrangements to qualify as "fiber-based collocation" pursuant to the FCC's definition. Please describe with specificity the manner in which FDN obtains fiber. If FDN contends that it is not a fiber-based collocater in any such wire center, please explain with specificity the basis for this contention.

Objection/Clarification: The question is vague and confusing because it appears to ask whether FDN uses fiber-based transport from a (presumably active) collocation in any BellSouth wire center but directs FDN to ignore the TRRO's definition of fiber-based collocater. FDN also objects on the grounds that the request is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The FCC provided a fairly detailed definition of "facilities-based collocater" in the TRRO and accompanying rules. Whether a given collocation meets that FCC definition is the only relevant inquiry for purposes of this proceeding. BellSouth attempts to reach beyond the definition in this question. Since the above interrogatory asks FDN to ignore the FCC definition, the interrogatory question solicits information that is not relevant. Further, BellSouth has access to FDN's collocation information in the BellSouth footprint and should be capable of obtaining whatever information it seeks by itself. At a minimum, BellSouth should be required to clarify its inquiry.

Without waiving the foregoing,

Answer provided by: Craig Schanley, Director of Engineering.

Objection by: FDN Counsel

3. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee in which FDN has an active collocation arrangement(s) and obtains access to transport

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facilities from another entity that is not BellSouth, whether or not FDN considers such facilities to qualify as "comparable transmission facilities" pursuant to the FCC's definition. Please describe with specificity the manner in which FDN obtains such facilities or transport and the quantity and bandwidth/capacity of such facilities, both activated and not currently activated. If FDN contends that it is not a fiber-based collocator in any such wire center, please explain with specificity the basis for this contention.

Objection/Clarification: The question is vague and confusing because it appears to ask whether FDN uses any transport of any description from a (presumably active) collocation in any BellSouth wire center but directs FDN to ignore the TRRO's definition of fiber-based collocator. FDN objects on the grounds that the request is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The FCC provided a fairly detailed definition of "facilities-based collocator" in the TRRO and accompanying rules. Whether a given collocation meets that FCC definition is the only relevant inquiry for purposes of this proceeding. Since the above interrogatory asks FDN to ignore the FCC definition, the interrogatory question solicits information that is not relevant. Further, BellSouth has access to FDN's collocation information in the BellSouth footprint and should be capable of obtaining whatever information it seeks by itself. At a minimum, BellSouth should be required to clarify its inquiry.

1
2
Without waiving the foregoing,

Answer provided by: Craig Schanley, Director of Engineering.

Objection by: FDN Counsel

Docket 041269

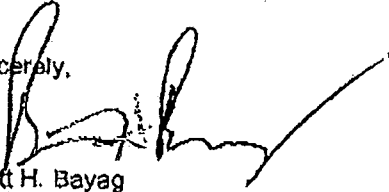
FPL FiberNet, LLC
9250 West Flagler St., Miami, FL 33174

Nancy B. White
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301

Dear Ms. White:

*1
2
3*

Sincerely,


Brett H. Bayag

RECEIVED

OCT 11 2005

DIRECTOR-REG. RELATIONS
TALLAHASSEE, FL

FAT

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From: Mays, Meredith
Sent: Thursday, October 20, 2005 11:48 AM
To: 'bmiddleton@rjmlaw.net'
Subject: Georgia Public Web

Bob,

1
2
I know that you are busy, but to date I have yet to receive a written confirmation from you concerning Georgia Public Web and its status as a fiber based collocator at . Could you please respond?

Thanks,

Meredith

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP

FILE COPY

PROPRIETARY
&
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HAND DELIVER

DATE 10/17/05

TIME 5pm

IDS TELCOM CORP.'S¹ RESPONSES TO
BELLSOUTH'S FIRST SET OF INTERROGATORIES (NOS. 1 - 3)

IDS TELCOM CORP. (IDS), pursuant to rule 28.106-206, Florida Administrative Code, rule 1.340, Florida Rules of Civil Procedure, and Order No. PSC-05-0736-PCO-TP, hereby responds to BellSouth Telecommunications, Inc.'s (BellSouth) First Set of Interrogatories (Nos. 1-3).

INTERROGATORIES

1. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee wherein IDS is a fiber-based collocator.

RESPONSE:

2. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which IDS has an active collocation arrangement(s) and obtains fiber or fiber capacity from another entity that is not BellSouth, whether or not IDS considers such arrangements to qualify as "fiber-based collocation" pursuant to the FCC's definition. Please describe with specificity the manner in which IDS obtains fiber. If IDS contends that it is not a fiber based collocator in any such wire center, please explain with specificity the basis for this contention.

RESPONSE:

3. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which IDS has an active collocation arrangement(s) and obtains access to transport facilities from another entity that is not BellSouth, whether or not IDS considers such facilities to qualify as "comparable transmission facilities" pursuant to the FCC's definition. Please

¹ IDS Telcom Corp. is the successor company to IDS Telcom, LLC.

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describe with specificity the manner in which IDS obtains such facilities or transport and the quantity and bandwidth/capacity of such facilities, both activated and not currently activated. If IDS contends that it is not a fiber based collocater in any such wire center, please explain with specificity the basis for this contention.

RESPONSE:

s/ Vicki Gordon Kaufman
Vicki Gordon Kaufman
MOYLE FLANIGAN KATZ RAYMOND &
SHEEHAN, PA
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: 850/681-3828
Fax: 850/681-8788
vkaufman@moylslaw.com

Attorneys for IDS Telcom Corp.

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October 19, 2006

Anthony J. Candelario, Esq.
Corporate Counsel
Kentucky Data Link, Inc.
1419 W. Lloyd Expressway, Suite 100
Evansville, IN 47710

Dear Mr. Candelario:

BellSouth believes that Kentucky Data Link (KDL) is a fiber-based collocator pursuant to 47 C.F.R. § 51.5 and paragraph 102 of the Triennial Review Remand Order. *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313, CC Docket No. 01-338, Order on Remand, 20 FCC Rcd 2533 (2005), petitions for review pending, *Covad Communications Co., et al. v. FCC, et al.*, Nos. 05-1095, et al. (D.C. Cir.) ("Triennial Review Remand Order").

Please confirm that the above information is correct or, if it is not correct, advise as to the correct information. Additionally, please advise if KDL is collocating in any BellSouth offices in Kentucky other than those locations listed herein.

Thank you for your assistance.

Very truly yours,

Dorothy J. Chambers

606326

CVD3rdSuppPODNo1000251

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish a generic docket)
to consider amendments to interconnection)
agreements resulting from changes in law)
BellSouth Telecommunications, Inc.)
_____)

Docket No. 041269-TP

**MCI'S OBJECTIONS AND RESPONSES TO
BELLSOUTH'S FIRST SET OF INTERROGATORIES (NOS. 1-3)**

MCImetro Access Transmission Services, LLC, hereby provides its objections and responses to BellSouth Telecommunications, Inc.'s (BellSouth's) First Set of Interrogatories (Nos. 1-3).

