

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS	)	
COMMISSION'S TRIENNIAL REVIEW ORDER	)	CASE NO.
REGARDING UNBUNDLING REQUIREMENTS	)	2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS	)	

**COMPSOUTH'S  
SECOND SET OF DATA REQUESTS TO BELLSOUTH**

Competitive Carriers of the South, Inc. ("CompSouth") hereby serves upon BellSouth Telecommunications, Inc. ("BellSouth") the following interrogatories and data requests.

**INSTRUCTIONS**

1. Please answer each question separately and in the order that it is asked.

The numbers of the answers should correspond to the number of the Interrogatory being answered. Following each answer, please identify the person or persons responsible for the answer and indicate what person or witness provided responsive information or documents, and where applicable, what witness will sponsor each answer in testimony.

2. In response to the data requests seeking the production of documents, please produce all responsive documents for inspection and copying unaltered and/or unredacted as they are kept in the usual course of business and organize and label them to correspond to the categories in this request. If the requested documents are kept in an electronic format, you shall produce the requested documents in such format. If any part of a document is responsive to any request, the whole document is to be produced. If there has been any alteration, modification, or

addition to a document (whether in paper form or electronic), including any marginal notes, handwritten notes, underlining, date stamps, received stamps, attachments, distribution lists, drafts, revisions or redlines, each such alternation, modification or addition is to be considered a separate document.

3. In response to interrogatories requesting you to identify documents or other items, information or materials for disclosure, please identify the document(s) or other item(s), information or material(s) in sufficient detail so that they can be produced in response to a separate Request for Production. Such identification shall contain the number (and subpart, if applicable) of the interrogatory requesting the identification and the page count or description of the document or item. Additionally, to the extent known, the listing shall include the author, publisher, title, date, and any “Bates” or other sequential production numbering for the document or item. When responding to the Request for Production, please produce copies of all documents, other items, information or materials that were identified in response to a request or directive to “identify for disclosure” in the interrogatories. For each document or other item, please identify by number (including subpart, if any) the interrogatory which caused the “identification for disclosure”.

4. Please produce the requested information at the most granular level you possess. If an interrogatory seeks information at a level more granular than what you possess, please do not object or decline to answer or produce on that basis, but rather, state that you do not possess information at that level and produce the information requested at the most granular level that you possess. CompSouth is not asking for the creation of brand new data, but is seeking all available data for the specific categories and sub-categories described.

5. Please produce all information requested on any table by filling in the table provided in these Interrogatories. If additional explanation is required, please copy the question and provide your response below.

6. As used in these requests, the singular shall also be treated as plural and vice-versa. If you are unable to respond fully and completely to a document request, you shall explain the reasons why you are unable to do so. The terms defined above and the individual requests for information should be construed broadly to the fullest extent of their meaning in a good faith effort to comply with all applicable rules, including without limitation the Procedural Rules of the Kentucky Public Service Commission.

7. This request is directed to all documents and information in your custody or control. A document is deemed to be in your custody or control if you have possession of the document, have the right to secure such document or communication from another person having possession thereof, or the document or communication is reasonably available to you (including those documents or communications in the custody or control of your company's present employees, attorneys, agents, or other persons acting on its behalf and its affiliates. In response to requests for production of documents contained in these Interrogatories, you shall produce the document, including all appendices, exhibits, schedules, and attachments, that is most relevant to the request.

8. If you are unable to produce a document or information based on a claim that the document is not in your custody or control, state the whereabouts of such document or information when it was last in your possession, custody or control, and provide a detailed description of the reason the document is no longer in your possession, custody or control, and the manner in which it was removed from your possession, custody or control.

9. These interrogatories are continuing in nature, and should there be a change in circumstances which would modify or change an answer supplied by your company, then in such case, you should change or modify such answer and submit such changes answer as a supplement to the original answer. Further, should a subsequent version(s) of a document have been created or exist as of the date of this Interrogatory, such version(s) must be produced. Where prior versions or drafts of documents exist, please produce all such documents in your possession, custody or control.

10. CompSouth requests that you answer these Interrogatories under oath or stipulate in writing that its interrogatory responses can be treated exactly as if they were filed under oath.

