

NANCY B. WHITE
Assistant General Counsel-Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

January 25, 1999

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. 981642-TP and 981745-TP

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth Telecommunication, Inc.'s Objections to e.spire Communications, Inc.'s First Request for Production of Documents, which we ask that you file in the above-captioned dockets.

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
(AW)

Nancy B. White

Enclosures

cc: All parties of record
Marshall M. Criser III
William J. Ellenberg II

Stavara
Stavara

DOCUMENT FILED DATE

1005 JAN 25 99

RECORDS SECTION

CERTIFICATE OF SERVICE
Docket Nos. 981642-TP and 981745-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by
Federal Express this 25th day of January, 1999 to the following:

Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Brad E. Mutschelkneus
KELLEY DRYE & WARREN LLP
1200 Nineteenth Street, N.W.
Suite 500
Washington, D.C. 20036
Tel. No. (202) 955-9600

Norman H. Horton, Jr.
Floyd R. Self
MESSER CAPARELLO & SELF, P.A.
215 South Monroe Street
Suite 701
Tallahassee, FL 32302-1876
Tel. No. (850) 222-0720

Riley M. Murphy
James C. Falvey
E.spire Communications, Inc.
133 National Business Parkway
Suite 200
Annapolis Junction, Maryland 20701
Tel. No. (301) 617-4200

Donna L. Canzano
Patrick Knight Wiggins
Wiggins & Villacorta, P.A.
2145 Delta Boulevard
Suite 200
P.O. Drawer 1657
Tallahassee, FL 32302
Tel. No. (850) 385-6007
Fax. No. (850) 385-6008

Jonathan E. Canis
Enrico C. Soriano
Kelley Drye and Warren LLP
1200 19th Street, N.W.
Fifth Floor
Washington, D.C. 20036
Tel. No. (202) 955-9600
Fax. No. (202) 955-9792

Scott A. Sapperstein
Senior Policy Counsel
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, FL 33619-1309
Tel. No. (813) 829-4093
Fax. No. (813) 829-4923



Nancy B. White (NW)

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Intermedia Communications Inc.)
for Arbitration with BellSouth Telecommunications,) Docket No. 981642-TP
Inc., Pursuant to the Telecommunications Act of 1996)

In re: Petition by e.spire Communications, Inc.)
And American Communication Services of Tampa,)
Inc., American Communications Services of)
Jacksonville, Inc. for Arbitration of an) Docket No. 981745-TP
Interconnection Agreement with BellSouth)
Telecommunications, Inc. Pursuant to Section 252(b))
Of the Telecommunications Act of 1996)
_____) FILED: Jan. 25, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
OBJECTIONS TO e.spire COMMUNICATIONS, INC.'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 25-22.034 and 25-22.035 of the Florida Administrative Code, and Rules 1.340 and 1.280(b) of the Florida Rules of Civil Procedure, BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits the following objections to the First Requests for Production of Documents propounded on January 15, 1999 by e.spire Communications, Inc., American Communication Services of Jacksonville, Inc., and American Communication Services of Tampa, Inc., (collectively "e.spire").

GENERAL OBJECTIONS

1. BellSouth objects to each Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege.

DOCUMENT FILED DATE
1005 JAN 25 99
COMMUNICATIONS REGULATORY

2. **BellSouth objects to the instructions to e.spire's Request for Production to the extent e.spire seeks to require BellSouth to produce documents in a form in which such documents are not maintained by BellSouth.**

3. **BellSouth has interpreted e.spire's Request for Production 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 BellSouth's Florida intrastate operations, BellSouth objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.**

4. **BellSouth objects to providing documents to the extent that such documents are already in the public record.**

5. **BellSouth is a large corporation with employees located in many different locations in Florida and other states. In the course of its business, BellSouth creates countless documents that are not subject to the 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 will be provided in response to these Requests for Production. Rather, these responses will provide all the information obtained by BellSouth after a reasonable and diligent search conducted in connection with e.spire's discovery requests. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the discovery requests purport to require more, BellSouth objects on the grounds that compliance would be unduly burdensome.**

SPECIFIC OBJECTIONS

1. Please provide copies of all interconnection agreements between BellSouth and any CAP, CLEC, other LEC, or IXC referenced in your response to Interrogatory No. 1. Please separately identify non-recurring costs, recurring costs, fixed costs and distance-related costs. In addition, please breakdown the cost information provided to either: (1) specify the localities where e.spire has requested interconnection or, if not available, (2) reflect costs at a disaggregated basis below the statewide level such as by exchange, switching center or density cell.