A. GENERAL OBJECTIONS

1. MCI objects to BellSouth's Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they purport to impose obligations that are different from, or go beyond, the obligations imposed under Rules 1.280, 1.340, and 1.351 of the Florida Rules of Civil Procedures, and the Rules of the Florida Public Service Commission ("the Commission").

2. MCI objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek information outside the scope of the issues raised in this proceeding, and to the extent their principal purpose appears to be to harass MCI and unnecessarily impose costs on MCI.

3. MCI objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek documents or information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or doctrines. Any inadvertent disclosure of such privileged documents or

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information shall not be deemed to be a waiver of the attorney-client privilege, attorney work-product doctrine, or other applicable privileges or doctrines.

4. MCI objects to each Discovery Request to the extent that it is vague and ambiguous, particularly to the extent that it uses terms that are undefined or vaguely defined in the Discovery Requests.

5. MCI objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek confidential business, financial, or other proprietary documents or information. MCI further objects to the Discovery Requests to the extent they seek documents or information protected by the privacy protections of the Florida or United States Constitutions, or any other law, statute, or doctrine.

6. MCI objects to the Discovery Requests to the extent they seek documents or information equally available to BellSouth as to MCI through public sources or records, because such requests subject MCI to unreasonable and undue annoyance, oppression, burden, and expense.

7. The responses provided herein by MCI are not intended, and shall not in any way be construed, to constitute an admission or representation that responsive documents in fact do or do not exist, or that any such documents are relevant or admissible. MCI expressly reserves the right to rely, at any time, on subsequently discovered documents.

8. To the extent MCI responds to BellSouth's Discovery Requests, MCI reserves the right to amend, replace, supersede, and/or supplement its responses as may become appropriate in the future. However, it undertakes no continuing or ongoing obligation to update its responses.

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9. MCI objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent that they seek to impose an obligation on MCI to respond on behalf of subsidiaries, affiliates, or other persons that are not subject to the jurisdiction of this Commission on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

10. MCI has interpreted the Discovery Requests to apply to MCI's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any Discovery Requests or any Instructions and Definitions associated with those Discovery Requests are intended to apply to matters that take place outside the State of Florida and which are not related to Florida intrastate operations subject to the jurisdiction of this Commission; MCI objects to such Discovery Requests as irrelevant, overly broad, unduly burdensome, and oppressive.

11. MCI objects to the Discovery Requests to the extent they seek information that is not reasonably calculated to lead to the discovery of admissible evidence and not relevant to the subject matter of this arbitration proceeding.

12. MCI objects to the Discovery Requests to the extent they are duplicative and overlapping, cumulative of one another, overly broad, and/or seek responses in a manner that is unduly burdensome, expensive, oppressive, or excessively time-consuming to MCI.

13. MCI is a large corporation with employees located in many different locations in Florida and with affiliates that have employees who are located in various states providing services on MCI's behalf. In the course of its business, MCI creates countless documents that are not subject to retention of records requirements of the Commission or the Federal Communications Commission ("FCC"). These documents are kept in numerous locations and

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are frequently moved from site to site as employees change jobs or an MCI business is reorganized. Therefore, it is possible that not every document will be identified in response to BellSouth's Discovery Requests. MCI will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the Discovery Requests or all Instructions and Definitions associated with those Discovery Requests purport to require more, MCI objects on the grounds that compliance would impose an undue burden or expense on MCI.

14. MCI objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek to obtain "all," "each," or "every" document, item, customer, or such other piece of information because such discovery is overly broad and unduly burdensome.

15. MCI objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek to have MCI create documents not in existence at the time of the Discovery Requests because such discovery is overly broad and unduly burdensome.

16. MCI objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they are not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this proceeding, as such discovery is overly broad and unduly burdensome.

17. MCI objects to the disclosure of confidential or proprietary information or trade secrets prior to entry of a protective order restricting disclosure of such information in a manner to be agreed upon by the parties. MCI further objects to the disclosure of confidential or proprietary information of third-parties which MCI is required to maintain as confidential

pursuant to agreements with such parties and/or pursuant to statute, administrative decree, or court order. Any proprietary or confidential information or documents will be produced pursuant to the confidentiality agreement between the parties.

18. MCI objects to the definition of "document" to the extent it seeks to impose an obligation that is greater than that imposed by Rules 1.280, 1.340, and 1.351 of the Florida Rules of Civil Procedure, and to the extent that it would pose an unreasonable and undue annoyance, burden, and expense on MCI. MCI's objection includes, but is not limited to, the definition of "document" to the extent it includes network transmissions, switch data, or other electronic routing information which was not generated in the form of a written or printed record, on the grounds that it would be unduly burdensome and expensive to require MCI to search through computer records or other means of electronic or magnetic data storage or compilation.

B. SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1: Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee wherein MCI is a fiber-based collocator that were not previously listed in BellSouth's First Request for Admissions served upon MCI in North Carolina. If you have previously furnished this information, or a portion of this information, on an informal basis, it is not necessary to duplicate that response.

RESPONSE: MCI has no additional information to provide in response to this request. All information in this regard was provided to BellSouth in MCI's response to BellSouth interrogatories and data requests in North Carolina Docket P-55, Sub 1549.

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INTERROGATORY NO. 2: Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which MCI has an active collocation arrangement(s) and obtains fiber or fiber capacity from another entity that is not BellSouth, whether or not MCI considers such arrangements to qualify as "fiber-based collocation" pursuant to the FCC's definition. Please describe with specificity the manner in which MCI obtains fiber. If MCI contends that it is not a fiber-based collocater in any such wire center, please explain with specificity the basis for this contention.

RESPONSE: MCI has no additional information to provide in response to this request. All information in this regard was provided to BellSouth in MCI's response to BellSouth interrogatories and data requests in North Carolina Docket P-55, Sub 1549.

INTERROGATORY NO. 3: Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which MCI has an active collocation arrangement(s) and obtains access to transport facilities from another entity that is not BellSouth, whether or not MCI considers such facilities to qualify as "comparable transmission facilities" pursuant to the FCC's definition. Please describe with specificity the manner in which MCI obtains such facilities or transport and the quantity and bandwidth/capacity of such facilities, both activated and not currently activated. If MCI contends that it is not a fiber-based collocater in any such wire center, please explain with specificity the basis for this contention.

RESPONSE: MCI objects to Interrogatory No. 3 insofar that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. The information sought by this interrogatory regarding the quantity and

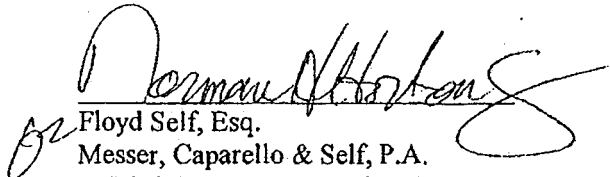
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bandwidth/capacity of such facilities activated and not currently activated is not relevant for the purpose of determining whether MCI is a fiber-based collocator.