11. If you claim a privilege, or otherwise decline to produce or provide, any document or information responsive to one or more of the following categories, in addition to, and not in lieu of, any procedure that you must follow under law to preserve your objection(s) and/or privilege(s), within ten (10) days after receiving these Interrogatories, the attorney asserting the privilege shall:

- a. identify in the objection to the request for information, or sub-part thereof, detailed reasons for your claim of privilege or other basis for protecting the document or information from disclosure; and the nature of the privilege (including work product) that is being claimed; and
- b. provide the following information in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:
  - (i) for documents: (1) the type of document; (2) subject matter of the document; (3) the date of the document; (4) the number of pages in the document; (5) the location or custodian of the document; (6) such other

information as is sufficient to identify the document for a subpoena *duces tecum*, including, where available, the names(s), address(es) and telephone number of the author(s) of the document and all recipient(s), and, where not apparent, the relationship of the author and addressee to each other;

(ii) for oral communications: (1) the name(s), address(es) and phone number(s) of the person making the communication and the name(s), address(es) and phone number(s) of the persons present while the communication was made; (2) the relationship of the person(s) present to the person(s) making the communication; (3) the date and place of each communication; (4) the general subject matter of the communication.

12. In the event that any requested information is considered by you to be confidential, the attorney asserting such confidential status shall inform counsel for CompSouth identified below of this designation as soon as he or she becomes aware of it, but in any event, prior to the time the responses to the Interrogatories are due to discuss or negotiate a compromise. The confidential documents however, should be produced pursuant to the protective order(s) and/or non-disclosure agreement(s) executed in this proceeding.

13. Service of proprietary responses shall be made in person or by email to:

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Douglas F. Brent  
STOLL, KEENON & PARK, LLP  
2640 AEGON Center  
400 West Market Street  
Louisville, Kentucky 40202  
(502) 568-9100

## **DEFINITIONS**

1. The term “analog” refers to electrical signals representing sound or data which are transmitted in a linear, non-digital format.
2. The acronym “CLEC” refers to competitive local exchange carriers.
3. The acronym “CLLI” refers to common language location identifier, an 11-character code generally comprised of numerals and letters that provides a unique identifier for circuit switches used by ILECs and CLECs.
4. The acronym “CO” refers to central office, the single physical ILEC building that houses one or more Class 5/end office ILEC switch(es), and in which end user customers’ loops are cross connected to ILEC switching equipment or CLEC collocation arrangements.
5. The term “BellSouth” means BellSouth Telecommunications, Inc. and its affiliates.
6. The term “communication” includes, without limitation of its generality, correspondence, email, statements, agreements, contracts, reports, white papers, users guides, job aids, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as intercoms, telephones, television, radio, electronic mail or the Internet.
7. The terms “cost study,” “cost studies,” “cost model” and “cost analyses” means the detailed development of a rate element or of rate elements through a methodology based upon engineering, operational, economic, accounting, or financial inputs, plus support for the sources of the inputs or support for the derivations of the inputs, that enables a person using the

study, studies, model or analyses to start with the support for each input and to then trace the support to the input, and to then be able to trace the input through the methodology to the resulting cost and then to the resulting rate element.

8. The term “cross connect” refers to an optical cable or copper cable that connects a CLEC’s collocation arrangement to the ILEC MDF.

9. The term “digital” refers to electrical or optical signals representing sound or data which are transmitted in a binary, discontinuous, non-linear format.

10. The term “document,” as used herein, shall have the same meaning and scope as contained in Rule 34 of the Federal Rules of Civil Procedure, and shall include, without limitation, all written, reported, recorded, magnetic, graphic, photographic matter, however produced or reproduced, which is now, or was at any time, in the possession, custody, or control of your company and its affiliates including, but not limited to, all reports, memoranda, notes (including reports, memoranda, notes of telephone, email or oral conversations and conferences), financial reports, data records, letters, envelopes, telegrams, messages, electronic mail (e-mail), studies, analyses, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, accounts, pamphlets, pictures, films, maps, work papers, arithmetical computations, minutes of all communications of any type (including inter- and intra-office communications), purchase orders, invoices, statements of account, questionnaires, surveys, graphs, recordings, video or audio tapes, punch cards, magnetic tapes, discs, data cells, drums, printouts, records of any sort of meeting, invoices, diaries, and other data compilations from which information can be obtained, including drafts of the foregoing items and copies or reproductions of the foregoing upon which notations and writings have been made which do not appear on the originals.

