



BellSouth Telecommunications, Inc.
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333 Commerce Street
Nashville, Tennessee 37201-3300

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Patrick Turner
Attorney

RECEIVED
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June 9, 2000

VIA HAND DELIVERY

Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: *BellSouth "Win Back" Tariff*
Docket No. 00-00391

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Data Requests to New South Communications Corporation. Copies of the enclosed are being provided to counsel of record for all parties.

Very truly yours,

Patrick W. Turner

PWT/jem

Enclosure

POSTED
6-12-00

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: BELLSOUTH "WIN BACK" TARIFF

Tariff No. 00-00391

BELLSOUTH TELECOMMUNICATIONS, INC.'S
DATA REQUESTS TO NEW SOUTH COMMUNICATIONS CORPORATION

BellSouth Telecommunications, Inc. ("BellSouth") hereby requests New South Communications Corporation ("New South") to provide answers and furnish documents in response to the following data requests by 2:00 p.m. on June 14, 2000.

INSTRUCTIONS

(a) If any response required by way of answer to these data requests is considered to contain confidential or protected information, please contact BellSouth immediately so the parties may prepare and submit an appropriate Protective Order for proposed entry in this docket.

(b) If any response required by way of answer to these data requests is withheld under a claim of privilege, please identify the privilege asserted and describe the basis for such assertion. If any document is withheld under a claim of privilege, furnish a list of each document for which the privilege is claimed, reflecting the name and address of the person who prepared the document, the date the document was prepared, each person who was sent a copy of the

document, each person who has viewed or has had custody of a copy of the document, and a statement of the basis on which the privilege is claimed.

(c) These data requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These data requests are intended to include requests for information which is physically within New South's possession, custody or control as well as in the possession, custody or control of New South's agents, attorneys, or other third parties from which such documents may be obtained.

(d) If any data request cannot be responded to in full, answer to the extent possible and specify the reason for your inability to respond fully. If you object to any part of a data request, answer all parts of the data request to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

(e) These data requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these data requests subsequently become known or should your initial response be incorrect or untrue.

DEFINITIONS

(a) "New South" means New South, its parent, subsidiaries, and affiliates, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of New South.

(b) "You" and "your" refer to New South.

(c) "Person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

(d) "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these data requests information that would not otherwise be brought within their scope.

(e) "Identification" or "identify" when used in reference to: (i) a natural individual, requires you to state his or her full name and residential and business address; (ii) a corporation, requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (iii) a document, requires you to state the number of pages and the nature of the document (e.g., a letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location or custodian; (iv) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

(f) "Special Contract" refers to any written contract, special pricing package, discount, or other means by which New South provides telecommunications services in Tennessee (whether local, intraLATA toll, or

interLATA service) to any person or entity at rates, terms, or conditions that differ from New South's Tennessee tariffs on file with the TRA.

(g) "Telecommunications carrier" and "Telecommunications Services" refer to those terms as defined in Section 3(44) and Section 3(46) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, as codified in 47 U.S.C. § 3(44) and 47 U.S.C. § 3(46), respectively.

(h) "BellSouth's tariff" refers to BellSouth's Welcome Back! Winback tariff that is the subject of this docket.

DATA REQUESTS

1. Do you contend that BellSouth's tariff is anticompetitive? If so, please: identify each and every term, condition, or provision of the tariff which you contend is anticompetitive; state all facts which support your contention that such terms, conditions, or provisions are anticompetitive; and produce all documents which support your contention that such terms, conditions, or provisions are anticompetitive.

RESPONSE:

2. Do you contend that BellSouth's tariff is unduly discriminatory? If so, please: identify each and every term, condition, or provision of the tariff which you contend is unduly discriminatory; state all facts which support your contention that such terms, conditions, or provisions are unduly discriminatory; and produce all

documents which support your contention that such terms, conditions, or provisions are unduly discriminatory.

RESPONSE:

3. Aside from the information you provided in response to Requests Nos. 1 and 2, do you contend that BellSouth's tariff violates any other provisions of law? If so, please:

(a) specifically identify each and every statute, rule, regulation, order, or case that you contend BellSouth's tariff violates;

(b) for each statute or case identified in response to (a) above, identify each and every term, condition, or provision of the tariff which you contend violates such statute, rule, regulation, order, or case;

(c) state all facts which support your contentions set forth in response to (a) and (b) above; and

(d) produce all documents which support your contentions set forth in response to (a), (b), and (c) above.

RESPONSE:

4. In the State of Tennessee, have you offered (or do you currently offer) any telecommunications services, rates, terms, conditions, discounts, rebates, checks, or other items to persons and/or entities who, as of the time of the offer, were not your customers without making the same offer available under the same

terms and conditions to persons and/or entities who were your customers at the time of the offer? If so, please describe each such offering in detail and produce any and all documents related to each such offering (including without limitation training materials, guidelines, manuals, handbooks, policy papers, directives, memoranda, printed advertisements, scripts for radio or television advertisements, marketing materials, marketing analysis, promotional filings, notifications to the TRA, materials provided to prospective customers, etc.).