Further, the quantity and bandwidth/capacity of facilities not activated can not be determined because such information is dependent upon the electronics used to activate the capacity.

Subject to and without waiving this objection, MCI states that it has no additional information to provide in response to this request. All information in this regard was provided to BellSouth in MCI's response to BellSouth interrogatories and data requests in North Carolina Docket P-55, Sub 1549.

Respectfully submitted this 13th day of October, 2005.


Floyd Self, Esq.
Messer, Caparello & Self, P.A.
215 S. Monroe Street, Suite 701
Tallahassee, FL 32302
(850) 222-0720

Donna Canzano McNulty, Esq.
MCI
1203 Governors Square Blvd, Suite 201
Tallahassee, FL 32301
(850) 219-1008

and

De O'Roark, Esq.
MCI
6 Concourse Parkway, Suite 600
Atlanta, GA 30328
(770) 284-5497

Attorneys for MCImetro Access
Transmission Services, LLC

CONFIDENTIAL

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc. | DOCKET NO. 041269-TP

NETWORK TELEPHONE CORPORATION'S RESPONSES TO
BELLSOUTH'S FIRST SET OF INTERROGATORIES (NOS. 1 - 3)

Network Telephone Corporation (NTC), pursuant to rule 28.106-206, Florida Administrative Code, rule 1.340, Florida Rules of Civil Procedure, and Order No. PSC-05-0736-PCO-TP, hereby responds to BellSouth Telecommunications, Inc.'s (BellSouth) First Set of Interrogatories (Nos. 1-3).

INTERROGATORIES

1. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee wherein Network Telephone is a fiber-based collocator.

RESPONSE:

2. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which Network Telephone has an active collocation arrangement(s) and obtains fiber or fiber capacity from another entity that is not BellSouth, whether or not Network Telephone considers such arrangements to qualify as "fiber-based collocation" pursuant to the FCC's definition. Please describe with specificity the manner in which Network Telephone obtains fiber. If Network Telephone contends that it is not a fiber based collocator in any such wire center, please explain with specificity the basis for this contention.

RESPONSE:

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3. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which Network Telephone has an active collocation arrangement(s) and obtains access to transport facilities from another entity that is not BellSouth, whether or not Network Telephone considers such facilities to qualify as "comparable transmission facilities" pursuant to the FCC's definition. Please describe with specificity the manner in which Network Telephone obtains such facilities or transport and the quantity and bandwidth/capacity of such facilities, both activated and not currently activated. If Network Telephone contends that it is not a fiber based collocater in any such wire center, please explain with specificity the basis for this contention.

RESPONSE:

s/ Vicki Gordon Kaufman
Vicki Gordon Kaufman
MOYLE FLANIGAN KATZ RAYMOND &
SHEEHAN, PA
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: 850/681-3828
Fax: 850/681-8788
vkaufman@moylslaw.com

Attorneys for Network Telephone

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CERTIFICATE OF SERVICE
Docket No. 041269-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to BellSouth's First Set of Interrogatories (Nos. 1-3) was served via electronic mail and first class United States mail this 17th day of October, 2005, to the following:

Adam Teitzman
Michael Barrett
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0850
ateitzma@psc.state.fl.us
mbarrett@psc.state.fl.us

Michael A. Gross
Florida Cable Telecommunications
Assoc., Inc.
246 E. 6th Avenue, Suite 100
Tallahassee FL 32303
mgross@fcta.com

Nancy White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 S. Monroe Street, Suite 400
Tallahassee, FL 32301-1556
Nancy.sims@bellsouth.com
Nancy.white@bellsouth.com
Meredith.mays@bellsouth.com

Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
215 South Monroe Street, Suite 701
P.O. Box 1876
Tallahassee FL 32302-1876
nhorton@lawfla.com

John Heitmann
Garret R. Hargrave
Kelley Drye & Warren, LLP
1200 19th Street, N.W., Suite 500
Washington DC 20036
jheitmann@kelleydrye.com
ghargrave@kelleydrye.com

Kenneth A. Hoffman
Martin P. McDonnell
Rutledge, Ecenia, Purnell & Hoffman
P.O. Box 551
Tallahassee FL 32302
ken@reuphlaw.com
marty@reuphlaw.com

Dana Shaffer
XO Communications, Inc.
105 Molloy Street, Suite 300
Nashville TN 37201
Dana.Shaffer@xo.com

Wanda Montano
Terry Romine
US LEC Corp.
6801 Morrison Blvd.
Charlotte NC 28211
wmontano@uslec.com

Tracy W. Hatch
Senior Attorney
AT&T
101 North Monroe Street, Suite 700
Tallahassee Fl 32301
thatch@att.com

Sonia Daniels
Docket Manager
AT&T
1230 Peachtree Street, N.E.
4th Floor
Atlanta GA 30309
soniadaniels@att.com

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Donna Canzano McNulty
MCI
1203 Governors Square Blvd.
Suite 201
Tallahassee FL 32301
donna.mcnulty@mci.com

De O'Roark
MCI
6 Concourse Parkway, Suite 600
Atlanta GA 30328
De.oroark@mci.com

Floyd Self
Messer, Caparello & Self, P.A.
215 Soth Monroe Street, Suite 701
P.O. Box 1876
Tallahassee FL 32302-1876
fsself@lawfla.com

Steven B. Chaiken
Supra Telecommunications and
Info. Systems, Inc.
General Counsel
2901 S.W. 149th Avenue, Suite 300
Miramar FL 33027
steve.chaiken@stis.com

Matthew Feil
FDN Communications
2301 Lucien Way, Suite 200
Maitland FL 32751
mfeil@mail.fdn.com

Nanette Edwards
ITC^DeltaCom Communications, Inc.
7037 Old Madison Pike, Suite 400
Huntsville AL 35806
nedwards@itcdeltacom.com

Susan Masterton
Sprint Communications Company
Limited Partnership
P.O. Box 2214
Tallahassee FL 32316-2214
susan.masterton@mail.sprint.com

Raymond O. Manasco, Jr.
Gainesville Regional "Utilities"
P.O. Box 147117
Station A-138
Gainesville FL 32614-7117
manascoro@gru.com

Charles A. Guyton
Steel Hector & Davis LLP
215 S. Monroe Street, Suite 601
Tallahassee FL 32301-1804
cguyton@steelhector.com

Herb Bormack, CEO
Orlando Telephone Systems, Inc.
4558 S.W. 35th Street, Suite 100
Orlando FL 32811
jerry@orlandotelco.net

Adam Kupetsky
Regulatory Counsel
WilTel Communications, LLC
One Technology Center (TC-15)
100 South Cincinnati
Tulsa OK 74103
adam.kupetsky@wiltel.com

Jonathan S. Marashlian
The Helein Law Group, LLP
8180 Greensboro Drive, Suite 700
McLean VA 22102
jsm@thlglaw.com

