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Legal Department

MICHAEL P. GOGGIN  
General Attorney

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BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

RECORDS AND  
REPORTING

January 18, 2000

Mrs. Blanca S. Bayó  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 991267-TP (Global NAPS Complaint)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Global NAPs' First Request for Admissions, 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,

*Michael P. Goggin*  
(M.P.G.)  
Michael P. Goggin

AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU *Marsh* \_\_\_\_\_  
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RPR \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
WAW \_\_\_\_\_  
OTH \_\_\_\_\_

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

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*[Signature]*  
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: ) Docket No. 991267-TP  
 )  
 Complaint of Global NAPs, Inc., against )  
 BellSouth Telecommunications, Inc. for )  
 Enforcement of Section VI(B) of its )  
 Interconnection Agreement with BellSouth )  
 Telecommunications, Inc. and Request for Relief )  
 \_\_\_\_\_ ) Filed: January 18, 2000

**BELLSOUTH TELECOMMUNICATIONS, INC.'s  
 RESPONSES AND OBJECTIONS TO GLOBAL NAPs'  
FIRST REQUEST FOR ADMISSIONS**

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to Rule 28-106.206, *Florida Administrative Code*, and Rules 1.370 and 1.280, *Florida Rules of Civil Procedure*, files the following Responses and Objections to the First Request for Admissions served by Global NAPs, Inc. ("Global NAPs") on December 17, 1999.

**GENERAL OBJECTIONS**

1. BellSouth objects to the requests for admissions to the extent they seek to impose an obligation on BellSouth to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to the requests for admissions to the extent they are intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. BellSouth objects to such requests for

admissions as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every request for admissions and instruction to the extent that such request for admissions or instruction calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. BellSouth objects to each and every request for admissions insofar as the request for admissions is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any answers provided by BellSouth in response to these requests for admissions will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every request for admissions insofar as the request for admissions is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. BellSouth will attempt to note in its responses each instance where this objection applies.

6. BellSouth objects to providing information to the extent that such information is already in the public record before the Commission.

7. BellSouth objects to each and every request for admissions to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to §90.506, *Florida Statutes*. BellSouth also objects to each and every request for admissions that would require the disclosure of customer

specific information, the disclosure of which is prohibited by §364.24, *Florida Statutes*. To the extent that Global NAPs requests proprietary information that is not subject to the “trade secrets” privilege or to §364.24, BellSouth will make such information available to Global NAPs at a mutually agreeable time and place upon the execution of a confidentiality agreement, or subject to a Request for Confidential Classification.

8. BellSouth objects to Global NAPs' discovery requests, instructions and definitions, insofar as they seek to impose obligations on BellSouth that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

9. BellSouth objects to each and every request for admissions, insofar as any of them is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

10. BellSouth is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, BellSouth creates countless documents that are not subject to Commission or FCC retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests for admissions. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the requests for admissions purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

**SPECIFIC RESPONSES AND OBJECTIONS TO  
REQUEST FOR ADMISSIONS**

Subject to, and without waiver of, the foregoing general responses, BellSouth enters the following specific responses and objections with respect to Global NAPs' requests:

**REQUEST NO. 1:**

Admit that the Interconnection Agreement Between DeltaCom, Inc. and BellSouth Telecommunications, Inc. Dated July 1, 1997, as subsequently amended, is unambiguous.

**RESPONSE:**

BellSouth objects to this request on grounds that information concerning the DeltaCom agreement is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence related to the issues in this case.

**REQUEST NO. 2:**

Admit that the Florida Public Service Commission, in Order No. PSC-99-0658-FOF-TP issued in Docket No. 981008-TP, determined that the parties intended that Internet Service Provider (ISP)-bound traffic be treated as local traffic under the Interconnection Agreement between ACSI and BellSouth for purposes of being subject to reciprocal compensation.

**RESPONSE:**

BellSouth admits that the Commission's Order to which Global NAPs refers in this request speaks for itself.

