

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FILE COPY

In re: Consideration of )  
BellSouth Telecommunications, )  
Inc. entry into InterLATA )  
Services pursuant to Section )  
271 of the Federal )  
Telecommunications Act of )  
1996 )  
\_\_\_\_\_ )

Docket No. 960786-TL

Filed: November 18, 1996

**MCI TELECOMMUNICATIONS CORPORATION'S OBJECTIONS TO  
BELLSOUTH'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

MCI Telecommunications Corporation ("MCI"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code and Rules 1.350 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following Objections to BellSouth Telecommunications, Inc.'s ("BellSouth's") First Request for Production of Documents to MCI.

The Objections herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. PSC-96-0945-PCO-TL. Should additional grounds for objection be discovered as MCI prepares its Responses to these requests, MCI reserves the right to supplement, revise, or modify its objections at the time that it serves its Responses on BellSouth. Moreover, should MCI determine that a Protective Order is necessary with respect to any of the material requested by BellSouth, MCI reserves the right to file a motion with the Commission seeking such an order at the time that it serves its Responses on BellSouth.

## GENERAL OBJECTIONS

MCI makes the following general objections to BellSouth's First Request for Production of Documents which will be incorporated by reference into MCI's specific responses when its Responses are served on BellSouth.

1. MCI objects to the definition of "MCI Telecommunications Corporation" to the extent such definition seek to impose an obligation on MCI Telecommunications Corporation to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. MCI has interpreted BellSouth's requests to apply to MCI's regulated intrastate operations in Florida and will limit its responses 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, Sprint objects to such request as irrelevant, overly broad, unduly burdensome and oppressive.

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

5. MCI 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. MCI will attempt to note each instance where this objection applies.

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

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

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

9. MCI 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. To the extent that BellSouth's requests request proprietary confidential business information which is not subject to the "trade secrets" privilege, MCI will make such information

available to counsel for BellSouth subject to an appropriate Protective Agreement, subject to any other general or specific objection contained herein.

#### **OBJECTIONS TO SPECIFIC REQUESTS**

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

1. Provide documents such as route maps sufficient to show the type and location of MCI network facilities in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. MCI's network facilities in Florida and any information related thereto are not within the scope of this proceeding.

2. Provide all documents that discuss or analyze consumer preferences regarding telephone exchange service, interLATA telephone service and for a single provider of both local and interLATA service.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

3. Provide all documents that compare MCI or MCI brands used in providing interLATA or wireless services in Florida with BellSouth or BellSouth brands or other brands providers of telecommunications services in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

4. Provide all documents that discuss or analyze projections regarding BellSouth's potential interLATA revenues, number and type of subscribers or market share in Florida should it enter the interLATA business.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

5. Provide all documents that discuss or analyze BellSouth's possible business strategies, tactics and actions for entering and competing in the interLATA business in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

6. Provide all documents that discuss or analyze actual or possible business responses that MC or others may use in Florida relating to BellSouth's potential entry into the interLATA business.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information

which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

7. Provide all documents that discuss or analyze the competitive environment for providing interLATA services in Florida, including all documents that discuss or analyze competitive strategies, market shares and likely outcomes of competition for interLATA subscribers in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

8. Provide all documents that discuss or analyze pricing or marketing programs undertaken by MCI's competitors for interLATA customers in Florida and MCI's actual or possible responses.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

9. Provide all documents that discuss or analyze MCI's decision to bid for, or not to bid for, and to become a supplier, or not, of interLATA services to BellSouth.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information

requested are not within the scope of this proceeding.