Bill Magness
Casey Law Firm
98 San Jacinto Blvd., Suite 1400
Austin, TX 78701
bmagness@phonelaw.com

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Charles (Gene) Watkins
Covad Communications Company
1230 Peachtree Street NE, Suite 1900
Atlanta, GA 30309
GWatkins@Covad.com

C. Everett Boyd, Jr.
Sutherland Asbill Law Firm
3600 Maclay Blvd. S., Suite 202
Tallahassee, FL 32312-1267
Everett.boyd@sablaw.com

D. Adelman/C. Jones/F. LoMonte
Sutherland Law Firm
999 Peachtree Street, NE
Atlanta, GA 30309
David.adelman@sablaw.com

AzulTel, Inc.
2200 S. Dixie Highway, Suite 506
Miami, FL 33133-2300

STS Telecom
12233 S.W. 55th Street, #811
Cooper City, FL 33330-3303
jkrutchik@ststelecom.com

s/Vicki Gordon Kaufman
Vicki Gordon Kaufman

CONFIDENTIAL

Docket No. 041269-TP

NTC Response
To BellSouth
Interrogatory No. 2
CONFIDENTIAL

CVD3rdSuppPODNo1000264

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc. | DOCKET NO. 041269-TP

**NUVOX'S OBJECTIONS AND RESPONSES TO
BELLSOUTH'S FIRST SET OF INTERROGATORIES (NOS. 1 - 3)**

NuVox Communications Inc. ("NuVox") hereby provides a partial response to BellSouth's First Set of Interrogatories to NuVox. As agreed to telephonically by counsel for BellSouth, NuVox herein provides responses to the interrogatories with respect to the State of Georgia only. NuVox will provide the information for the other requested states by October 24, 2005. The answers to these interrogatories were provided by Susan J. Berlin, Vice President, Senior Regulatory Counsel of NuVox.

OBJECTIONS

1. NuVox object to each and every Interrogatory to the extent that it seeks production of information that is protected from disclosure by the attorney work product privilege, attorney-client communication privilege, or other applicable privilege or to the extent it requires disclosure of proprietary confidential business information exempt from disclosure pursuant to Section 364.183, Florida Statutes.
2. NuVox object to each and every Interrogatory to the extent that it seeks production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
3. NuVox object to each and every Interrogatory to the extent that it is vague, overly broad, or contains undefined terms susceptible to multiple meanings.

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4. NuVox object to each and every Interrogatory to the extent that it seeks production of information that is a matter of public record, for example, documents that have been filed with a government agency.
5. NuVox object to each and every Interrogatory to the extent that it seeks production of information that is not in the possession, custody, or control of the NuVox.
6. NuVox object to each and every Interrogatory to the extent that it seeks information for an indeterminate period of time and is thus overly broad and unduly burdensome. NuVox will provide non-privileged information that is responsive to the issue to which the Interrogatory responds.
7. NuVox object to each and every Interrogatory to the extent that it imposes a burden of discovery not required in the Rules of Civil Procedure.
8. NuVox object to each and every Interrogatory to the extent that it is unduly burdensome, expensive, or oppressive to respond to as presently written, particularly where an Interrogatory seeks information regarding "all" instances or examples.
9. NuVox subsequent responses to Interrogatories shall not be deemed an admission as to the relevance or materiality of any of the information sought therein. As discovery is ongoing in this matter, NuVox reserve the right to supplement and update these responses.

INTERROGATORIES AND RESPONSES

1. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee wherein NuVox is a fiber-based collocator that were not previously listed in BellSouth's First Request for Admissions served upon NuVox in North Carolina. If you have previously furnished this information, on an informal basis, it is not necessary to duplicate that response.

Response:

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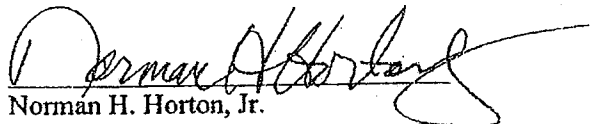
2. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which NuVox has an active collocation arrangement(s) and obtains fiber or fiber capacity from another entity that is not BellSouth, whether or not NuVox considers such arrangements to qualify as "fiber-based collocation" pursuant to the FCC's definition. Please describe with specificity the manner in which NuVox obtains fiber. If NuVox contends that it is not a fiber based collocater in any such wire center, please explain with specificity the basis for this contention.

Response:

3. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which NuVox has an active collocation arrangement(s) and obtains access to transport facilities from another entity that is not BellSouth, whether or not NuVox considers such facilities to qualify as "comparable transmission facilities" pursuant to the FCC's definition. Please describe with specificity the manner in which NuVox obtains such facilities or transport and the quantity and bandwidth/capacity of such facilities, both activated and not currently activated. If NuVox contends that it is not a fiber based collocater in any such wire center, please explain with specificity the basis for this contention.

Response:

Respectfully submitted this 18th day of October, 2005.



Norman H. Horton, Jr.
MESSER, CAPARELLO & SELF, P.A.
215 South Monroe Street, Suite 701
Tallahassee, FL 32302
(850) 222-0720 (p)
(850) 224-4351 (f)

and

Susan J. Berlin
NuVox Communications, Inc.
Two North Main Street
Greenville, SC 29601
(864) 331-7323
sberlin@nuvox.com

Attorneys for NuVox Communications, Inc.

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KELLEY DRYE & WARREN LLP
A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

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MUMBAI, INDIA

FACSIMILE
(202) 955-9792
www.kelleydrye.com

JONATHAN E. CANIS
DIRECT LINE: (202) 955-9664
EMAIL: jcanis@kelleydrye.com

October 7, 2005

RECEIVED
OCT 10 2005

U.S. MAIL-REG. RELATIONS
TALLAHASSEE, FL

VIA OVERNIGHT COURIER

Meredith E. Mays
Senior Regulatory Counsel
BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, FL 32301

Re: Requests for Admission in FL PSC Docket No. 041269-TP

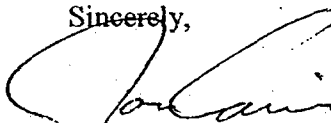
Dear Ms. Mays:

We are in receipt of BellSouth's First Request for Admission to Progress Telecom Corporation (now known as Progress Telecom, LLC) in Docket No. 041269-TP, dated September 23, 2005. That letter listed, by CLLI code, 20 BellSouth wire centers and asked Progress Telecom to admit it has fiber-based collocation arrangements at each of them.

We have confirmed that Progress Telecom does maintain fiber-based collocation arrangements in each of the wire centers listed in your September 23 letter. We therefore respond in the affirmative to your request for admissions. Progress Telecom does not seek confidential treatment of this information.

If you have any questions regarding this matter, please contact the undersigned.