Objection: BellSouth objects to this Request for Production to the extent it seeks copies of agreements other than those between BellSouth and Competing Local Exchange Carriers ("CLECs") entered into under Section 252 of the Telecommunications Act of 1996 ("1996 Act"). Because this proceeding is an arbitration under Section 252 of the 1996 Act, other agreements are not relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request for Production on grounds that it is overly broad and unduly burdensome in that it seeks information for the past ten years and is confusing because it is unclear what cost information BellSouth is being asked to provide.

2. Please provide copies of all interconnection agreements into which BellSouth has entered with any cellular telephone, PCS, SMR or other local wireless provider.

Objection: BellSouth objects to this Request for Production because it seeks copies of agreements other than those between BellSouth and Competing Local Exchange Carriers ("CLECs") entered into under Section 252 of the Telecommunications Act of 1996 ("1996 Act"). Because this proceeding is an arbitration under Section 252 of the 1996 Act, other agreements are not relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

8. Please identify each cost study prepared by or for BellSouth or any of its affiliates or prepared for BellSouth or any of its affiliates for services utilizing the network components included in the network elements identified below. The materials sought includes a complete working copy of all computerized cost study modules with data intact; a complete set of workpapers including all special studies, data inputs and data sources used; a complete set of cost study documentation.

- a) 2 or 4 wire analog voice grade loops
- b) ISDN digital grade loops
- c) xDSL compatible loops
- d) DS0, DS1 or DS3 loops
- e) OC3, OC12 or OC48 loops

- f) local channels
- g) DS1, DS3, OC3, OC12, OC48 interoffice transport

Objection: BellSouth objects to this Request for Production (which is actually in the form of an Interrogatory) to the extent it seeks information concerning the cost of BellSouth's retail services on grounds that such information is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the recurring and nonrecurring rates for certain unbundled network elements, the Federal Communications Commission has repeatedly held that unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

manner in which BellSouth's existing non-recurring charges for local exchange service were established. Also provide any cost studies which have been prepared by or on behalf of BellSouth to support those NRCs, and for each such cost study identify the pricing methodology existing non-recurring charges (NRCs) for local exchange service were established. Also provide any cost studies which have been prepared by or on behalf of BellSouth to support those NRCs, and for each such cost study identify the pricing methodology.

Objection: BellSouth objects to this Request for Production to the extent it seeks documents concerning the nonrecurring charges paid by BellSouth's retail customers or the costs to BellSouth of providing service to its retail customers. Such documents are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the nonrecurring rates for certain unbundled network elements, the Federal Communications Commission has repeatedly held that unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to*

Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

12. Provide any cost studies including workpapers and work copy which have been prepared to support the NRC assessed when a customer changes its present long distance carrier. (See Interrogatory No. 5) For each such cost study, explain the pricing methodology used (e.g., TELRIC, TSLRIC, LRIC, etc.).

Objection: BellSouth objects to this Request for Production on grounds that the documents requested are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the nonrecurring rates for certain unbundled network elements, the charges a customer pays when it changes long distance carriers is irrelevant to this issue because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications*

Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

14. Please provide copies of the relevant sections of all such orders issued by the FPSC granting BellSouth customer specific contracting authority.

Objection: BellSouth objects to this Request for Production on grounds that the documents requested are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Neither e.spire's arbitration petition nor BellSouth's response raises any issue that concerns the source or extent of BellSouth's contracting authority.

15. If the answer is in the affirmative, for each of the items enumerated in Interrogatory No. 21, provide:

- a) the relevant cost study;
- b) an explanation of the costing methodology used.

Objection: BellSouth objects to this Request for Production (which also is in the form of an Interrogatory) on grounds that it is unclear what cost information BellSouth is being asked to provide.

