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September 26, 1996

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Rm. 110
Tallahassee, FL 32399-0850

960916-TP

Re: Docket No. 960916-TP

Dear Mrs. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response in Opposition to ACSI's Motion to Compel BellSouth's Answers to ACSI's First Set of Interrogatories which we ask that you file in the captioned matter.

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

Sincerely,
J. Phillip Carver
J. Phillip Carver (for)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU Reach Enclosures
- CTR _____
- EAG _____
- LEG 1 _____
- LIN 5 _____
- OPC _____
- ROH _____
- SEC 1 _____
- WAS _____
- OTH _____

cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

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**CERTIFICATE OF SERVICE
DOCKET NO. 960916-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express or (*) Hand-delivery this 26th day of Sept., 1996 to the following:

Donna Canzano *
Staff Counsel
Florida Public Service
Commission
2540 Shumard Oak Boulevard
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J. Phillip Carver

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Petition by American)
Communication Services, Inc. and)
American Communication) Docket No. 960916-TP
Services of Jacksonville, Inc. for)
Arbitration with BellSouth)
Telecommunications, Inc. pursuant to)
the Telecommunications Act of 1996) Filed: September 26, 1996

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE
IN OPPOSITION TO ACSI'S MOTION TO COMPEL BELLSOUTH'S
ANSWERS TO ACSI'S FIRST SET OF INTERROGATORIES**

BellSouth Telecommunications, Inc., ("BellSouth" or the "Company"), hereby files, pursuant to Rules 25-22.037(b), Florida Administrative Code, its Response in Opposition to ACSI's Motion to Compel BellSouth's Answers to ACSI'S First Set of Interrogatories and states the following:

1. Interrogatory No. 1: In this Interrogatory, ACSI requests the name of every ALEC or other LEC with which BellSouth has entered into local interconnection agreements. Although BellSouth produced the information as to ALECs, it objected to producing the information as to LECs. BellSouth stated, in part, that the request was not appropriate given the fact that the availability of these interconnection agreements is the matter at issue in Docket No. 960290-TP. ACSI responded in its Motion to Compel by stating that "the fact that the Commissions [sic] may be considering similar issues in another docket does not dispose of this request" (Motion, p.3).

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2. To the contrary, this fact makes the request of ACSI patently inappropriate. In the above-referenced docket, the Commission entered an order specifically finding that BellSouth was not required to file these agreements with the Commission. In this Order, the Commission noted that AT&T argued that it should have access to these agreements because it "may need to obtain interconnection services under said agreements pursuant to Section 252(l) of the Act" (Order, p.3). In other words, AT&T made precisely the same argument now made by ACSI, and the Commission rejected this argument. Both AT&T and MCI have protested this Order. ACSI argues, as do the parties in Docket No. 960290-TP, that interconnecting parties are entitled to review agreements between BellSouth and other LECs and take interconnection under whatever terms are stated those agreements. Given the fact that the Commission has ruled in Docket No. 960290-TP that these agreements do not need to be filed for this purpose there is no basis for ACSI to argue that these documents should be produced for precisely the same purpose in this docket.

3. Interrogatory No. 4: ACSI contends that it is entitled to receive information regarding non-recurring costs associated with a customer's changing his or her presubscribed long distance carrier. BellSouth objected on the grounds that this information is irrelevant. ACSI contends in its Motion that this information is relevant because "[m]any of the administrative and other activities required for presubscription

charge [sic] are identical to the administrative and other activities required to provide unbundled loops.” (Motion at p.3). First, to the extent ACSI has some legitimate need for administrative costs relating to unbundled loops, it may simply request that information. It is not necessary to obtain that information by requesting costs relating to some other service on the theory that they are the same.

4. Moreover, ACSI is basing this objectionable request on nothing more than its unsupported allegation that there are many administrative functions common to both the presubscription process and the provisioning of unbundled loops. This is simply not the case. Although there may be some incidental common charges in the provision of any two services that involve processing orders, there were few, if any, substantial similarities between the administrative costs associated with presubscription and with provisioning unbundled loops. ACSI should not be allowed to utilize any slight incidental commonality as a pretext to obtain essentially irrelevant information regarding presubscription.

5. Interrogatory No. 5: BellSouth believes that its original answer to Interrogatory No. 5 is responsive and adequate,¹ with one exception. BellSouth did not provide information regarding two wire ISDN loops. BellSouth is willing to provide this information in the same manner as it has provided for the other loops.

¹ BellSouth would also note that the actual cost studies for unbundled loops have been filed in this docket.

6. Interrogatory No. 6: Although Interrogatory No. 6 is addressed by ACSI in its Motion to Compel, it does not appear to be a part of the Motion per se. Accordingly, no response is required.

7. Interrogatory No. 10: ACSI has requested that BellSouth provide information showing the proportion of the rates that are attributable to joint and common costs for four different services that are not the subject of this docket. BellSouth has properly objected. ACSI is apparently taking the position that it may obtain information regarding joint and common cost allocation for BellSouth services on the theory that the services are somehow competitive with the services that ACSI will offer. This theory is flatly wrong.

8. Throughout this docket, the prior interconnection docket before this Commission, the Federal act, and the proceedings before the Federal Communications Commission, all parties have focused on the question of the appropriate method to determine the cost of unbundled elements. This inquiry must ultimately dictate the price of unbundled elements. There is no support, in the above referenced proceedings, or otherwise, for the notion that a party can obtain cost information regarding unrelated services of a LEC and use that information as the basis to determine the appropriate cost of unbundled loops. As with its previous requests, ACSI is attempting to improperly

obtain essentially irrelevant, but competitively sensitive information about unrelated LEC services.

WHEREFORE, BELLSOUTH respectfully requests the entry of an order denying ACSI's Motion to Compel in its entirety.

Respectfully Submitted this 26th day of September, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

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