Sincerely,



Jonathan E. Canis

cc: Michael Drayer, Esq., Progress Telecom
Edward L. Rankin, III, Esq., BellSouth

DC01/CANI/239174.3

CVD3rdSuppPODNo1000269

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:)
) Docket No. 041269-TP
Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting From Changes of Law) Filed: September 23, 2005
_____)

BELLSOUTH'S FIRST REQUESTS FOR ADMISSION TO PROGRESS
TELECOM CORPORATION

BellSouth Telecommunications, Inc. ("BellSouth") hereby serves its first requests for admission on Progress Telecom Corporation (hereinafter "Progress"). These requests are to be answered under oath and within the timeframe required pursuant to governing rules and applicable orders in this docket.

Definitions and Instructions

The following definitions and instructions shall apply to these data requests:

1. If you deny any request for admission set forth herein or any sub-part thereof, set forth with specificity the basis for your denial or partial denial.
2. The terms "Progress" and "you," "your," "yours," and "your company" shall all mean the entity served with these data requests and all affiliates and subsidiaries, including, but not limited to carriers that you have merged with or acquired that still do business under a different name.
3. The term "fiber-based collocation" shall have the meaning set forth in paragraph 102 of the FCC's *Triennial Review Remand Order*. As set forth there, the term refers to a collocation arrangement, with active power supply, that has a non-ILEC fiber-optic cable that both terminates at the collocation facility and leaves the wire center. The

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collocation arrangement may be obtained either pursuant to contract, tariff or, where appropriate, section 251 of the 1996 Act. The term shall include fixed-wireless collocation arrangements at a wire center if the carrier's alternative transmission facilities both terminate in and leave the wire center.

Requests for Admission

1. Admit that you have fiber-based collocation arrangements at the following BellSouth wire centers:

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This 23rd day of September, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

NANCY B. WHITE
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558

R. DOUGLAS LACKEY
ANDREW D. SHORE
MEREDITH MAYS
675 W. Peachtree Street, Suite 4300
Atlanta, GA 303075
(404) 335-0765

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP

DATED: October 17, 2005

**SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEM, INC.'S
RESPONSES TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES (NOS. 1 - 3)**

Supra Telecommunications and Information Systems ("Supra"), pursuant to Rule 1.340(a), Florida Rules of Civil Procedure, and Order No. PSC-05-0736-PCO-TP, hereby responds to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories (Nos. 1 - 3). The answers to these interrogatories were provided by David Nilson, Supra's Chief Technology Officer.

INTERROGATORIES

1. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee wherein Supra is a fiber-based collocator.

Response:

2. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which Supra has an active collocation arrangement(s) and obtains fiber or fiber capacity from another entity that is not BellSouth, whether or not Supra considers such arrangements to qualify as "fiber-based collocation" pursuant to the FCC's definition. Please describe with specificity the manner in which Supra obtains fiber. If Supra contends that it is not a fiber-based collocator in any such wire center, please explain with specificity the basis for this contention.

Response:

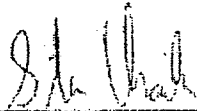
3. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee

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6 SUPRA'S RESPONSES TO BELL SOUTH'S 1st SET OF INTERROGATORIES (NOS. 1 - 3)
DOCKET NO. 041269-TP
PAGE 2

in which Supra has an active collocation arrangement(s) and obtains access to transport facilities from another entity that is not BellSouth, whether or not Supra considers such facilities to qualify as "comparable transmission facilities" pursuant to the FCC's definition. Please describe with specificity the manner in which Supra obtains facilities or transport and the quantity and bandwidth/capacity of such facilities, both activated and not currently activated. If Supra contends that it is not a fiber-based collocator in any such wire center, please explain with specificity the basis for this contention.

Response:



Steven Chariken
SUPRA TELECOMMUNICATIONS AND
INFORMATION SYSTEMS, INC.
2901 SW 149th Ave., Suite 300
Miramar, Florida 33027
786-455-4239

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AFFIDAVIT

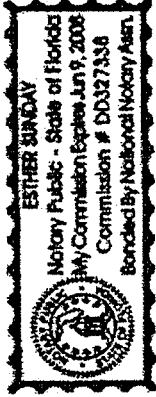
STATE OF FLORIDA)

COUNTY OF BROWARD)

I hereby certify that on this 17th day of October 2005, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared David Nilson, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to interrogatory number(s) 1 - 3 from BELLSOUTH TELECOMMUNICATIONS INC.'S FIRST SET OF INTERROGATORIES TO SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS (NOS. 1 - 3) in Docket No. 041269-TP, and that the responses are true and correct based on his/her personal knowledge.

[Handwritten Signature]
David Nilson

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this 17th day of October, 2005.



[Handwritten Signature]
Notary Public
State of Florida, at Large

My Commission Expires: _____

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From: Michael Donahue [Michael.Donahue@telcove.com]
Sent: Wednesday, October 12, 2005 1:45 PM
To: Mays, Meredith
Subject: Docket No. 041269-TP Request for Admission

Good afternoon:

I am preparing a response to BellSouth's requests for admission to TelCove in Docket No. 041269-TP, but unfortunately have not received all of the documents. It is my understanding that BellSouth served two sets of requests for admission on TelCove; however, I have only received the first request. In addition, I wanted to confirm whether there is a Protective Order in place governing exchange of proprietary and confidential information. If there is a Protective Order in place in this proceeding, would you please send me a copy.

Thank you.

Michael

Michael P. Donahue, Esq.
Director of Regulatory Affairs
TelCove
5350 Shawnee Road
Suite 240
Alexandria, VA 22312
(703) 720-5530 (Tel)
(703) 720-5539 (Fax)
Michael.Donahue@telecove.com

10/20/2005

CVD3rdSuppPODNo1000276

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From: Michael Donahue [Michael.Donahue@telcove.com]
Sent: Wednesday, October 12, 2005 2:09 PM
To: Mays, Meredith
Subject: RE: Florida Docket 041269-TP

Thank you.

From: Mays, Meredith [mailto:Meredith.Mays@BellSouth.COM]
Sent: Wed 10/12/2005 1:58 PM
To: Michael Donahue
Subject: Florida Docket 041269-TP

I am attaching, per your request, copies of the following:

Florida Public Service Commission Protective Order
BellSouth's First Request for Admissions to TelCove
BellSouth's Second Request for Admissions to TelCove

Meredith Mays
404-335-0750
<<05-0897.ord.doc>>

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. 162

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP
ORDER NO. PSC-05-0897-PCO-TP
ISSUED: September 8, 2005

ORDER GRANTING JOINT MOTION
FOR ENTRY OF PROTECTIVE ORDER

I. Case Background

On August 21, 2003, the Federal Communications Commission (FCC) released its *Triennial Review Order*¹ (*TRO*), which contained revised unbundling rules and responded to the D.C. Circuit Court of Appeals' remand decision in *USTA I*.²

On March 2, 2004, the D.C. Circuit Court of Appeals released its decision in *United States Telecom Ass'n v. FCC*³ (*USTA II*), which vacated and remanded certain provisions of the *TRO*. In particular, the D.C. Circuit held that the FCC's delegation of authority to state commissions to make impairment findings was unlawful, and further found that the national findings of impairment for mass market switching and high-capacity transport were improper.

