

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

JOINT FILING OF AT&T, INC.,
BELLSOUTH CORPORATION, and
BELLSOUTH'S CERTIFIED TENNESSEE
SUBSIDIARIES REGARDING CHANGE OF
CONTROL

DOCKET NO. 06-00093

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MOTION OF INTERVENORS
NUVOX COMMUNICATIONS, INC.,
XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, LLC,
XSPEDIUS MANAGEMENT CO. OF CHATTANOOGA, LLC, AND
ITC^DELTACOM COMMUNICATIONS INC. D/B/A ITC^DELTACOM
TO COMPEL RESPONSES TO DISCOVERY REQUESTS OR,
IN THE ALTERNATIVE, TO STRIKE THE TESTIMONY OF
DEBRA J. ARON AND OTHER BELLSOUTH WITNESSES
REGARDING WIRELESS SERVICES AS IRRELEVANT

Pursuant to Tennessee Rules of Civil Procedure 37.01 and Tennessee Regulatory Authority Rule 1220-1-2-.11(9), NuVox Communications, Inc., Xspedius Management Co. Switched Services, LLC, Xspedius Management Co. of Chattanooga, LLC, and ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom (hereinafter "Joint Intervenors"), by and through undersigned counsel, hereby request that the Tennessee Regulatory Authority ("Authority" or "TRA") compel Applicant BellSouth Corporation. ("BellSouth") and/or Applicant AT&T Inc., ("AT&T") (hereinafter "Joint Applicants") to provide full and complete responses to the enumerated discovery requests which were filed and served on Joint Applicants on May 19, 2006.

Joint Applicants objected to Request No. 13. The Request and Joint Applicants' response are as follows:

13. Please set forth the number of Cingular subscribers, by year, since 2000: (i) in Tennessee; (ii) in BellSouth's footprint in Tennessee; (iii) in BellSouth's 9-state region; (iv) in AT&T's footprint in legacy SBC's 13-state region; and (v) nationwide.

RESPONSE:

13. AT&T and BellSouth object to this Request on the grounds that it seeks information regarding wireless services. Such services are not within the jurisdiction of the TRA and consequently are not relevant to this proceeding. *See* 47 U.S.C. § 332(c)(3).

Joint Applicants' position is unfounded and contradictory. The data requested is essential for the Joint Intervenors to make this case that competition will be harmed and for the TRA to consider when deliberating.

It is contradictory for the Joint Applicants to argue that the converged services of Cingular is one of the benefits to the Tennessee consumer and then refuse to furnish wireless service information as irrelevant. *See* Transmittal Letter from Guy Hicks and Jack Robinson, Jr. to the Honorable Ron Jones, Chairman, TRA, March 31, 2006.

Also, Joint Applicants want the TRA to view wireless services as competition. *See* Aron Direct Testimony at pp. 18-22. If wireless services are irrelevant, then the testimony of Debra J. Aron and other BellSouth witnesses regarding wireless services should be stricken as irrelevant. Any and all references to wireless services in Ms. Aron's and other BellSouth witnesses' testimony should be stricken, including but not limited to the following portions of Ms. Aron's Direct Testimony: p. 6 (line 12); p. 5 (lines 19-20); p. 7 (line 20); p. 8 (line 8); p. 12 (lines 16-19); p. 17 (line 6); p. 18 (lines 10-20); pages 19-23; page 28 (line 15); page 30 (lines 3-8); pages 31-32; page 33 (lines 1-6); page 43 (line 9).

Without a complete response to the discovery request, Joint Intervenors cannot adequately and properly prepare rebuttal testimony and present their case.

For the foregoing reasons, the Authority should grant Joint Intervenors' Motion to Compel and direct Joint Applicants to respond completely and fully to Joint Intervenors' discovery requests or, in the alternative, strike the testimony of Debra J. Aron and other BellSouth witnesses regarding wireless services as irrelevant.

Respectfully submitted,



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Certificate of Service

The undersigned hereby certifies that on this the 19th day of June, 2006, a true and correct copy of the foregoing has been forwarded via electronic transmission to:

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