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98 AUG -3 PH 4: 54

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RECORDS AND  
REPORTING

August 3, 1998

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

Re: Docket No. 980696-TP

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to FCTA's First Request for Production of Documents, 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,

*Mary K. Keyer*  
(PK)

Mary K. Keyer

Enclosures

cc: All parties of record  
A. M. Lombardo  
R. G. Beatty  
William J. Ellenberg II (w/o enclosures)

DOCUMENT NUMBER-DATE

08192 AUG-3 98

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the Cost )  
of Basic Local Telecommunications ) Docket No.: 980696-TP  
Service, pursuant to Section 364.025, )  
Florida Statutes )  
\_\_\_\_\_ ) Dated: August 3, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES  
AND OBJECTIONS TO FCTA'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS**

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), and files pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Responses and Objections to Florida Cable Telecommunications Association's ("FCTA") First Request for Production of Documents dated July 14, 1998.

**GENERAL RESPONSES**

1. BellSouth objects to FCTA's proposed "Instruction" relating to details of privileged documents. To the extent a document responsive to any of the requests is subject to an applicable privilege, some of the information requested by FCTA would be similarly privileged and therefore not subject to discovery. Notwithstanding this objection, BellSouth agrees to identify any documents withheld on the basis of privilege.

2. With regard to FCTA's definition of "document" or "documents", BellSouth has made a diligent, good faith attempt to locate documents responsive to the scope of FCTA's individual requests for documents.

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3. BellSouth objects to FCTA's definition of "you" and "your." It appears that FCTA, through its definition of these words, is attempting to obtain discovery of information in the possession, custody, or control of entities that are not parties to this docket. Requests for Production may only be directed to parties, and any attempt by FCTA to obtain discovery from non-parties should be prohibited. See Rule 1.340, Florida Rules of Civil Procedure; Broward v. Kerr, 454 So. 2d 1068 (4th D.C.A. 1984).

4. BellSouth does not believe it was FCTA's intent to require BellSouth to produce again the same documents previously produced in other dockets, but to the extent it does, BellSouth objects on the basis that such a request would be unduly burdensome, oppressive, and unnecessary, and for these reasons is prohibited.

5. In any instance in which BellSouth agrees to produce documents, they will be produced at a mutually agreeable time and place. In instances in which the documentation is so voluminous that copying or transporting the documents would be burdensome, BellSouth will make the documents available for review upon BellSouth's premises in Atlanta, Georgia.

6. The following Specific Responses are given subject to the above-stated General Responses and Objections.

#### SPECIFIC RESPONSES

1. All documents and diskettes provided in response to Intermedia Communications, Incorporated's First Request for Production of Documents to

BellSouth Telecommunications, Incorporated served July 9, 1998 in this proceeding.

**Response:** BellSouth will produce the documents requested subject to the Protective Agreement executed by FCTA on July 17, 1998.

2. All documents provided in response to AT&T Communications of the Southern States' First Request for Production of Documents to BellSouth Telecommunications, Inc. served July 10, 1998, in this proceeding.

**Response:** To the extent BellSouth agreed to produce documents in response to AT&T's First Request for Production of Documents, it will produce those documents to FCTA. The documents BellSouth agreed to produce in response to AT&T's Requests 11, 13, and 15 contain proprietary confidential business information and are voluminous. Accordingly, these documents will be made available for viewing at a mutually agreeable time at the location at which they are retained in Atlanta, Georgia, subject to the Protective Agreement executed by FCTA on July 17, 1998.

Respectfully submitted this 3rd day of August, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

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128871

**CERTIFICATE OF SERVICE  
DOCKET NO. 980696-TP (HB4785)**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express this 3rd day of August, 1998 to the following:

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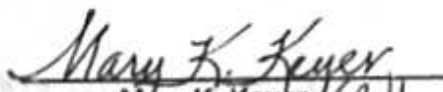
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(+) Protective Agreements