The FCC released an *Order and Notice*⁴ (*Interim Order*) on August 20, 2004, requiring ILECs to continue providing unbundled access to mass market local circuit switching, high capacity loops and dedicated transport until the earlier of the effective date of final FCC unbundling rules or six months after publication of the *Interim Order* in the Federal Register. On February 4, 2005, the FCC released an *Order on Remand (TRRO)*, wherein the FCC's final unbundling rules were adopted with an effective date of March 11, 2005.

In response to the decisions handed down in *USTA II* and the FCC's *Interim Order*, BellSouth Telecommunications, Inc. (BellSouth) filed, on November 1, 2004, its Petition to establish a generic docket to consider amendments to interconnection agreements resulting from

¹ In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket Nos. 01-338, 96-98, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, rel. August 21, 2003 (*Triennial Review Order* or *TRO*).

² *United States Telecom Association v. FCC*, 290 F.3d 415 (D.C. Cir. 2002) (*USTA I*).

³ 359 F. 3d 554 (D.C. Cir. 2004) (*USTA II*), cert. denied, 160 L. Ed. 2d 223, 2004 U.S. LEXIS 671042 (October 12, 2004).

⁴ In the Matter of Unbundled Access to Network Elements, WC Docket No. 04-313; In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Order and Notice of Proposed Rulemaking, FCC 04-179, rel. August 20, 2004 (*Interim Order*).

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ORDER NO. PSC-05-0897-PCO-TP
DOCKET NO. 041269-TP
PAGE 2

changes of law. Specifically, BellSouth asked that we determine what changes are required in existing approved interconnection agreements between BellSouth and competitive local exchange carriers (CLECs) in Florida as a result of *USTA II* and the *Interim Order*.

On August 30, 2005, BellSouth and the Competitive Carriers of the South, Inc. (CompSouth), (collectively as the Parties), filed a Joint Motion for Entry of Protective Order (Joint Motion).

II. Joint Motion for Entry of Protective Order

The Parties' move this Commission to enter a Protective Order so that confidential and proprietary business information, including Customer Proprietary Network Information (CPNI), may be exchanged between the Parties in this docket. The Parties assert that a Protective Order is necessary to facilitate the exchange of responses to CPNI-related discovery requests, as well as other confidential and proprietary information, in an efficient and timely manner. Furthermore, the Parties seek a finding from this Commission that any confidential information subject to Section 222 of the Communications Act of 1934, as amended, is disclosed pursuant to the disclosure rights set forth in Section 222(d).

III. Decision

Having reviewed the Joint Motion, I find that it complies with Rule 25-22.006(6), Florida Administrative Code, regarding protection of proprietary information in Commission proceedings. Thus, I hereby grant the Parties' Joint Motion for Entry of Protective Order. This Order will govern the handling of confidential and proprietary information, including CPNI, in this docket until a final determination is made on specific items of information for which confidential treatment is requested.

Based on the foregoing, it is therefore

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Joint Motion for Entry of Protective Order filed by BellSouth Telecommunications, Inc. and the Competitive Carriers of the South, Inc. is hereby granted.

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ORDER NO. PSC-05-0897-PCO-TP
DOCKET NO. 041269-TP
PAGE 3

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 8th day of September, 2005.

/s/ Lisa Polak Edgar
LISA POLAK EDGAR
Commissioner and Prehearing Officer

This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.

(SEAL)

KS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:)
) Docket No. 041269-TP
Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting From Changes of Law) Filed: September 30, 2005
_____)

BELLSOUTH'S FIRST REQUESTS FOR ADMISSION TO TELCOVE INVESTMENT, LLC, TELCOVE OF FLORIDA, INC., AND TELCOVE OF JACKSONVILLE, INC.

BellSouth Telecommunications, Inc. ("BellSouth") hereby serves its first requests for admission on TelCove Investment, LLC, TelCove of Florida, Inc., and TelCove of Jacksonville, Inc. (hereinafter "TelCove"). These requests are to be answered under oath and within the timeframe required pursuant to governing rules and applicable orders in this docket.

Definitions and Instructions

The following definitions and instructions shall apply to these data requests:

1. If you deny any request for admission set forth herein or any sub-part thereof, set forth with specificity the basis for your denial or partial denial.
2. The terms "TelCove" and "you," "your," "yours," and "your company" shall all mean the entity served with these data requests and all affiliates and subsidiaries, including, but not limited to carriers that you have merged with or acquired that still do business under a different name.
3. The term "fiber-based collocation" shall have the meaning set forth in paragraph 102 of the FCC's *Triennial Review Remand Order*. As set forth there, the term refers to a collocation arrangement, with active power supply, that has a non-ILEC fiber-

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optic cable that both terminates at the collocation facility and leaves the wire center. The collocation arrangement may be obtained either pursuant to contract, tariff or, where appropriate, section 251 of the 1996 Act. The term shall include fixed-wireless collocation arrangements at a wire center if the carrier's alternative transmission facilities both terminate in and leave the wire center.

Requests for Admission

1. Admit that you have fiber-based collocation arrangements at the following BellSouth wire centers:

CONFIDENTIAL

This 30th day of September, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

NANCY B. WHITE
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558

R. DOUGLAS LACKEY
ANDREW D. SHORE
MEREDITH MAYS
675 W. Peachtree Street, Suite 4300
Atlanta, GA 303075
(404) 335-0765

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:)
) Docket No. 041269-TP
Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting From Changes of Law) Filed: October 3, 2005
_____)

BELLSOUTH'S SECOND REQUESTS FOR ADMISSION TO TELCOVE INVESTMENT, LLC, TELCOVE OF FLORIDA, INC., AND TELCOVE OF JACKSONVILLE, INC.

BellSouth Telecommunications, Inc. ("BellSouth") hereby serves its second requests for admission on TelCove Investment, LLC, TelCove of Florida, Inc., and TelCove of Jacksonville, Inc. (hereinafter "TelCove"). These requests are to be answered under oath and within the timeframe required pursuant to governing rules and applicable orders in this docket.

Definitions and Instructions

The following definitions and instructions shall apply to these data requests:

1. If you deny any request for admission set forth herein or any sub-part thereof, set forth with specificity the basis for your denial or partial denial.
2. The terms "TelCove" and "you," "your," "yours," and "your company" shall all mean the entity served with these data requests and all affiliates and subsidiaries, including, but not limited to carriers that you have merged with or acquired that still do business under a different name.
3. The term "fiber-based collocation" shall have the meaning set forth in paragraph 102 of the FCC's *Triennial Review Remand Order*. As set forth there, the term refers to a collocation arrangement, with active power supply, that has a non-ILEC fiber-

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optic cable that both terminates at the collocation facility and leaves the wire center. The collocation arrangement may be obtained either pursuant to contract, tariff or, where appropriate, section 251 of the 1996 Act. The term shall include fixed-wireless collocation arrangements at a wire center if the carrier's alternative transmission facilities both terminate in and leave the wire center.

