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Sent: Wednesday, March 08, 2006 1:11 PM
To: Filings@psc.state.fl.us
Cc: Culpepper, Robert; Fatool, Vicki; Slaughter, Brenda ; Nancy Sims; Holland, Robyn P; Linda Hobbs; Bixler, Micheale
Subject: Florida Docket Nos. 050119-TP and 050125-TP
Importance: High
Attachments: response.pdf

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B. Docket No. 050119-TP: Joint Petition of TDS Telecom d/b/a TDS Telecom/Quincy Telephone, ALLTEL Florida, Inc., Northeast Florida Telephone Company d/b/a NEFCOM, GTC, Inc. d/b/a GT Com, Smart City Telecommunications, LLC d/b/a Smart City Telecom, ITS Telecommunications Systems, Inc. and Frontier Communications of the South, LLC ("Joint Petitioner") objecting to and requesting suspension of Proposed Transit Traffic Service Tariff filed by BellSouth Telecommunications, Inc.

Docket No. 050125-TP: Petition and complaint for suspension and cancellation of

Transit Traffic Service Tariff No. FL 2004-284 filed by BellSouth Telecommunications, Inc. by AT&T Communications of the Southern States, LLC

C. BellSouth Telecommunications, Inc.
 on behalf of Robert A. Culpepper

D. 7 pages total (includes letter and certificate of service)

E. BellSouth's Response to MetroPCS's Motion to Compel Interrogatory Responses.

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<<response.pdf>>

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Robert A. Culpepper

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March 8, 2006

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


Re: Docket No. 050119-TL and 050125-TP

Dear Ms. Bayó:

In connection with the above-referenced consolidated dockets, please find enclosed is BellSouth's Response to MetroPCS's Motion to Compel Interrogatory Responses, which we ask that you file in the captioned docket.

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

Sincerely,



Robert A. Culpepper

cc: All Parties of Record
Jerry Hendrix
R. Douglas Lackey
Nancy B. White

624218

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket Nos.: 050119-TL and 050125-TP;
Consolidated Pursuant to Order No.: PSC-05-0517-PAA-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and U.S. Mail this 8th day of March, 2006 to the following:

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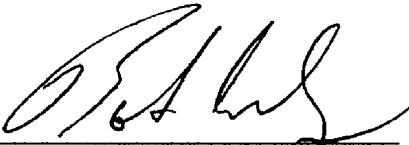
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Robert A. Culpepper

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of TDS Telecom d/b/a TDS) Docket No. 050119-TL
Telecom/Quincy Telephone, ALLTEL Florida,)
Inc., Northeast Florida Telephone Company d/b/a)
NEFCOM, GTC, Inc. d/b/a GT Com, Smart City)
Telecommunications, LLC d/b/a Smart City)
Telecom, ITS Telecommunications Systems, Inc.)
and Frontier Communications of the South, LLC,)
concerning BellSouth Telecommunications, Inc.'s)
Transit Service Tariff)
)
)
In re: Petition and Complaint of AT&T) Docket No. 050125-TP
Communication of the Southern States, LLC)
For suspension and cancellation of Transit Traffic)
Service Tariff No. FL2004-284 filed by)
BellSouth Telecommunications, Inc.)
)
) Filed: March 8, 2006

**BELLSOUTH'S RESPONSE TO MetroPCS's
MOTION TO COMPEL INTERROGATORY RESPONSES**

BellSouth Telecommunications, Inc. ("BellSouth") hereby files this Response in Opposition to the Motion to Compel Responses to Interrogatories by BellSouth Telecommunications, Inc. ("Motion to Compel") filed by MetroPCS California/Florida, Inc. ("MetroPCS") on March 1, 2006. In responding to the Motion to Compel, BellSouth incorporates by reference its General and Specific Objections to MetroPCS's First Set of Interrogatories and First Requests for Production of Documents.¹ Further, BellSouth objects to MetroPCS's assertion that it "reserves the right to move to compel responses to Interrogatory Nos. 1 and 2 after the Florida Public Service Commission ("Commission")" issues a ruling in this consolidated docket. Motion to Compel at ¶ 6. Such a

¹ Among other things, BellSouth's general objections to MetroPCS's first set of interrogatories included an objection based on relevancy ("BellSouth objects to each and every discovery request insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and are not relevant to the subject matter of this action"). Accordingly, MetroPCS's assertion that "BellSouth has not objected to the relevance of the information sought in Interrogatory Nos. 3 and 5" is incorrect. Motion to Compel at ¶ 9.

reservation is inappropriate and not permitted by the *Order Establishing Procedure* issued in this consolidated docket which, absent specific authorization, requires the completion of all discovery by March 20, 2006.²

With respect to the MetroPCS's Motion to Compel responses to Interrogatories Nos. 3 and 5, BellSouth will provide the information sought in MetroPCS's alternative requested relief: Specifically, as requested by MetroPCS, BellSouth will provide: "*the aggregate number of transit minutes delivered to BellSouth during the month of November, 2005 by each CLEC in Florida (separately for the CLECs identified in BellSouth's Exhibit KRM-2 and for the CLECs identified in BellSouth's response to MetroPCS's Interrogatory No. 4) and by MetroPCS in Florida, with the identities of the CLECs redacted.*" Motion to Compel, p. 8. BellSouth is compiling the requested information and should be able to provide such information by March 14, 2006.

Accordingly, because BellSouth has agreed to provide the "alternative" information requested by MetroPCS, the Commission should consider the matter resolved. In the alternative, the Commission should deny the Motion to Compel to the extent that MetroPCS seeks to compel BellSouth to fully respond to Interrogatories Nos. 3 and 5. Among other things, such Interrogatories: (i) seek the discovery of proprietary information;³ (ii) are overly broad and unduly burdensome; and (iii) remain irrelevant.

² Order No. PSC-05-1206-PCO-TP; issued December 6, 2005 at p. 2.

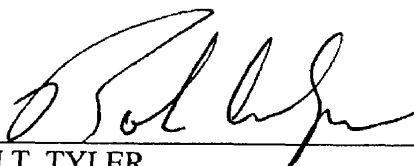
³ MetroPCS incorrectly asserts that BellSouth's CPNI-related objections to Interrogatories Nos. 3 and 5 is somehow inconsistent with BellSouth's response to Item No. 1 of the Small LECs' First Set of Interrogatories. CPNI includes information relating to the "amount of use of a telecommunications service...." 47 U.S.C. § 222(f). MetroPCS is requesting information relating to the minutes of use of transit traffic delivered by CLECs to BellSouth. In contrast, BellSouth's response to Item No. 1 to the Small LECs First Set of Interrogatories simply identifies third-party carriers that exchange traffic with Florida ICOs. Completely consistent with BellSouth's response to MetroPCS, BellSouth's response to the Small LECs mentions proprietary concerns and directs interested parties to a pass word protected web site to view company specific information such as minutes of use information.

Respectfully submitted this 8th day of March, 2006.

BELLSOUTH TELECOMMUNICATIONS, INC.

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