

HOPPING GREEN SAMS & SMITH

PROFESSIONAL ASSOCIATION

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(850) 222-7500

FAX (850) 224-8551

FAX (850) 425-3415

www.hgss.com

Writer's Direct Dial No.

(904) 425-2313

GARY V. PERKO
MICHAEL P. PETROVICH
DAVID L. POWELL
JOHN K. POWELL
WILLIAM D. PRESTON
CAROLYN S. RAEPPLE
DOUGLAS S. ROBERTS
D. KENT SAFRIET
GARY P. SAMS
TIMOTHY G. SCHOENWALDER
ROBERT P. SMITH
DAN R. STENGLE
CHERYL G. STUART
W. STEVE SYKES

OF COUNSEL
ELIZABETH C. BOWMAN

ORIGINAL

JAMES S. ALVES
BRIAN H. BIBEAU
RICHARD S. BRIGHTMAN
KEVIN B. COVINGTON
PETER C. CUNNINGHAM
RALPH A. DEMEO
WILLIAM H. GREEN
WADE L. HOPPING
GARY K. HUNTER, JR.
JONATHAN T. JOHNSON
LEIGH H. KELLETT
ROBERT A. MANNING
FRANK E. MATTHEWS
RICHARD D. MELSON
ANGELA R. MORRISON
SHANNON L. NOVEY
ERIC T. OLSEN

September 1, 2000

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

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RECORDS AND REPORTING

Re: UNE Docket No. 990649-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Rhythms Links Inc. are its Objections to BellSouth's Second Set of Interrogatories and Second Request for Production of Documents.

By copy of this letter, these documents have been furnished to the parties on the attached service list.

Very truly yours,

Richard D. Melson

RDM/kcg

Enclosures

cc: Parties of Record

APP. _____
CAF _____
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DOCUMENT NUMBER-DATE

10897 SEP-18

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In Re: Investigation into Pricing of)
Unbundled Network Elements)
_____)

Docket No. 990649-TP

**RHYTHMS' OBJECTIONS TO
BELLSOUTH'S SECOND SET OF INTERROGATORIES
AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Rhythms Links Inc. ("Rhythms"), by its undersigned counsel and pursuant to the procedural order in this case (Order No. PSC-00-0540-PCO-TP), hereby files its Objections to BellSouth Telecommunications, Inc.'s ("BellSouth's") Second Set of Interrogatories and Second Request for Production of Documents as follows:

GENERAL OBJECTIONS

1. Rhythms objects to the interrogatories and requests to the extent that such interrogatories and requests seek to impose an obligation on Rhythms to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case.

2. Rhythms objects to each and every interrogatory or request to the extent that such interrogatory or request calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

3. Rhythms objects to each and every interrogatory or request to the extent such interrogatory or request is vague, ambiguous, overly broad, imprecise, or uses undefined terms subject to multiple interpretations.

4. Rhythms objects to each and every interrogatory or request to the extent that the interrogatory or request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

5. Rhythms objects to providing information or documents to the extent that such information or document is publicly available or is in the control of BellSouth.

6. Rhythms objects to each and every interrogatory or request to the extent that it is unduly burdensome, expensive, oppressive, overly broad, or excessively time consuming.

7. Rhythms objects to BellSouth's instructions insofar as they seek to impose obligations on Rhythms that exceed the requirements of the Florida Rules of Civil Procedure or Florida law, including the obligation to supplement its responses.

8. To the extent that any interrogatory or request calls for confidential, proprietary business information of Rhythms, Rhythms will provide such information only subject to the protective agreement between the parties.

9. Rhythms objects to each and every interrogatory or request to the extent that it calls for a legal conclusion or opinion.

10. Rhythms objects to each and every request to the extent that it seeks documents that may be subject to protective orders or other confidentiality agreements or may be subject to copyright protection of a third party and therefore are not available for production in this proceeding.

SPECIFIC OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 32

For each unbundled network element or interconnection service for which you are proposing recurring and nonrecurring rates in this proceeding, identify the lowest rate for that same element or service that is contained in any interconnection agreement executed by Rhythms. In answering this Interrogatory, identify each such agreement, state the date the agreement was executed, state whether the agreement was arbitrated or negotiated, and identify the state commission order approving or rejecting such agreement.

