

**BellSouth Telecommunications, Inc.**  
Suite 2101  
333 Commerce Street  
Nashville, Tennessee 37201-3300

615 214-6301  
Fax 615 214-7406

SEP 15 1999 4 17  
Guy M. Hicks  
General Counsel

EXECUTIVE SECRETARY

September 15, 1999

**VIA HAND DELIVERY**

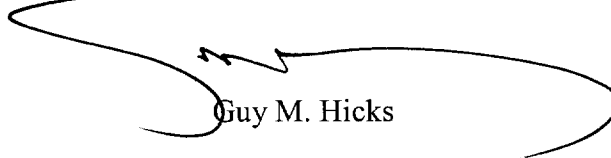
Mr. David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re: *Petition by ICG TELECOM GROUP, INC. for Arbitration of an Interconnection Agreement with BELLSOUTH TELECOMMUNICATIONS, INC. pursuant to Section 252(b) of the Telecommunications Act of 1996*  
Docket No. 99-00377

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth Telecommunications, Inc.'s First Request for Production of Documents to ICG Telecom Group, Inc. Copies of the enclosed are being provided to counsel of record for all parties.

Very truly yours,



Guy M. Hicks

GMH/jem

Enclosure

**FILE**

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**  
Nashville, Tennessee

In Re:	)	
	)	
Petition by ICG TELECOM GROUP, INC. for	)	
Arbitration of an Interconnection Agreement with	)	Docket No. 99-00377
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
pursuant to Section 252(b) of the Telecommunications	)	
Act of 1996.	)	
_____	)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS TO ICG TELECOM GROUP, INC.**

BellSouth Telecommunications, Inc. ("BellSouth") hereby requests ICG Telecom Group, Inc. ("ICG") to furnish documents in response to the following Requests for Production by September 27, 1999.

**INSTRUCTIONS**

(a) If any response required by way of answer to these Requests for Production is considered to contain confidential or protected information, please furnish this information subject to a protective agreement.

(b) If any document is withheld under a claim of privilege, please 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 who has had custody of a copy of the document, and a statement of the basis on which the privilege was claimed.

(c) These Requests for Production are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These

Requests for Production are intended to include requests for information that is physically within ICG's possession, custody or control as well as in the possession, custody or control of ICG's agents, attorneys, or other third parties from which such documents may be obtained.

(d) If any Request for Production cannot be responded 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 Request for Production, answer all parts of the request to which you do not object, and as to each part to which you do object, separately set forth this specific basis for the objection.

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

### **DEFINITIONS**

(a) "ICG" means ICG Telecom Group, Inc., any predecessors in interest, 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 ICG.

(b) "You" and "your" refer to ICG.

(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 Interrogatories 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) “Arbitration Petition” refers to the petition filed by ICG on May 27, 1999 requesting arbitration under Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (“Act”).

(g) “Incumbent Local Exchange Carrier” refers to the term as defined in Section 252(h) of the Act, as codified in 47 U.S.C. § 252(h).

### **REQUESTS FOR PRODUCTION**

1. Produce copies of all documents identified in response to BellSouth's First Set of Interrogatories.
2. Produce all documents that support or refer or relate to the recurring and nonrecurring rates you contend BellSouth should charge ICG for frame relay elements necessary to provide packet-switched services in Tennessee, including the User-to-End Network Interface, Network-to-Network Interface, and the Data Link Control Identifiers and Committed Information Rates.
3. Produce all documents that refer or relate to any request by ICG to an Incumbent Local Exchange Carrier (other than BellSouth) to provide ICG with an “Enhanced Extended

Link” or “EEL” alternative, as well as all documents referring or relating to the Incumbent Local Exchange Carrier’s response to any such request.

4. Produce a copy of any interim or final decision in an arbitration under Section 252 of the Act or in any other proceeding under the Act that addresses the issue of whether ICG should be provided with an “Enhanced Extended Link” or “EEL” alternative.

5. Produce all documents that refer or relate to any request by ICG to an Incumbent Local Exchange Carrier (other than BellSouth) to provide ICG with volume and term discounts on unbundled network elements consistent with those available for the Incumbent’s special access services.

6. Produce a copy of any interim or final decision in an arbitration under Section 252 of the Act or in any other proceeding under the Act that addresses the issue of whether ICG should receive volume and term discounts on unbundled network elements from an Incumbent Local Exchange Carrier consistent with those available for the Incumbent’s special access services.

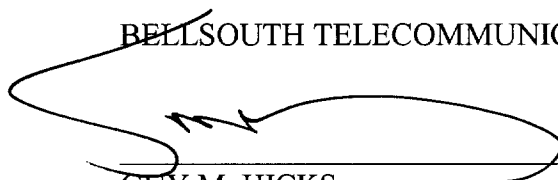
7. Produce all documents that refer or relate to any request by ICG to an Incumbent Local Exchange Carrier (other than BellSouth) for performance measurements, benchmarks, and/or liquidated damages.

8. Produce all documents that refer or relate to ICG’s claim that for purposes of reciprocal compensation, ICG should be compensated for end office, tandem, and transport elements of termination where ICG’s switch serves a geographic area comparable to the area served by BellSouth’s tandem switch.

9. Produce copies of all agreements between ICG and an Incumbent Local Exchange Carrier (other than BellSouth) under Section 252 of the Act, whether the agreement was reached through voluntary negotiation or compulsory arbitration.
10. Produce all documents upon which ICG intends to rely or introduce into evidence at the hearing on this matter.
11. Please provide any and all written agreements and/or contracts entered between ICG and its ISP customers identified in response to Interrogatory No. 8, as well as an explanation of any oral agreements entered with such ISP customers.
12. Identify any and all cost studies, evaluations, reports or analyses prepared by or for ICG concerning any issue raised by ICG in the Arbitration Petition.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "Guy M. Hicks", is written over a horizontal line.

GUY M. HICKS  
General Counsel  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301

R. DOUGLAS LACKEY  
LISA FOSHEE  
A. LANGLEY KITCHINGS  
Suite 4300, BellSouth Center  
675 West Peachtree Street, N.E.  
Atlanta, Georgia 30375-0001  
(404) 335-0750

**CERTIFICATE OF SERVICE**

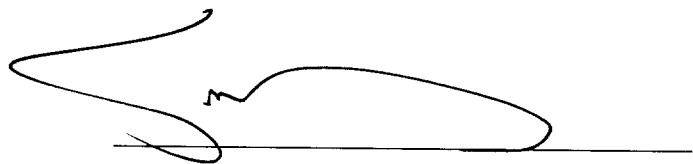
I hereby certify that on September 15, 1999, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☒ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight

Richard Collier, Esquire  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0500

- ☒ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight

Henry Walker, Esquire  
Boult, Cummings, et al.  
414 Union Ave., #1600  
P. O. Box 198062  
Nashville, TN 37219-8062

A handwritten signature in black ink, appearing to read 'H. Walker', is written over a horizontal line.