

**IN RE: Implementation of the Federal
Communications Commission's Triennial
Review Order**

DOCKET 29054

**RULING GRANTING AT&T'S MOTION TO REQUIRE
BELLSOUTH TO RESPOND TO DISCOVERY REQUEST**

BY THE COMMISSION:

On January 22, 2004, AT&T Communications of the South Central States, LLC ("AT&T") filed a Motion to Require BellSouth Telecommunications, Inc. ("BellSouth") to Disclose Certain Information (the "AT&T Motion to Compel") contained in BellSouth's business records concerning competitive local exchange carriers ("CLECs") identified as self-providers of local switching to serve the mass market. The reference to such CLEC self-providers of local switching was contained in the Direct testimony of BellSouth's Witness Ms. Pamela A. Tipton. AT&T also attached to its January 22, 2004, Motion to Compel AT&T's Second Set of Interrogatories to BellSouth.

In its Motion to Compel, AT&T represented its understanding that BellSouth was concerned that the CLEC information requested by AT&T might consist of Customer Proprietary Network Information ("CPNI") which BellSouth would be restricted from providing absent an Order from the Commission. AT&T represented that BellSouth had no objection to providing the desired information so long as the appropriate protections for the confidential nature of the information are addressed in any Commission Order requiring BellSouth to provide the information requested. AT&T's assessment appears accurate since BellSouth did not file an

DOCKET 29054 - #2

objection to AT&T's Motion to Compel.

Based on the representations contained in AT&T's Motion, and in the interest of having a full and complete record presented to the Commission in the above-styled matter, it appears that good cause exists to require BellSouth to provide the information sought by AT&T in its Second Set of Interrogatories that were served on BellSouth on January 22, 2004, subject to BellSouth's right to lodge other appropriate discovery objections. All such information submitted by BellSouth shall be subject to all the protections contained in the Confidentiality Agreement executed between the parties to this Docket. As agreed to by the parties, BellSouth shall make its best efforts to provide this information to AT&T, all other parties of record that have entered into the appropriate protective agreements, and to the Commission within three business days from the date of this Order.

Based on the foregoing, it appears that good causes exists to require BellSouth, as well as other parties to this proceeding, to file with this Commission and the parties of record that have entered into the appropriate protective agreements, information that may consist of, or that may contain CPNI. This ruling is necessary to facilitate the timely exchange of information in the above-styled cause.

IT IS, THEREFORE, SO RULED.

DONE at Montgomery, Alabama this

day of February, 2004.

John A. Garner
Administrative Law Judge