**REQUEST NO. 3:**

Admit that the Florida Public Service Commission, in Order No. PSC-99-0658-FOF-TP issued in Docket No. 981008-TP, ordered BellSouth to pay to e.spire Telecommunications, Inc., reciprocal compensation for ISP-bound traffic.

**RESPONSE:**

BellSouth admits that the Commission's Order to which Global NAPs refers in this request speaks for itself.

**REQUEST NO. 4:**

Admit that BellSouth never expressed to GNAPs BellSouth's intent that ISP traffic not be treated as local traffic for which reciprocal compensation was due prior to GNAPs adoption of the Interconnection Agreement Between DeltaCom, Inc. and BellSouth Telecommunications, Inc.

**RESPONSE:**

Denied.

**REQUEST NO. 5:**

Admit that, as there was no negotiations between BellSouth and GNAPs, the parties could have formed no intent that the reciprocal compensation provisions of the Interconnection Agreement at issue would apply to ISP traffic.

**RESPONSE:**

BellSouth admits that there were no oral negotiations between the parties prior to the execution of the GNAPs Interconnection Agreement. BellSouth also admits that the parties did not mutually agree to pay reciprocal compensation for ISP-bound traffic.

**REQUEST NO. 6:**

Admit that, as there was [sic] no negotiations between BellSouth and GNAPs, the parties could have formed no intent that the reciprocal compensation provisions of the Interconnection Agreement at issue would not apply to ISP traffic.

**RESPONSE:**

BellSouth admits that there were no oral negotiations between the parties prior to the execution of the GNAPs' Interconnection Agreement. BellSouth denies that the parties "could have formed no intent" that reciprocal compensation would not be paid for ISP-bound traffic under the GNAPs Interconnection Agreement —the intent of the parties that reciprocal compensation be paid only for local traffic, not non-local ISP-bound traffic, is clear from 1) the contract language BellSouth proposed to Global NAPs prior to the execution of the Interconnection Agreement; 2) BellSouth's publicly stated views on the reciprocal compensation issue, of which Global NAPs was well aware; and 3) the plain language of the Interconnection Agreement.

**REQUEST NO. 7:**

Admit that, should the Florida Public Service Commission determine that GNAPs is entitled to reciprocal compensation under the terms of the Interconnection Agreement at issue, GNAPs would be entitled to recover its reasonable attorneys' fees from BellSouth under the terms of the Interconnection Agreement.

**RESPONSE:**

BellSouth admits that the terms of the Interconnection Agreement speak for themselves.

**REQUEST NO. 8:**

Admit that BellSouth has litigated whether reciprocal compensation is due for ISP traffic every time a claim for such compensation has been made.

**RESPONSE:**

BellSouth admits that it has never agreed to pay reciprocal compensation for non-local ISP bound traffic. BellSouth denies that it has litigated every claim for such compensation.

Respectfully submitted this 18th day of January, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
\_\_\_\_\_  
NANCY B. WHITE  
MICHAEL P. GOGGIN  
c/o Nancy H. Sims  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5558

  
\_\_\_\_\_  
R. DOUGLAS LACKEY  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0747

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**CERTIFICATE OF SERVICE  
Docket No. 991267-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

(\*) Hand Delivery and U.S. Mail this 18th day of January, 2000 to the following:

Beth Keating  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6199  
Fax No. (850) 413-6250

Jon C. Moyle, Jr.  
Cathy M. Sellers \*  
Moyle Flanigan Katz Kolins  
Raymond & Sheehan, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301  
Tel. No. (850) 681-3828  
Fax. No. (850) 681-8788  
Represents Global NAPS

William J. Rooney  
General Counsel  
John O. Post  
Assistant General Counsel  
Global NAPS, Inc.  
10 Merrymount Road  
Quincy, MA 02169  
Tel. No. (617) 507-5111  
Fax. No. (617) 507-5200

Christopher W. Savage  
Coles, Raywid, & Braverman, L.L.P.  
1919 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Tel. No. (202) 828-9811  
Fax. No. (202) 452-0067

  
Michael P. Goggin