16. With respect to BellSouth's ADSL Service referenced in BellSouth's FCC Transmittal No. 476 (dated Aug. 18, 1998), have cost studies been prepared by or on behalf of BellSouth? If the answer is in the affirmative, please (a) describe the

costs studies, (b) provide any and all documents relating to the cost studies, (c) identify the costing methodology used, (d) state whether loop recurring costs are reflected to the cost studies, (e) state whether loop conditioning costs are reflected in the cost studies, and (f) state whether electronics are included in the cost studies. Please provide a complete copy of the ADSL service cost studies. Please provide the complete working copy of each cost study, including a complete working copy of all computerized models involved in preparing the cost estimate with data intact; a complete set of workpapers with all special studies, data sources, data inputs and assumptions; and a complete set of cost study documentation.

Objection: BellSouth objects to this Request for Production to the extent it seeks documents concerning the costs to BellSouth of providing service to its retail customers. Such documents are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the recurring and nonrecurring rates for certain unbundled network elements, the Federal Communications Commission has repeatedly held that unbundled network elements do not have a retail analogue. See *In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); See *In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re:*

Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

17. Identify and provide copies of any frame relay interconnection arrangements that BellSouth has executed with any other provider of frame relay services. For purposes of this request, a frame relay interconnection agreement is any agreement that contains provisions related to the connection of one or more of BellSouth's frame relay switches in, or serving customers in, this state to one or more frame relay switches of the other provider for the transport of frame relay traffic from one frame relay switch to another. Frame relay interconnection agreements are limited to such agreements entered into by BellSouth since February 6, 1996 and includes any such agreement whether or not submitted to the Commission for approval under the 1934 Act.

Objection: BellSouth objects to this Request for Production to the extent it seeks copies of agreements other than those between BellSouth and CLECs entered into under Section 252 of the Telecommunications Act of 1996 ("1996 Act"). Because this proceeding is an arbitration under Section 252 of the 1996 Act, other agreements are not relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

18. Please provide all nonrecurring cost studies performed in the last five years pertaining to unbundled loops or to any service that includes the loop (e.g., local residential or local business).

Objection: BellSouth objects to this Request for Production to the extent it seeks documents concerning the costs to BellSouth of providing service to its retail customers. Such documents are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the nonrecurring rates for certain unbundled network elements, the Federal Communications Commission has repeatedly held that unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

19. Please provide the most recent cost study corresponding to each service identified in the preceding question. For each study, identify the date prepared, the purpose of the study (e.g., to be presented in a Commission proceeding, used in conjunction with a CSA, etc.), the cost methodology (LRIC, TSLRIC, TELRIC, etc.). Provide workpapers.

Objection: BellSouth objects to this Request for Production to the extent it seeks documents concerning the costs to BellSouth of providing service to its retail customers. Such documents are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate the nonrecurring rates for certain unbundled network elements, the Federal Communications Commission has repeatedly held that unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

23. Please provide the study or the estimates of required time and tasks upon which BellSouth based its quotes for collocation construction to CLECs for each construction job completed or closed.

Objection: BellSouth objects to this Request for Production on grounds that it is overly broad and unduly burdensome. To date BellSouth has completed more than 100 physical and virtual collocation arrangements in Florida and approximately 500 in the region. In order to provide the documents requested, BellSouth would have to consult seven different Network organizations, two or more BellSouth Network contractors, and three or more property management contractors (depending on the scope of the work). Based on input from these participants, who are involved in the various aspects of the work associated with collocation, BellSouth conservatively estimates that it would require in excess of 2,000 man-hours to gather the requested documents just for those collocation projects completed in Florida. Furthermore, the individuals who would have to gather these documents are the same individuals responsible for fulfilling active, in-progress collocation requests for BellSouth's CLEC customers. To impose such onerous discovery burdens upon these individuals would impede BellSouth's ability to timely fulfill its collocation obligations to these CLECs.

BellSouth also objects to this Request for Production to the extent it seeks information about the work performed by BellSouth to permit CLECs other than e.spire to collocate on BellSouth's premises. Such information would tend to reveal the marketing and network plans of e.spire's competitors, including the types of

facilities such competitors have elected to deploy to serve their customers and the locations where they intend to compete. Although the Commission has been asked to arbitrate certain issues concerning the rates, terms, and conditions that should apply when e.spire physically collocates on BellSouth's premises, e.spire should not be permitted to delve into trade secret and other confidential commercial information of e.spire's competitors. *See Everco Industries, Inc. v. OEM Products Co.*, 362 F. Supp. 204, 206 (N.D. Ill. 1973) (rejecting open-ended discovery request for company's confidential documents, recognizing that confidential documents should not be disclosed between business competitors absent sufficient cause).