11. The term "DS1" refers to Digital Signal Level 1, which has a transport speed of 1.544Mbps, and can be either unchannelized or channelized into 24 voice grade channels.
12. The term "identify" or "identifying" means:
- (a) When used in reference to natural persons: (1) full name; (2) last known address and telephone number; (3) whether the person is currently employed by, associated or affiliated with BellSouth; (4) that person's current or former position; and (5) dates of employment, association or affiliation.
  - (b) When used in reference to a document: (1) its author; (2) actual or intended recipient(s); (3) date of creation; and (4) brief description of its contents.
  - (c) When used in reference to a communication: (1) whether the communication was oral or written; (2) the identity of the communicator; (3) the person receiving the communication; and (4) the location of the communicator and the person receiving the information, if the communication was oral.
13. The term "ILEC" refers to incumbent local exchange carrier, and includes ILEC's parent or any subsidiary or affiliate and all current or former officers, directors, employees, agents, representatives, contractors or consultants of ILEC, as well as any persons or other entities who have acted or purported to act on its behalf.
14. The term "LATA" means "Local Access and Transport Area" as that term is defined in the *Modification of Final Judgement, United States v. Western Elec. Co.*, 552F. Supp. 131 (D.D.C. 1982), *aff'd sub nom., Maryland v. United States*, 460 U.S. 1001 (1983).
15. "Relate, mention, reference, or pertain" shall be used to mean documents or communications containing, showing, relating, mentioning, referring or pertaining in any way, directly, or indirectly to, or in legal, logical or factual way connection with, a document request, and includes documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by such request.



16. The term “wire center” is synonymous with the term “central office,” and refers to the single physical building that houses one or more Class 5/end office ILEC switch(es) and in which end user customer’s loops are cross connected to the Class 5/end office ILEC switch(es).

17. The terms “you,” “your,” “yours,” or “your company” means the carrier or other business entity or proprietorship receiving these Interrogatories, affiliates, subsidiaries, officers, agents, attorneys, employees, representatives, agents, and consultants.

## DISCOVERY REQUESTS

### A. Loops

1. For each customer location in BellSouth territory for which you will challenge the FCC’s impairment finding, state whether BellSouth contends (1) that the self-provisioning trigger is satisfied, (2) that the wholesale trigger is satisfied or (3) that non-impairment should be found as a result of a potential deployment analysis. Provide your answers separately for DS1, DS3 and dark fiber.
  
2. For each customer location in BellSouth territory for which you will challenge the FCC’s impairment finding, identify the carriers that BellSouth contends have deployed their own loop facilities to the customer location. State whether the carrier has deployed DS1, DS3 or dark fiber loops to the location.
  
3. For each customer location in BellSouth territory for which you will challenge the FCC’s impairment finding, as satisfying the wholesale trigger for DS1 loops, provide all documents, studies, or records showing that the wholesale trigger is satisfied.
  
4. For each customer location in BellSouth territory for which you will challenge the FCC’s impairment finding, as satisfying the wholesale trigger for DS3 loops, provide all documents, studies, or records showing that the wholesale trigger is satisfied.
  
5. For each customer location in BellSouth territory for which you will challenge the FCC’s impairment finding, as satisfying the wholesale trigger, state the basis on which BellSouth contends that a carrier is willing “immediately to provide” a DS1, DS3 or dark fiber loop “on a widely available wholesale basis.” Provide your answer separately for DS1, DS3 and dark fiber loops.
  