Requests for Admission

2. Admit that you have fiber-based collocation arrangements at the following BellSouth wire centers:

This 3rd day of October, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

NANCY B. WHITE
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558

R. DOUGLAS LACKEY
ANDREW D. SHORE
MEREDITH MAYS
675 W. Peachtree Street, Suite 4300
Atlanta, GA 303075
(404) 335-0750

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*Contains Proprietary and Confidential
Subject to Protective Order in Docket No. 041269-TP*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:)
) Docket No. 041269-TP
Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting From Changes of Law)
_____)

**TELCOVE INVESTMENT, LLC, TELCOVE OF FLORIDA, INC. AND
TELCOVE OF JACKSONVILLE, INC. RESPONSE TO BELL SOUTH'S FIRST
AND SECOND REQUESTS FOR ADMISSION**

TelCove Investment, LLC, TelCove of Florida, Inc., and TelCove of Jacksonville, Inc. (hereinafter "TelCove") hereby respond to BellSouth Telecommunications, Inc.'s ("BellSouth") September 30, 2005 First Requests for Admission and October 3, 2005 Second Requests for Admission in the above-captioned proceeding.

The attached Response includes proprietary confidential information that TelCove is providing subject to Rule 25-22.006(6), Florida Administrative Code, and the Protective Order approved in this proceeding and in accordance with Rule 25-22.006(6), Florida Administrative Code.

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*Contains Proprietary and Confidential
Subject to Protective Order in Docket No. 041269-TP*

Requests for Admission

1. Admit that you have fiber-based collocation arrangements at the following

BellSouth wire centers:

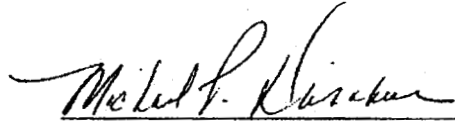
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*Contains Proprietary and Confidential
Subject to Protective Order in Docket No. 041269-TP*

ANSWER:

2. Admit that you have fiber-based collocation arrangements at the following
BellSouth wire centers:

ANSWER:



Michael P. Donahue, Esq.
Director of Regulatory Affairs
TelCove
5350 Shawnee Road
Suite 240
Alexandria, VA 22312
(703) 720-5533 (Tel.)
(703) 720-5539 (Fax)
Michael.Donahue@telcove.com

Dated: October 13, 2005

CONFIDENTIAL

*Contains Proprietary and Confidential Information
Subject to Protective Order in Docket No. 041269-TP*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:)
) Docket No. 041269-TP
Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting From Changes of Law)
_____)

**TELCOVE INVESTMENT, LLC, TELCOVE OF FLORIDA, INC. AND
TELCOVE OF JACKSONVILLE, INC. RESPONSE TO BELL SOUTH'S FIRST
AND SECOND REQUESTS FOR ADMISSION**

TelCove Investment, LLC, TelCove of Florida, Inc., and TelCove of Jacksonville, Inc. (hereinafter "TelCove") hereby respond to BellSouth Telecommunications, Inc.'s ("BellSouth") October 14, 2005, Revised Third Requests for Admission in the above-captioned proceeding.

The attached Response includes proprietary confidential information that TelCove is providing subject to Rule 25-22.006(6), Florida Administrative Code, and the Protective Order approved in this proceeding.

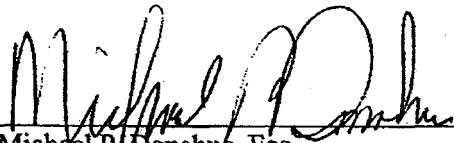
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*Contains Proprietary and Confidential Information
Subject to Protective Order in Docket No. 041269-TP*

Requests for Admission

1. Admit that you have fiber-based collocation arrangements at the following
BellSouth wire centers:

ANSWER:


Michael P. Donahue, Esq.
Director of Regulatory Affairs
TelCove
5350 Shawnee Road
Suite 240
Alexandria, VA 22312
(703) 720-5533 (Tel.)
(703) 720-5539 (Fax)
Michael.Donahue@telcove.com

Dated: October 18, 2005

FILE COPY

BEFORE THE PUBLIC SERVICE COMMISSION

PROPRIETARY & CONFIDENTIAL

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041260

HAND DELIVER

DATE 10/17/05

TIME 5 pm

TRINISIC COMMUNICATIONS' RESPONSES TO BELL SOUTH'S FIRST SET OF INTERROGATORIES (NOS. 1 - 3)

Trinsic Communications (Trinsic), pursuant to rule 28.106-206, Florida Administrative Code, rule 1.340, Florida Rules of Civil Procedure, and Order No. PSC-05-0736-PCO-TP, hereby respond to BellSouth Telecommunications, Inc.'s (BellSouth) First Set of Interrogatories (Nos. 1-3).

INTERROGATORIES

- 1. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee wherein Trinsic is a fiber-based collocator.

RESPONSE:

- 2. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which Trinsic has an active collocation arrangement(s) and obtains fiber or fiber capacity from another entity that is not BellSouth, whether or not Trinsic considers such arrangements to qualify as "fiber-based collocation" pursuant to the FCC's definition. Please describe with specificity the manner in which Trinsic obtains fiber. If Trinsic contends that it is not a fiber based collocator in any such wire center, please explain with specificity the basis for this contention.

RESPONSE:

- 3. Please identify any wire centers in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee in which Trinsic has an active collocation arrangement(s) and obtains access to transport facilities from another entity that is not BellSouth, whether or not Trinsic considers such facilities to qualify as "comparable transmission facilities" pursuant to the FCC's definition. Please

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describe with specificity the manner in which Trinsic obtains such facilities or transport and the quantity and bandwidth/capacity of such facilities, both activated and not currently activated. If Trinsic contends that it is not a fiber based collocator in any such wire center, please explain with specificity the basis for this contention.

RESPONSE:

s/ Vicki Gordon Kaufman

Vicki Gordon Kaufman

MOYLE FLANIGAN KATZ RAYMOND &
SHEEHAN, PA

118 North Gadsden Street

Tallahassee, Florida 32301

Telephone: 850/681-3828

Fax: 850/681-8788

vkaufman@moylelaw.com

Attorneys for Trinsic

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From: Mays, Meredith
Sent: Thursday, October 13, 2005 11:09 AM
To: 'Marek, Carolyn'
Cc: cwelch@farrismathews.com
Subject: RE: BST discovery responses

Thank you for your response. We will withdraw the FL discovery and appreciate your cooperation.

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

From: Marek, Carolyn [mailto:Carolyn.Marek@twtelecom.com]
Sent: Thursday, October 13, 2005 10:50 AM
To: Mays, Meredith
Cc: cwelch@farrismathews.com
Subject: RE: BST discovery responses
Importance: High

Meredith - I have reviewed the original list of collocations provided to us by BST

1
2

This completes TWTC's response to BST's last data request.

