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Legal Department

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RECORDS AND
REPORTING

August 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: Docket No. 980696-TP

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to e.spire's™ First Request for Production of Documents, which we served today. Please file them 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.

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MJK
FPSC-BUREAU OF RECORDS

Sincerely,

Mary K. Keyer
(MJK)

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

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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 5, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES
AND OBJECTIONS TO e.spire'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 American Communications Services, Inc. - Jacksonville, Inc., d/b/a e.spire™ Communications, Inc.'s (e.spire™) Second Request for Production of Documents dated July 15, 1998.

GENERAL RESPONSES

1. BellSouth has made a diligent, good faith attempt to locate documents as defined by e.spire™ which are responsive to the scope of e.spire™'s individual requests for documents.

2. BellSouth objects to e.spire™'s definition of "you," "your," and "company." It appears that e.spire™, 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 e.spire to obtain discovery

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FPSC-RECORDS/REPORTING

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).

3. BellSouth does not believe it was e.spire™'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.

4. 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.

5. 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, Inc.'s First Request for Production of Documents to BellSouth Telecommunications, Inc. served July 9, 1998 in this proceeding.

Response: BellSouth will produce the documents requested subject to a Protective Agreement executed by e.spire™.


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 e.spire™. 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 a Protective Agreement from e.spire™.

Respectfully submitted this 5th day of August, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.


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**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 5th day of August, 1998 to the following:

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(+) Protective Agreements