10. Provide all documents that discuss or analyze whether BellSouth's entry into the interLATA business may affect its dealings with MCI or any other provider, or potential provider, of telephone exchange or exchange access service in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

11. Provide all documents that discuss or analyze whether BellSouth's entry into the interLATA business may affect competition in the provision of telephone exchange or exchange access service in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

12. Provide all documents that discuss or analyze MCI's, or any other firm's, projected revenues, subscribers, market share or contribution from providing telephone exchange service in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

13. Provide all documents that discuss or analyze the competitive environment for providing telephone exchange service, whether wireline or wireless, in Florida including all documents that discuss or analyze competitive strategies, market shares and likely outcomes of competition for telephone exchange customers in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

14. Provide all documents that discuss or analyze the competitive environment for providing exchange access service, whether wireline or wireless, in Florida including all documents that discuss or analyze competitive strategies, market shares and likely outcomes of competition for exchange access customers in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

15. Provide all documents that discuss or analyze the competitive strengths and weaknesses of BellSouth as a provider of telephone exchange and exchange access service in Florida, including all documents that discuss or analyze BellSouth's telephone exchange and exchange access service market share, capabilities, subscribers or revenues.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information



requested are not within the scope of this proceeding.

16. Provide all documents constituting sales or advertising materials or proposals from non-BellSouth providers, or potential providers, or telephone exchange or exchange access services to Florida consumers regarding providing such services to MCI.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. The documents and information requested are not within the scope of this proceeding.

17. Provide all documents that discuss or analyze possible acquisitions of local telephone service assets or equipment to be used in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

18. Provide all documents that discuss or analyze utilizing facilities or services of any company other than BellSouth to provide telephone exchange or exchange access services in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. The documents and information requested are not within the scope of this proceeding.

19. Provide all documents that discuss or analyze utilization of private line facilities that interconnect with interexchange carriers, including usage, costs and revenues in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, vague, ambiguous and not reasonably calculated to

lead to the discovery of admissible evidence. The documents and information requested are not within the scope of this proceeding.

20. Provide all documents that discuss or analyze any MCI plans to utilize its existing telephone network or support facilities to provide telephone exchange or exchange access service in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

21. Provide all documents that discuss or analyze any MCI plans to construct, expand or alter network or support facilities to provide telephone exchange or exchange access service in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

22. Provide all documents that discuss or analyze MCI's ability and plans to monitor service and network quality provided by non-BellSouth provider(s) of telephone exchange or exchange access service in Florida.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

23. Provide all documents that discuss or analyze MCI's ability and plans to monitor service, unbundled element and network quality provided by BellSouth in Florida to MCI.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

24. Provide all documents that discuss or analyze requests for MCI to provide electronic ordering and gateways for international circuits, MCI's responses to those requests and any actions MCI has taken to provide such electronic ordering and gateways.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

25. Provide all documents that discuss or analyze the competitive strengths and weaknesses of BellSouth as a provider of interLATA services, including any analyses of or comparisons involving, BellSouth's network and customer service capabilities for providing interLATA service.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

26. Provide all documents that discuss or analyze the possibility that BellSouth will offer packages of

telecommunications services to Florida consumers, including, for example, telephone exchange and interLATA service, if it enters the interLATA business and the effects that such offerings may have on consumers, MCI or other firms.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

27. Provide all documents that discuss or analyze any MCI plans to offer packages of telecommunications services to Florida consumers including, for example, telephone exchange and interLATA service.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

28. Provide all documents that discuss, analyze or project future pricing of interLATA services to Florida consumers.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

29. Provide all documents that discuss or analyze any effects that BellSouth's entry into the business of providing interLATA service may have on Florida consumers or on the interLATA business in Florida.


MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

30. Provide all documents that compare or contrast BellSouth's potential long distance network with the network of any current interexchange carrier.

MCI Response: MCI objects to this request for production on the grounds that it is overly broad, unduly burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks information which is subject to the trade secrets privilege. The purpose of this proceeding is to verify the compliance of BellSouth with the requirements of subsection (c) of Section 271 of the Telecommunications Act of 1996. The documents and information requested are not within the scope of this proceeding.

RESPECTFULLY SUBMITTED this 18th day of November, 1996.

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ATTORNEYS FOR MCI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was transmitted by U.S. Mail, by Hand Delivery (\*), or by UPS Overnight (\*\*), to the following parties this 18th day of November, 1996.

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