Carolyn Marek
Vice President Regulatory Affairs – Southeast
Time Warner Telecom
615-376-6404

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

From: Mays, Meredith [mailto:Meredith.Mays@BellSouth.COM]
Sent: Monday, August 29, 2005 5:05 PM
To: Marek, Carolyn; MTRATHEN@brookspierce.com
Subject: RE: BST discovery responses

Thank you for the clarification.

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

From: Marek, Carolyn [mailto:Carolyn.Marek@twtelecom.com]
Sent: Monday, August 29, 2005 5:20 PM

10/20/2005

CVD3rdSuppPODNo1000293

To: MTRATHEN@brookspierce.com; Mays, Meredith
Subject: FW: BST discovery responses
Importance: High

1
2
Meredith - of the collos on BST's list that we identified were valid . Please contact me if you have any additional questions.

Carolyn Marek
Vice President Regulatory Affairs – Southeast
Time Warner Telecom
615-376-6404

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

From: Ipsaro, Earl
Sent: Monday, August 29, 2005 3:23 PM
To: Kagele, Tim; Marek, Carolyn
Subject: RE: BST discovery responses

3
Earl

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

From: MTRATHEN@brookspierce.com [mailto:MTRATHEN@brookspierce.com]
Sent: Friday, August 26, 2005 12:14 PM
To: Marek, Carolyn
Subject: BST discovery responses

Carolyn:

Attached are BST's requests, containing its definition of "fiber-based collocation," along w/ our responses.

Meredith Mays can be reached at (404) 335-0750.

-Marcus

Marcus W. Trathen
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Suite 1600, Wachovia Capitol Center
150 Fayetteville Street Mall
P.O. Box 1800 (zip 27602)
Raleigh, NC 27601

(919) 839-0300, ext. 207 (phone)
(919) 839-0304 (fax)
(336) 232-9207 (desktop fax)
mtrathen@brookspierce.com

----- Forwarded by MARCUS W TRATHEN/BPMHL/US on 08/26/2005 01:13 PM -----

RALEIGH SCANNER/BPMHL/US

To: MARCUS W TRATHEN/BPMHL/US@BPMHL

10/20/2005

CVD3rdSuppPODNo1000294

08/26/2005 01:11 PM

cc

Subject Scanned document - 8/26/05 1:11:56 PM

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This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the

10/20/2005

CVD3rdSuppPODNo1000295

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

From: Marek, Carolyn [mailto:Carolyn.Marek@twtelecom.com]
Sent: Friday, October 14, 2005 10:46 AM
To: Mays, Meredith
Cc: cwelch@farrismathews.com
Subject: Memphis
Importance: High

1
2
3
Meredith - I realized yesterday afternoon that I had not included the collocations in the response as no Tennessee collos were on BST's original data request. I apologize for this oversight.

Thanks,

Carolyn

The content contained in this electronic message is not intended to constitute formation of a contract binding TWTC. TWTC will be contractually bound only upon execution, by an authorized officer, of a contract including agreed terms and conditions or by express application of its tariffs.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to)
consider Amendments to interconnection) Docket No. 041269-TP
agreements resulting from changes in law,)
by BellSouth Telecommunications, Inc.)
_____)

**XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, LLC
AND XSPEDIUS MANAGEMENT CO. OF JACKSONVILLE, LLC'S
OBJECTIONS AND RESPONSES TO BELLSOUTH
TELECOMMUNICATIONS, INC.'S FIRST REQUEST
FOR ADMISSIONS (NO. 1)**

Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC ("Xspedius"), by and through undersigned counsel, hereby provide the following Responses to BellSouth's First Request for Admissions (No.1), which were propounded on Xspedius on September 23, 2005.

GENERAL OBJECTIONS

1. Xspedius objects to each and every Request for Admission to the extent that it seeks production of information that is proprietary and confidential and exempt from public disclosure pursuant to Section 364.183, Florida Statutes.

REPRESENTATIVES PROVIDING ANSWERS

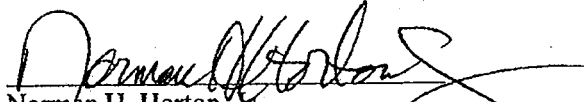
James C. Falvey Request for Admissions No. 1
Senior Vice President of Regulatory Affairs
Xspedius Communications LLC
7125 Columbia Gateway Drive, Suite 200
Columbia, Maryland 21046

REQUESTS FOR ADMISSIONS

Xspedius' Response to Request for Admissions No. 1:

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Respectfully submitted this 17th day of October, 2005.



Norman H. Horton, Jr.
MESSER, CAPARELLO & SEIFE, P.A.
215 South Monroe Street, Suite 701
Tallahassee, FL 32302
(850) 222-0720 (p)
(850) 224-4351 (f)

John J. Heitmann
KELLEY DRYE & WARREN LLP
1200 19TH Street, NW, Suite 500
Washington, DC 20036
(202) 955-9600 (p)
(202) 955-9792 (f)

Counsel to Xspedius Communications, Inc.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:)
) Docket No. 041269-TP
Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting From Changes of Law)
) Filed: September 23, 2005

**BELLSOUTH'S FIRST REQUESTS FOR ADMISSION TO XSPEDIUS
COMMUNICATIONS, LLC**

BellSouth Telecommunications, Inc. ("BellSouth") hereby serves its first requests for admission on Xspedius Communications, LLC (hereinafter "Xspedius"). These requests are to be answered under oath and within the timeframe required pursuant to governing rules and applicable orders in this docket.

Definitions and Instructions

The following definitions and instructions shall apply to these data requests:

1. If you deny any request for admission set forth herein or any sub-part thereof, set forth with specificity the basis for your denial or partial denial.
2. The terms "Xspedius" and "you," "your," "yours," and "your company" shall all mean the entity served with these data requests and all affiliates and subsidiaries, including, but not limited to carriers that you have merged with or acquired that still do business under a different name.
3. The term "fiber-based collocation" shall have the meaning set forth in paragraph 102 of the FCC's *Triennial Review Remand Order*. As set forth there, the term refers to a collocation arrangement, with active power supply, that has a non-ILEC fiber-optic cable that both terminates at the collocation facility and leaves the wire center. The

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collocation arrangement may be obtained either pursuant to contract, tariff or, where appropriate, section 251 of the 1996 Act. The term shall include fixed-wireless collocation arrangements at a wire center if the carrier's alternative transmission facilities both terminate in and leave the wire center.

Requests for Admission

1. Admit that you have fiber-based collocation arrangements at the following BellSouth wire centers:

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This 23rd day of September, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

NANCY B. WHITE
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558

R. DOUGLAS LACKEY
ANDREW D. SHORE
MEREDITH MAYS
675 W. Peachtree Street, Suite 4300
Atlanta, GA 303075
(404) 335-0765