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August 19, 1997

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**HAND DELIVERED**

Blanca S. Bayo, Director  
Division of Records and Reporting  
101 E. Gaines Street  
Tallahassee, Florida 32301

Re: Docket No. 960786-TP, In re: Consideration of BellSouth Telecommunications, Inc. entry into InterLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and fifteen copies of the FCCA's Motion to Compel in the above docket.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

VGK/pw  
Encls.

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Consideration of BellSouth	)	
Telecommunications, Inc.'s entry into	)	Docket No. 960786-TL
interLATA services pursuant to	)	
Section 271 of the Federal	)	Filed: August 19, 1997
Telecommunications Act of 1996.	)	
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**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S  
MOTION TO COMPEL**

Pursuant to rules 25-22.034, .037, Florida Administrative Code, the Florida Competitive Carriers Association (FCCA) files this motion to compel BellSouth Telecommunications, Inc. (BellSouth) to respond to FCCA's Amended Seventh Set of *Interrogatories and Amended Third Request for Production of Documents*. As grounds therefor, FCCA states:

1. In the discovery which is the subject of this motion, FCCA seeks information regarding BellSouth's arrangements with other incumbent local exchange companies (ILECs) for originating and terminating traffic, providing operator services, and providing dedicated service and technical network services.

2. BellSouth has refused to provide any answers whatsoever to FCCA's requests on two grounds, both of which are spurious. First, BellSouth says FCCA's requests "have absolutely no relevance" to this docket. Second, BellSouth says FCCA is trying to misuse the discovery process to gain information it will use for "other purposes." Each of these allegations is addressed in turn.

3. As to relevance, BellSouth's entire argument is contained in the first two sentences of paragraph 2 of its objection. BellSouth says its arrangements with other ILECs have nothing to do with whether it meets the §271 checklist. BellSouth is

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mistaken. The relevancy of the information is seen in the plain language of the Telecommunications Act of 1996 (Act).

4. The first requirement of the Competitive Checklist found in §271(c)(2)(B)(i) requires that interconnection be provided in accordance with the requirements of §251(c)(2). Section 251(c)(2)(C) provides, in part, that BellSouth must provide interconnection to ALECs "that is at least equal in quality to that provided by the local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection. . . ." (Emphasis provided). Section 251(c)(2)(D) provides that such interconnection must be provided on rates, terms, and conditions that are just, reasonable, and nondiscriminatory. These two provisions go to the heart of FCCA's discovery requests and demonstrate that BellSouth's objection on the grounds of relevance is totally unfounded.

5. It is undisputed that BellSouth does in fact originate and terminate traffic to and from ILECs, provides operator services and provides joint service to ILECs. BellSouth simply does not want to provide any information about these arrangements. However, under the terms of the Act quoted above, BellSouth must provide these services to ALECs in equal quality and in a *nondiscriminatory manner as compared to that provided to any party, including ILECs*. The only way that FCCA can judge whether BellSouth has complied with the Act in this regard is through the discovery it has sent. Thus, BellSouth's relevance argument must be dismissed outright.

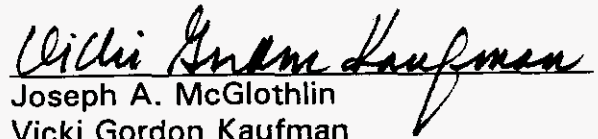
6. BellSouth's second argument is that FCCA is attempting to misuse the

discovery process and seeks to use the information sought for some undisclosed "improper purpose." FCCA resents this allegation and emphatically denies it. It should be noted that BellSouth makes this serious accusation without any elaboration or support. BellSouth then goes into a lengthy discussion of this Commission's ruling on the requirements of §252(a)(1) regarding the filing of ILEC agreements pursuant to §252(a)(1). BellSouth overlooks a two critical facts. First, FCCA does not seek this information pursuant to §252(a)(1)--rather it seeks it to determine if BellSouth has met its Competitive Checklist obligations as it claims. Second, §252(a)(1), on which BellSouth bases this part of its objection, deals only with the filing of agreements. This section does not, and cannot, limit FCCA's discovery rights to access to information directly relevant to the issues the Commission will decide in this case.

7. Every day that BellSouth withholds relevant information prejudices FCCA in the preparation of its case. For example, FCCA did not have the information it requested in time for the depositions of BellSouth's witnesses, thus precluding it from asking them about their ALEC arrangements in any detail. Further, as the Prehearing Officer is well aware, the hearing in this case is scheduled to begin in under two weeks. Even assuming that service of FCCA's discovery was made on July 28, BellSouth's responses were due on August 7 and still remain outstanding.

**WHEREFORE**, FCCA requests that the Prehearing Officer grant FCCA's motion

to compel and require BellSouth to immediately respond to its outstanding discovery.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of FCCA's foregoing Motion to Compel has been furnished by U.S. Mail, by hand delivery(\*), or by overnight delivery(\*\*) on this 19th day of August, 1997, to the following:

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