OBJECTION

Rhythms objects to this Interrogatory on the grounds that it is unduly burdensome expensive, oppressive, overly broad, and excessively time consuming in nature. Rhythms further

objects to this Interrogatory on the grounds that the information requested is publicly available and thus readily obtainable by BellSouth.

INTERROGATORY NO. 46

If the answer to the foregoing Interrogatory is in the affirmative, identify any statute, rule, case law, or commission order that you contend would authorize the Florida Public Service Commission to impose such a requirement.

OBJECTION

Rhythms objects to this Interrogatory on the grounds that it seeks a legal conclusion or opinion.

INTERROGATORY NO. 48

If the answer to the foregoing Interrogatory is in the affirmative, please explain how your contention can be reconciled with *Iowa Utilities Board v. FCC*, 2000 U.S. App. LEXIS 17234 (8th Cir. July 18, 2000), in which the United States Court of Appeals for the Eighth Circuit held that rates must be based on “the cost to the ILEC of providing its existing facilities and equipment either through interconnection or by providing the specifically requested existing network elements that the competitor will in fact be obtaining”

OBJECTION

Rhythms objects to this Interrogatory on the grounds that it seeks a legal conclusion or opinion.

INTERROGATORY NO. 54

Referring to page 54 of the Direct and Rebuttal Testimony of Terry Murray dated July 31, 2000, identify each and every input which you contend is “so poorly identified and documented that it is often impossible to determine what BST might have intended, let alone whether its inputs are valid.”

OBJECTION

Pursuant to the Stipulation of Certain Issues and Schedule of Events (filed December 7, 1999), BellSouth is obligated to provide all work papers along with its cost studies. Specifically, the Stipulation states, inter alia, that “Such documentation should enable a reviewer to identify the key assumptions underlying the costs analysis.” (Stipulation ¶ 3(c)). To the extent that

information was available about inputs, those inputs have been criticized by Ms. Murray where appropriate. To the extent that sufficient information was not provided by BellSouth, Rhythms does not bear the burden of pointing out "each and every" specific instance of BellSouth's failure to comply with the Stipulation.

SPECIFIC OBJECTIONS TO DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 13


Produce all documents referring or relating to multiple loop conditioning practices of any incumbent local exchange carrier.

OBJECTION

Rhythms objects to this Request for Production of Documents to the extent it seeks documents that may be subject to protective orders or other confidentiality agreements and therefore are not available for production in this proceeding.

RESPECTFULLY SUBMITTED this 1st day of September, 2000.

HOPPING GREEN SAMS & SMITH, P.A.

By: 
Richard D. Melson
P.O. Box 6526
Tallahassee, FL 32314
(850) 425-2313

JEREMY MARCUS
Blumenfeld & Cohen
1625 Massachusetts Avenue, NW
Suite 300
Washington, DC 20036
(202) 955-6300

Attorneys for Rhythms Links Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U.S. Mail, hand delivery (*) this 1st day of September, 2000.

*Beth Keating
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

*BellSouth Telecommunications,
Inc.
Nancy B. White
c/o Nancy H. Sims
150 S. Monroe Street,
Suite 400
Tallahassee, FL 32301-1556

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Decker, Kaufman,
Arnold, & Steen, P.A.
117 South Gadsden Street
Tallahassee, FL 32301

Floyd Self/Norman Horton, Jr.
Messer, Caparello & Self
P.O. Drawer 1876
215 S. Monroe Street Suite 701
Tallahassee, FL 32302-1876

Marsha Rule
AT&T Communications
101 N. Monroe Street
Suite 700
Tallahassee, FL 32301

Susan Hither
Rick Heater
M.C. Communications, Inc.
3301 Worth Buffalo Drive
Las Vegas, Nevada 89129

James C. Falvey, Esq.
e.spire Communications, Inc.
133 National Business Parkway
Suite 200
Annapolis Junction, MA 20701

Jeremy Marcus
Kristen Smith
Blumenfeld & Cohen
1625 Massachusetts Ave. NW
Suite 300
Washington, D.C. 20036

