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Legal Department

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September 3, 1996

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RE: Docket No. 960916-TP

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response and Objections to ACSI's First Request for Production of Documents and Motion for Protective Order. Please file these documents in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
Nancy B. White (w)

- ✓ ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU Reith _____
- CTR _____
- EAG _____
- LEG 1 _____
- LIN 5 _____
- OPT _____
- ROH _____
- SEC 1 _____
- WAS _____
- OTH _____

Enclosures

All Parties of Record
A. M. Lombardo
R. G. Beatty
W. J. Ellenberg

RECEIVED & FILED

W. J.

EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09301 SEP-3 96

FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of)
)
Petition by American)
Communications Services, Inc.)
and American Communications)
Services of Jacksonville, Inc.)
for Arbitration with BellSouth)
Telecommunications, Inc.)
pursuant to the)
Telecommunications Act of 1996)
_____)

Docket No. 960916-TP
Filed: September 3, 1996

BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE AND OBJECTIONS TO
AMERICAN COMMUNICATION SERVICES, INC. AND AMERICAN
COMMUNICATIONS SERVICES OF JACKSONVILLE, INC.'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
AND MOTION FOR PROTECTIVE ORDER

COMES NOW BellSouth Telecommunications, Inc. ("BellSouth" or "Company"), and files, (1) pursuant to Rule 25-22.034, Florida Administrative Code, and Rules 1.280(c) and 1.350 of the Florida Rules of Civil Procedure, its Responses and Objections to American Communication Services, Inc. and American Communications Services of Jacksonville, Inc.'s ("ACSI") First Request for Production of Documents dated August 13, 1996, and (2) Motion for Protective Order.

GENERAL OBJECTIONS

BellSouth makes the following General Objections to ACSI's First Request for Production of Documents which are incorporated by reference into BellSouth's specific responses.

1. BellSouth objects to the requests to the extent that such requests seek to impose an obligation on BellSouth to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such

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requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth has interpreted ACSI's requests to apply to BellSouth's regulated intrastate operations in Florida and will limit its Answers accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, BellSouth objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every request and instruction to the extent that such request or instruction calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. BellSouth objects to each and every request insofar as the request is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any Answers provided by BellSouth in response to ACSI's requests will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. BellSouth will attempt to note each instance where this objection applies.

6. BellSouth objects to ACSI's discovery requests, instructions and definitions, insofar as they seek to impose obligations on BellSouth which exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

7. BellSouth objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission.

8. BellSouth objects to each and every request, insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. BellSouth objects to each and every request to the extent that the information requested constitute "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that ACSI's requests request proprietary confidential business information which is not subject to the "trade secrets" privilege, BellSouth will make such information available to counsel for ACSI pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

SPECIFIC RESPONSES

Subject to, and without waiver of, the foregoing general objections, BellSouth enters the following specific objections with respect to ACSI's requests:

10. BellSouth objects to Request Nos. 1 and 2 for on the grounds that the issue of whether and which interconnection agreements are available to other parties is the subject of

Docket No. 960290-TP. Moreover, BellSouth objects to these requests on the basis that the requests are overly broad, oppressive and unduly burdensome. In addition, BellSouth objects to these requests on the basis that the requests do not seek information relevant to the issues in this docket nor are they reasonably calculated to lead to the discovery of admissible evidence.

11. With respect to Request No. 3 (a-c), BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

12. BellSouth objects to portions of Request No. 3 (d-g) on the grounds that the items therein were not requested in ACSI's Petition for Arbitration. Therefore, those portions of the request are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, BellSouth objects to the follow-up questions in Request No. 3 on the grounds that this part of the Request to the extent it seeks BellSouth to perform additional work on its cost studies. BellSouth refers ACSI to General Objection No. 6.

13. With respect to Request No. 4, BellSouth has no documents responsive to this request in its possession, custody, or control.

14. With respect to Request No. 5, BellSouth will produce responsive documents that are in its possession, custody, or

control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

15. BellSouth objects to Requests No. 6, 7, 11, 12(1), 14 and 15 on the grounds that the documents requested are not relevant and are not calculated to lead to the discovery of admissible evidence. Moreover, the requests are overly broad, unduly burdensome, and oppressive. In addition, the requests seek highly sensitive competitive information.

16. With respect to Request No. 8, BellSouth refers ACSI to BellSouth's Response to ACSI's First Request for Production of Documents, Item No. 3.

17. With respect to Request No. 9, BellSouth refers ACSI to BellSouth's Response to ACSI's First Request for Production of Documents, Item No. 3.

18. With respect to Request No. 10, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

19. With respect to Request No. 12 (2-3), BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

20. With respect to Request No. 13, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

21. With respect to Request No. 16, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above.

Respectfully submitted this 3rd day of September, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE
DOCKET NO. 960916-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express this 3rd day of September, 1996 to the following:

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