24. Please provide the actual costs BellSouth incurred for each physical collocation arrangement that has been completed to date, as well as invoices and other documents supporting those cost figures, separately for the following categories:

a) Physical construction, including creation of the physical collocation cage spaces;

b) The creation of any conduit runs for electrical and telecommunications-related cabling;

c) Electrical work including but not limited to backup battery power supplies;

d) Mechanical work associated with the addition or extension of air conditioning (HVAC) systems and associated duct work and control systems; and

e) Any other physical collocation construction and/or space preparation costs not identified in BellSouth's responses to subparts (1) through (5) above.

Objection: BellSouth objects to this Request for Production (which is actually in the form of an Interrogatory) on grounds that it is overly broad and unduly burdensome. To date BellSouth has completed more than 100 physical and virtual collocation arrangements in Florida and approximately 500 in the region. In order to provide the documents requested, BellSouth would have to consult seven different Network organizations, two or more BellSouth Network contractors, and three or more property management contractors (depending on the scope of the work). Based on input from these participants, who are involved in the various aspects of the work associated with collocation, BellSouth conservatively estimates that it would require almost 4,000 man-hours to gather the requested documents just for those collocation projects completed in Florida. Furthermore, the individuals who would have to gather these documents are the same individuals responsible for fulfilling active, in-progress collocation requests for BellSouth's CLEC customers. To impose such onerous discovery burdens upon these individuals would impede BellSouth's ability to timely fulfill its collocation obligations to these CLECs.

BellSouth also objects to this Request for Production to the extent it seeks information about the work performed by BellSouth to permit CLECs other than e.spire to collocate on BellSouth's premises. Such information would tend to reveal the marketing and network plans of e.spire's competitors, including the types of

facilities such competitors have elected to deploy to serve their customers and the locations where they intend to compete. Although the Commission has been asked to arbitrate certain issues concerning the rates, terms, and conditions that should apply when e.spire physically collocates on BellSouth's premises, e.spire should not be permitted to delve into trade secret and other confidential commercial information of e.spire's competitors. *See Everco Industries, Inc. v. OEM Products Co.*, 362 F. Supp. 204, 206 (N.D. Ill. 1973) (rejecting open-ended discovery request for company's confidential documents, recognizing that confidential documents should not be disclosed between business competitors absent sufficient cause).

26. Please provide a complete list of each BellSouth switch, and for each provide the CLLI and the number of residence, business and other loops (with residence, business and other summing to total loops). Please also provide the effective date of the data.

Objection: BellSouth objects to this Request for Production (which actually is in the form of an Interrogatory) to the extent it seeks the number of loops served by each BellSouth switch. Such information is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

27. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 14.

Objection: BellSouth objects to this Request for Production to the extent it seeks information concerning the cost of BellSouth's retail services on grounds that such information is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate rates for certain unbundled network elements, the costs BellSouth incurs in connection with its retail services is irrelevant to this issue because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

32. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 22.

Objection: BellSouth objects to this Request for Production to the extent it seeks information concerning the cost of BellSouth's retail services on grounds that such information is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate rates for certain unbundled network elements, the costs BellSouth incurs in connection with its retail services is irrelevant to this issue because, as the Federal Communications Commission has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket 97-208, 13 FCC Rcd 539 ¶ 98 (Dec. 24, 1997); *In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan*, CC Docket 97-137, 12 FCC Rcd 20543 ¶ 141 (Aug. 19, 1997).

33. Please provide a copy of the study, or studies, with workpapers, identified in Interrogatory No. 23.

Objection: BellSouth objects to this Request for Production to the extent it seeks information concerning BellSouth's retail services on grounds that such

Respectfully submitted this 25th day of January, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE *(for)*

c/o Nancy Sims

Suite 400

150 South Monroe Street

Tallahassee, FL 32301

(305) 347-5558

WILLIAM J. ELLENBERG II

THOMAS B. ALEXANDER

BENNETT L. ROSS

Suite 4300, BellSouth Center

675 West Peachtree Street, N.E.

Atlanta, Georgia 30375

(404) 335-0750

148883