Terry Monroe
Vice President, State Affairs
Competitive Telecomm. Assoc.
1900 M. Street, N.W.
Suite 800
Washington, DC 20036

Kimberly Caswell
Verizon Select Services, Inc.
One Tampa City Center
201 North Franklin Street
Tampa, FL 33601-0110

Carolyn Marek
Vice President of Regulatory
Affairs
Southeast Region
Time Warner Communications
233 Bramerton Court
Franklin, TN 37069

Mark Buechele
Supra Telecom Koger Center
Ellis Building, Suite 1311
Executive Center Drive
Tallahassee, FL 32301

Donna Canzano McNulty, Esq.
MCI WorldCom
325 John Knox Road Suite 105
Tallahassee, Fl 32303

Michael A. Gross
VP Reg. Affairs & Reg. Counsel
Florida Cable Telecomm. Assoc.
310 North Monroe Street
Tallahassee, FL 32301

TCG South Florida
c/o Rutledge Law Firm
Kenneth Hoffman
P.O. Box 551
Tallahassee, FL 32302-0551

Karen M. Camechis
Pennington, Moore, Wilkinson &
Dunbar
P.O. Box 10095
Tallahassee, FL 32302

Scott A. Sapperstein
Sr. Policy Counsel
Intermedia Communications
3625 Queen Palm Dr.
Tampa, FL 33619

Cathy Boone
Covad Communications, Co.
10 Glen Lake Parkway
Suite 650
Atlanta, GA 30328

Charles J. Rehwinkel
Sprint
P.O. Box 2214
Tallahassee, FL 32316

Bettye Willis
ALLTEL Communications
Services, Inc.
One Allied Drive
Little Rock, AR 72203-2177

J. Jeffrey Wahlen
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Florida Digital Network, Inc.
390 N. Orange Ave., Suite 2000
Orlando, FL 32801

KMC Telecom, Inc.
John McLaughlin
Suite 170
3025 Breckinridge Blvd.
Duluth, Ga 30096

MCI WorldCom, Inc.
Mr. Brian Sulmonetti
Concourse Corporate Center
Six
Six Concourse Parkway
Suite 3200
Atlanta, GA 30328

Office of Public Counsel
Stephen C. Reilly
c/o The Florida Legislature
111 W. Madison Street, Rm.
812
Tallahassee, FL 32399-1400
Holland Law Firm

Bruce May
P.O. Drawer 810
Tallahassee, FL 32302

John Fons
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Norton Cutler
General Counsel
Five Corporate Centre
801 Crescent Centre Drive
Suite 600
Franklin, TN 37067

George S. Ford
Chief Economist
Z-Tel Communications, Inc.
601 South Harbor Island Blvd.
Tampa, FL 33602

Genevieve Morelli
Eric D. Jenkins
Kelley Dry & Warren, LLP
1200 19th Street, NW,
Fifth Floor
Washington, DC 20036

Rodney L. Joyce
Shook, Hardy & Bacon, L.L.P.
600 14th Street, N.W.
Suite 800
Washington, D.C. 20005-2004

Hope G. Colantonio
Cleartel Communications, Inc.
1255 22nd Street N.W.
6th Floor
Washington, DC 20037

John Spilman
Broadslate Networks of
Florida, Inc.
675 Peter Jefferson Parkway
Suite 310
Charlottesville, VA 22911

Network Access Solutions
Corporation
100 Carpenter Drive, Suite 206
Sterling, VA 20164

Sprint Communications Company
Limited Partnership
3100 Cumberland Circle
Mailstop GAATLN0802
Atlanta, GA 30339

Patrick K. Wiggins, Esq.
Charles J. Pellegrini
Wiggins Law Firm
P.O. Drawer 1657
Tallahassee, FL 32302

Brent E. McMahan
Vice President-Regulatory and
Government Affairs
Network Telephone Corporation
815 South Palafox Street
Pensacola, FL 32501

Jim Lamoureux, Esq.
AT&T Communications of the
Southern States, Inc.
1200 Peachtree Street.
Suite 8068
Atlanta, GA 30309

Richard O. ...

Attorney