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February 5, 1998

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: 970808-TL (St. Joseph) InterLATA Access Subsidy

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion to Compel Answers to Interrogatories and Request for Production of Documents by St. Joseph Telephone and Telegraph Company, which we ask that you file in the captioned matter.

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 to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White (kr)
Nancy B. White

- ACK
- AFA 2
- APP
- CAF
- CMU
- CTR
- EAG
- LEG 1
- LIN 5
- OPC
- RCH
- SEC 1
- WAS
- OTH

Enclosures

cc: All parties of record
A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

DOCUMENT NUMBER-DATE

01899 FEB-5 88

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of BellSouth Telecommunications,) Docket No.: 970808-TL
Inc., for removal of St. Joseph Telephone and)
Telegraph Company's interLATA access subsidy) Filed: February 5, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'s
MOTION TO COMPEL ANSWERS TO INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS BY
ST. JOSEPH TELEPHONE AND TELEGRAPH COMPANY**

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 1.380, Florida Rules of civil Procedure and Rule 25-22.034, Florida Administrative Code, and files its motion requesting that the Florida Public Service Commission ("Commission") direct and order St. Joseph Telephone and Telegraph Company ("St. Joseph") to answer interrogatories and request for production of documents contained in BellSouth's First Set of Interrogatories and First Request for Production of Documents to St. Joseph. St. Joseph served objections to BellSouth's discovery on January 30, 1998 refusing to answer the discovery propounded by BellSouth. BellSouth moves to compel responses and states as follows:

1. BellSouth served its First Set of Interrogatories and First Request for Production of Documents on St. Joseph on January 20, 1998.
2. St. Joseph objects to responding to this discovery and filed same objections on January 30, 1998.
3. St. Joseph first objects to the fact that BellSouth has violated the Order Establishing Procedure (Order No. PSC-97-1584-PCO-TL) by filing more than 100 interrogatories and more than 100 requests for production, including all

subparts. BellSouth admits that its interrogatories consists of more than 100. Therefore, BellSouth is filing contemporaneously with this motion a new set of interrogatories limited according to the procedural order. In the alternative, St. Joseph may respond to the first 100 of the original interrogatories. BellSouth's Request for Production of Documents fell within the requirements of the Procedural Order.

4. St. Joseph objects to BellSouth's discovery on the grounds that BellSouth seeks affiliate information, that the requests are irrelevant, and that the requests are overly broad. St. Joseph, however, has set forth no specifics; instead, these are merely boiler plate objections.

5. St. Joseph objects to BellSouth's discovery on the grounds that it is intended to harass St. Joseph. This is absurd. St. Joseph points to production of document request No. 6 that asks for all documents pertaining to the last two rate cases of St. Joseph and states that the last rate case occurred 25 years ago. If St. Joseph would merely read the instructions contained in BellSouth's discovery, it would discover that "no documents created prior to January 1, 1995 need be provided in response to these requests." Therefore, St. Joseph's response to production of document request No. 6 could be as simple a statement as "there are no responsive documents."

6. The substance of St. Joseph's objections center around BellSouth's search for earnings information. Contrary to St. Joseph's assertions of irrelevance, such information has been one of the criteria used by this

Commission over the years to determine whether the interLATA access subsidy should be reduced or eliminated. (Order No. 14452). Therefore, earnings are relevant to determine whether St. Joseph's receipt of the interLATA access subsidy should be terminated. BellSouth is not proposing that St. Joseph's rates should be affected in any manner. BellSouth's position is that St. Joseph is receiving an annual windfall of \$1.2 million that is no longer appropriate and should be eliminated. Discovery concerning that point is not "out of proportion to the amount of the subsidy received" as alleged by St. Joseph.

WHEREFORE, for the reasons stated above, BellSouth respectfully requests the Commission to direct St. Joseph to respond to BellSouth's interrogatories and request for production of documents.

Respectfully submitted this 5th day of February, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty (KR)

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CERTIFICATE OF SERVICE
Docket No. 970808-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

*Hand-delivery and U.S. Mail this 5th day of February, 1998 to the following:

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