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January 4, 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. 950984A-TP

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response and Objections to Metropolitan Fiber Systems of Florida, Inc.'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 (AW)

Enclosures

cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
R. D. Lackey

- ACK
- AFA _____
- APP _____
- CAF _____
- CHM *Char* _____
- CTR _____
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- ESW _____
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DOCUMENT NUMBER-DATE
00128 JAN-4 96
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of petition(s))
to establish nondiscriminatory)
rates, terms, and conditions for)
resale involving local exchange)
companies and alternative local)
exchange companies pursuant to)
Section 364.161, Florida Statutes)

Docket No. 950984A-TP

Filed: January 4, 1996

BELLSOUTH'S RESPONSE AND OBJECTIONS TO
METROPOLITAN FIBER SYSTEMS OF FLORIDA, 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 Metropolitan Fiber Systems of Florida, Inc.'s ("MFS") First Request for Production of Documents dated December 14, 1995, and (2) Motion for Protective Order.

GENERAL RESPONSE AND OBJECTIONS

BellSouth makes the following General Objections to MFS's First Set of Requests for Production of Documents which will be incorporated by reference into BellSouth's specific responses when its Responses are served on MFS.

1. BellSouth has interpreted MFS'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.

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

3. 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 Responses provided by BellSouth in response to MFS's requests will be provided subject to, and without waiver of, the foregoing objection.

4. 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.

5. BellSouth objects to MFS's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on BellSouth which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

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

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

8. BellSouth objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. Consequently, BellSouth moves the Prehearing Officer to issue a Protective Order directing that discovery be had only under certain conditions, to the extent that MFS's requests seek proprietary confidential business information which is not subject of the "trade secrets" privilege. BellSouth will make such information available to counsel for MFS pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

9. BellSouth is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, BellSouth creates countless documents that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been provided in response to these discovery requests. Rather, these responses provide all of the information obtained by BellSouth after a reasonable and diligent search conducted in connection with this discovery request. BellSouth has complied with MFS's request that a search be conducted of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more,

BellSouth objects on the grounds that compliance would impose an undue burden or expense.

10. BellSouth objects to each and every request 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 requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

11. BellSouth objects to each and every request to the extent that they seek information in the nature of market research. BellSouth should not be required to provide to a competitor information which BellSouth has compiled or which BellSouth has paid to have compiled and allow a competitor to have the benefit of such information.

SPECIFIC REQUESTS

Subject to, and without waiver of, the foregoing general objections, BellSouth enters the following specific responses to MFS's requests:

12. With respect to Request No. 1, pursuant to the General Objections stated above, BellSouth specifically objects to this request on the grounds that MFS propounded interrogatories to BellSouth that covered a vast spectrum of topics and subjects. In order to attempt to respond to these interrogatories, BellSouth "referred to or relied upon" a voluminous amount of information. BellSouth therefore objects on the grounds that this request is overly broad, unduly burdensome, and oppressive.

13. With respect to Request No. 2, pursuant to the General Objections stated above, BellSouth specifically objects to this request on the grounds set forth in the individual specific objections made by BellSouth as set forth in BellSouth's Objections to MFS' First Set of Interrogatories which is being served on MFS contemporaneously with these objections. Such specific objections are incorporated herein by specific reference thereto. In an effort to be responsive, however, BellSouth refers MFS to BellSouth's responses to Request Nos. 3, 4, and 9.

14. With respect to Request No. 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 Protective Order set forth above.

15. With respect to Request No. 4, BellSouth will produce responsive documents that are in its possession, custody, or control at a mutually convenient time and place. To the extent this request calls for information that is a matter of public record before the Florida Public Service Commission, BellSouth objects on the grounds that such information is equally available to MFS.

16. With respect to Request No. 5, BellSouth has no documents responsive to this request in its possession, custody, or control.

17. With respect to Request No. 6, BellSouth has no documents responsive to this request in its possession, custody, or control.

18. With respect to Request No. 7, BellSouth has no documents responsive to this request in its possession, custody, or control.

19. With respect to Request No. 8, BellSouth has no documents responsive to this request in its possession, custody, or control.

20. With respect to Request No. 9, 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 Protective Order set forth above.

Respectfully submitted this 4th day of January, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE

Docket No. 950984A-TP

Docket No. 950984B-TP

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Federal Express this 4th day of January, 1996 to:

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