6. For each carrier that BellSouth contends is a wholesale provider to any of the customer locations for which you will challenge the FCC’s impairment finding, identify which of the following bases (if any) BellSouth relies on to support its contention that the carrier is a wholesale provider. Please provide your response in the following format:

Wholesale Carrier	Carrier’s discovery responses indicating offer or purchase of loops	BellSouth’s experience in losing wholesale contracts to another carrier	Carrier’s advertisements	Carrier’s Public Statements	Analyst and industry reports
Carrier A	(check all that apply)				
Carrier B (repeat as necessary)					

7. If BellSouth will rely on a carrier's discovery response to demonstrate that the carrier is a wholesale provider, identify each carrier's discovery response(s) upon which BellSouth relies.
8. If BellSouth will rely on "BellSouth's experience in losing wholesale contracts to another carrier" (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify and describe each instance or experience on which BellSouth will rely.
9. If BellSouth will rely on "[a]nalyst and industry reports identifying carriers as wholesalers" (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify the carrier and the report(s) (including without limitation, name of report, date of report, etc.) upon which BellSouth will rely.
10. If BellSouth will rely on a carrier's "public statements and filings indicating willingness to wholesale or revenues from wholesaling" to demonstrate that a carrier is a wholesale provider (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify each and every statement and filing upon which BellSouth will rely.
11. If BellSouth will rely on a carrier's "own advertisements offering wholesale services" to demonstrate that a carrier is a wholesale provider (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify each and every advertisement and statement upon which BellSouth will rely.
12. For each customer location in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the self-provisioning trigger for DS3 or dark fiber loops, provide all documents, studies, or records showing that the self-provisioning trigger is satisfied. Please provide separate responses for DS3 and dark fiber loops.
13. Will BellSouth rely on the GeoLIT Plus Report produced by GeoResults, Inc to support its contention that a carrier has deployed facilities to a customer location? If so, provide a copy of the report(s) on which BellSouth will rely, identify the carrier(s) that BellSouth will contend have deployed facilities, the location(s) to which BellSouth will contend those facilities have been deployed and state all actions that BellSouth took to verify, refine or modify the information contained in the report(s) on which BellSouth will rely.

## **B. Dedicated Interoffice Transport**

14. For each transport route in BellSouth territory for which you will challenge the FCC's impairment finding, state whether BellSouth contends (1) that the self-provisioning trigger is satisfied, (2) that the wholesale trigger is satisfied or (3) that non-impairment should be found as a result of a potential deployment analysis. Provide your answers separately for DS1, DS3 and dark fiber.
15. For each transport route in BellSouth territory identified for which you will challenge the FCC's impairment finding, identify the carriers that BellSouth contends have deployed their own

transport facilities between the two central offices on the transport route. State whether the carrier has deployed DS1, DS3 or dark fiber transport on the route.

16. For each transport route in BellSouth territory for which you will challenge the FCC’s impairment finding, as satisfying the wholesale trigger for DS1 transport, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

17. For each transport route in BellSouth territory for which you will challenge the FCC’s impairment finding, as satisfying the wholesale trigger for DS3 transport, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

18. For each transport route in BellSouth territory for which you will challenge the FCC’s impairment finding, as satisfying the wholesale trigger for dark fiber transport, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

19. For each transport route in BellSouth territory, for which you will challenge the FCC’s impairment finding, as satisfying the wholesale trigger, state the basis on which BellSouth contends that a carrier is willing “immediately to provide” DS1, DS3 or dark fiber transport “on a widely available wholesale basis.” Provide your answer separately for DS1, DS3 and dark fiber.

20. For each carrier that BellSouth contends is a wholesale provider on any of the transport routes for which you will challenge the FCC’s impairment finding, identify which of the following bases (if any) BellSouth relies on to support its contention that the carrier is a wholesale provider. Please provide your response in the following format:

Wholesale Carrier	Carrier’s discovery responses indicating offer or purchase of transport	BellSouth’s experience in losing wholesale contracts to another carrier	Carrier’s advertisements	Carrier’s Public Statements	Analyst and industry reports
Carrier A	(check all that apply)				
Carrier B (repeat as necessary)					

21. If BellSouth will rely on a carrier’s discovery response to demonstrate that the carrier is a wholesale provider, identify each carrier's discovery response(s) upon which BellSouth relies.

22. If BellSouth will rely on “BellSouth’s experience in losing wholesale contracts to another carrier” (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify and describe each instance or experience on which BellSouth will rely.

23. If BellSouth will rely on “[a]nalyst and industry reports identifying carriers as wholesalers” (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed

December 22, 2003) at 9), identify the carrier and the report(s) (including without limitation, name of report, date of report, etc.) upon which BellSouth will rely.