RESPONSE:

5. Please produce any and all documents and materials (including without limitation training materials, briefing materials, videotapes, notebooks, memoranda, sample forms, handouts, syllabi, agendas, etc.) you provide or make available to your sales personnel which directly or indirectly addresses their ability to offer discounts, special contracts, or individual case basis contracts to your current or prospective customers or which directly or indirectly address any other pricing flexibility your sales personnel may offer to current or prospective customers.

RESPONSE:

6. For each BellSouth central office in which you are virtually and/or physically collocated, please (a) identify the central office; (b) provide the number of customers and or access lines you serve through your collocation arrangement(s) in that central office; (c) identify the number of customers and/or access lines

whose service addresses fall within the boundaries of that central office and whom you serve by means other than your collocation arrangement(s) in that central office.

RESPONSE:

7. Please provide the names of your Tennessee sales personnel (including every person, whether your employee, agent, or independent contractor, who offers your telecommunications services to customers in Tennessee).

RESPONSE:

8. Please produce any and all sales and/or marketing documents (including without limitation training materials, briefing materials, videotapes, notebooks, memoranda, sample forms, handouts, syllabi, agenda, etc.) which specifically mention or discuss: (a) BellSouth; (b) the ILEC; (c) other CLECs; and (d) other competitors.

RESPONSE:

9. If you offer or provide (or have offered or provided) telecommunications services in the state of Tennessee at rates, terms, or conditions that differ from your tariffs on file with the TRA, please describe each and every such offering in detail, identify all customers to whom the offering is or was extended, specify the legal justification for each such offering, and produce all

documents which set forth, identify, pertain, refer, or relate to each such offering (including without limitation training materials, guidelines, manuals, handbooks, policy papers, directives, memoranda, printed advertisements, scripts for radio or television advertisements, marketing materials, marketing analysis, profitability analysis, promotional filings, notifications to the TRA, materials provided to prospective customers, etc.).

RESPONSE:

10. For each offering identified in your answer to Request No. 8, please describe the manner in which each such offering is made available to customers, describe the manner in which you determine those customers that should be considered as candidates for each such offering, and produce all documents which set forth, identify, pertain, refer, or relate to these matters (including without limitation training materials, guidelines, manuals, handbooks, policy papers, directives, memoranda, printed advertisements, scripts for radio or television advertisements, marketing materials, marketing analysis, profitability analysis, promotional filings, notifications to the TRA, materials provided to prospective customers, etc.).

RESPONSE:

11. Please produce copies of each and every individual case basis (ICB) contract between you and a customer in the State of Tennessee.

RESPONSE:

12. For each special contract that you have entered with customers in Tennessee, please produce a copy of the notification and written summary of the special contract that you provided to the TRA. If it is not obvious from the documents you provide, please state the date on which each such notification and written summary was provided to the TRA.

RESPONSE:

13. For every promotional offering you have made available in Tennessee, please identify and describe the promotional offering; produce all documents which set forth, identify, pertain, refer, or relate to the discussion of the promotional offering; produce a copy of any contract or customer participating in the promotion was required to sign; state the dates (beginning and ending) during which you made the offering available to customers in Tennessee; produce a copy of any notification you provided the TRA with regard to the promotional offering; and state the date upon which you provided the TRA with such notification.

RESPONSE:

14. For each month since you have been offering and/or providing telecommunications services in the State of Tennessee, please state your total

number of residential access lines and business access lines in the State of Tennessee and produce all documents which support your response to this request.

RESPONSE:

15. Please produce any documents which state, estimate, and/or project your past, present, or future: share of the Tennessee telecommunications market in its entirety; share of any segment of the Tennessee telecommunications market; or growth rate in Tennessee or in any area of the State of Tennessee.

RESPONSE:

16. Please produce copies of your annual reports, proxy statements, 10Q reports, 10K Reports, and any other written materials you have provided or made available to you shareholders regarding your financial status or your telecommunications operations.

RESPONSE:

17. Please provide either the number or the percentage of your business customers in Tennessee which have: (1) switched to you from BellSouth; (2) switched to you from another ILEC; (3) switched to you from another CLEC; (4) switched to you from some other entity (i.e. a cooperative); and (5) placed their initial service with you.

RESPONSE:

18. Please state the number of your business customers in Tennessee whose billing for your telecommunications services is less than \$150,000 annually.

RESPONSE:

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: Patrick W. Turner

Guy M. Hicks

Patrick W. Turner

333 Commerce Street, Suite 2101

Nashville, Tennessee 37201-3300

(615) 214-6301

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2000, a copy of the foregoing document was served on the parties of record, via the method indicated:

☒ Hand
☐ Mail
☐ Facsimile
☐ Overnight

Julie Woodruff, Esquire
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0500

☐ Hand
☒ Mail
☒ Facsimile
☐ Overnight

Henry Walker, Esquire
Boult, Cummings, Conners & Berry
414 Union Avenue, #1600
Post Office Box 198062
Nashville, Tennessee 37219-8062

☐ Hand
☒ Mail
☒ Facsimile
☐ Overnight

Charles B. Welch, Esquire
Farris, Mathews, et al.
205 Capitol Blvd, #303
Nashville, Tennessee 37219


