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MARY K. KEYER
General Attorney

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Tallahassee, Florida 32301
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RECORDS AND
REPORTING

October 8, 1998

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

RE: Docket No. 980733-TL

Dear Mrs. Bayo:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s, Objections to Staff's Second Request for Production of Documents, incorrectly captioned by the Staff as Staff's First Production of Documents. 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.

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

Enclosures

cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
W. J. Ellenberg (w/o enclosures)

Sincerely,

Mary K. Keyer
Mary K. Keyer (PK)

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FPSC BUREAU OF RECORDS

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Discovery for Study on Fair & Reasonable Rates and on Relationships Among Costs and Charges Associated with Certain Telecommunications Services Provided by LECs, as Required by Chapter 98-277.)
) Docket No. 980733-TL
) Filed: October 8, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
 OBJECTIONS TO STAFF'S SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS (NO. 4)**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), hereby files, pursuant to Rule 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, the following Objections to the Second Request for Production of Documents (No. 4) to BellSouth of the Staff of the Florida Public Service Commission ("Staff"). Staff incorrectly captioned these as Staff's First Request for Production of Documents.

The objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the 10-day requirement set forth in the procedural order issued by the Florida Public Service Commission ("Commission") in the above-captioned docket. Should additional grounds for objection be discovered as BellSouth prepares its responses to the above-referenced requests, BellSouth reserves the right to supplement, revise, or modify its objections at the time it serves its responses. Moreover, should BellSouth determine that a Protective Order is necessary with respect to any of

the requested material, BellSouth reserves the right to file a motion with the Commission seeking such an order at the time it serves its responses.

GENERAL OBJECTIONS

BellSouth makes the following General Objections to Staff's Second Request for Production of Documents, incorrectly captioned as Staff's First Request for Production of Documents, which objections will be incorporated by reference into BellSouth's specific responses when its responses are served on Staff.

1. BellSouth objects to the requests 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.

2. BellSouth has interpreted the discovery requests in this docket to apply to BellSouth'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, BellSouth objects to such request to produce as irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth 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. **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 the Staff's request will be provided subject to, and without waiver of, the foregoing objection.**

5. **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.**

6. **BellSouth objects to Staff's discovery requests, instructions and definitions, insofar as they seek to impose obligations on BellSouth that exceed the requirements of the Florida Rules of Civil Procedure or Florida law.**

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

8. **BellSouth objects to each and every request, insofar as it is unduly burdensome, expensive, oppressive, or excessively time-consuming as written.**

9. **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. To the extent Staff requests proprietary confidential business information which is not subject to the "trade secrets" privilege, BellSouth will make such information available to counsel for Staff**

subject to a Notice of Intent in which Staff agrees to treat the information as confidential and any other general or specific objections contained herein.

10. 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 that 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 conducted a search 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.

11. 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 where the documents are located.

SPECIFIC OBJECTION

BellSouth objects to Staff's Request No. 4 in which the Staff is requesting "revenue information from non-rural local exchange carriers and holding

companies." As argued previously before this Commission, revenues are not equivalent to charges which are at the heart of the Commission's study being undertaken for the legislature. Section 2(1) of Chapter 98-277, Laws of Florida, provides only that "the Public Service Commission shall, by February 15, 1999, study and report to the President of the Senate and the Speaker of the House of Representatives the relationships among the costs and charges associated with providing basic local service, intrastate access, and other services provided by local exchange telecommunications companies." Section 2(2)(a) further requires the Commission to make a second report regarding the Commission's conclusions as to the "fair and reasonable Florida residential basic local telecommunications service rate considering affordability, the value of service, comparable residential basic local telecommunications rates in other states, and the cost of providing residential basic local telecommunications services in this state,"

Nothing in the legislation requires or authorizes the investigation into the local exchange companies' revenues or those of holding companies as requested in Request 4. Revenues are not synonymous with charges and will not reasonably lead to the discovery of admissible evidence for purposes of determining the "relationships among the costs and charges associated with providing basic local service, intrastate access, and other services provided by local exchange telecommunications companies." Nor will it reasonably lead to the discovery of information that would be relevant or admissible "as to the fair and reasonable Florida residential basic local telecommunications service rate."

BellSouth has provided all information requested regarding the costs and charges associated with providing basic local service and other services it provides in the state of Florida. The "revenue information from non-rural local exchange carriers and holding companies" requested in Request 4 is clearly not relevant to the task of the Commission in conducting its study in preparing its reports regarding the fair and reasonable rate for Florida residential basic local telecommunications service.

Respectfully submitted this 8th day of October, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty

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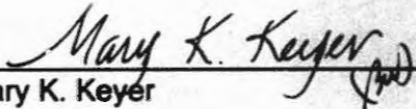
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CERTIFICATE OF SERVICE
Docket No. 980733-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Hand-Delivery this 8th day of October, 1998, to the following:

Beth Keating
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



Mary K. Keyer