24. If BellSouth will rely on a carrier's "public statements and filings indicating willingness to wholesale or revenues from wholesaling" to demonstrate that a carrier is a wholesale provider (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify each and every statement and filing upon which BellSouth will rely.

25. If BellSouth will rely on a carrier's "own advertisements offering wholesale services" to demonstrate that a carrier is a wholesale provider (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify each and every advertisement and statement upon which BellSouth will rely.

26. For each transport route for which you will challenge the FCC's impairment finding, as satisfying the self-provisioning trigger, identify all instances in which BellSouth has provisioned to any of the carriers identified as self-provisioners (i) UNE transport, (ii) UNE dark fiber or (iii) special access between the "A" and "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which BellSouth is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

27. For each transport route for which you will challenge the FCC's impairment finding, as satisfying the wholesale trigger, identify all instances in which BellSouth has provisioned to any of the carriers identified as wholesale providers (i) UNE transport, (ii) UNE dark fiber or (iii) special access between the "A" and "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which BellSouth is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

28. For each transport route for which you will challenge the FCC's impairment finding, as satisfying the self-provisioning trigger, identify all instances in which BellSouth has provisioned to any of the carriers identified as self-provisioners (i) UNE transport, (ii) UNE dark fiber or (iii) special access, where one end point of the circuit or element is either the "A" or "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which BellSouth is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

29. For each transport route for which you will challenge the FCC's impairment finding, as satisfying the wholesale provisioning trigger, identify all instances in which BellSouth has provisioned to any of the carriers identified as wholesale providers (i) UNE transport, (ii) UNE dark fiber or (iii) special access, where one end point of the circuit or element is either the "A" or "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which BellSouth is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE

dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

30. State whether collocation space is exhausted in any of the “A” or “Z” locations for which you will challenge the FCC’s impairment finding, and identify with specificity such locations.

31. For the past year (or such other time frame dating to approximately January 1, 2003, as is readily available), state the following information separately for DS1 and DS3 transport orders:

- The number of LSRs requesting UNE transport between the “A” and “Z” end points of the routes for which you will challenge the FCC’s impairment finding,
- The number of “no facilities” responses BellSouth has returned in response to these LSRs; and
- The number of UNE transport circuits provisioned.

32. For the past year (or such other time frame dating to approximately January 1, 2003, as is readily available), state the following information separately for UNE dark fiber orders:

- The number of LSRs requesting UNE dark fiber between the “A” and “Z” end points of the routes for which you will challenge the FCC’s impairment finding,
- The number of “no facilities” responses BellSouth has returned in response to these LSRs; and
- The number of UNE dark fiber circuits provisioned.

33. For each “no facilities” response identified in data requests 31 and 32, state the reason given for the “no facilities” response and the estimated time period in which the facility was anticipated to be available.

34. Has BellSouth ever purchased dedicated transport services or obtained dedicated transport capacity on any of the routes for which you will challenge the FCC’s impairment finding, from any of the entities BellSouth will contend are wholesale carriers? If yes, identify the carrier from whom BellSouth obtained the services or capacity, the type of service or facility obtained, and the terms and conditions upon which BellSouth obtained this service or facility.

35. Has BellSouth ever purchased dedicated transport services or obtained dedicated transport capacity on any of the routes for which you will challenge the FCC’s impairment finding, from any other provider not affiliated with either BellSouth or any of the entities that BellSouth will contend are wholesale carriers? If yes, identify the carrier from whom BellSouth obtained the services or capacity, the type of service or facility obtained, and the terms and conditions upon which BellSouth obtained this service or facility.

Respectfully submitted,

/s/

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**COUNSEL FOR COMPSOUTH**

**CERTIFICATE OF SERVICE**

I hereby certify that the electronic version of this filing made with the Commission this 15<sup>th</sup> day of January, 2004 is a true and accurate copy of the documents attached hereto in paper form. This version was transmitted to the Commission for forwarding to those persons receiving electronic notices from the Commission in this case. A copy of the filing was also served by U.S. mail on January 15<sup>th</sup>, 2004 to those persons whose postal addresses appear on the service list below.

/s/

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