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Legal Department

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RECORDS AND
REPORTING

January 29, 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. 981012-TL

Dear Ms. Bayó:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s Responses and Objections to e.spire™ Communications, Inc.'s First Request for Production of Documents and Motion for Temporary Protective Order. Please file this document 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.

Sincerely,

J. Phillip Carver (x2)

J. Phillip Carver

- ACK _____
- AFA 1 _____
- APP _____
- CAF _____
- CMU Favors
- CTR _____ Enclosures
- EAG _____
- LEG 1 cc: All parties of record
- LIN 5 M. M. Criser, III
- OPC _____ N. B. White
- RCH _____ William J. Ellenberg II (w/o enclosures)
- SEC 1 _____
- WAS _____
- OTH _____

RECEIVED & FILED

[Signature]
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

**Docket Nos. 980946-TL, 980947-TL, 980948-TL, 981011-TL, 981012-TL
and 981250-TL**

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

U.S. Mail this 29th day of January, 1999 to the following:

Beth Keating, Esq. Staff Counsel Florida Public Service Commission Division of Legal Services 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850	Suite 400 Boca Raton, FL 33432 Tel. No. (561) 750-2940 Fax. No. (561) 750-2629
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	David V. Dimlich, Esq. Legal Counsel Supra Telecommunications & Information Systems, Inc. 2620 S.W. 27 th Avenue Miami, FL 33133 Tel. No. (305) 476-4235 Fax. No. (305) 443-1078
Steve Brown Intermedia Communications, Inc. 3625 Queen Palm Drive Tampa, FL 33619-1309 Tel. No. (813) 829-0011 Fax. No. (813) 829-4923	Amanda Grant BellSouth Telecommunications, Inc. Regulatory & External Affairs 675 West Peachtree Street, N.E. Room 38L64 Atlanta, Georgia 30375
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J. Phillip Carver (cc)
J. Phillip Carver

In re: BellSouth Telecommunications,)
Inc.'s Petition for temporary waiver of)
physical collocation requirement set)
forth in the 1996 Telecommunications)
Act and the FCC's First Report and)
Order, for the North Dade Golden)
Glades Central Office)
_____)

Docket No. 981012-TL

Filed: January 29, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND
OBJECTIONS TO E.SPIRE™ COMMUNICATIONS, INC.'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND
MOTION FOR TEMPORARY PROTECTIVE ORDER**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following Responses, Objections and Motion for Temporary Protective Order to American Communications Services, Inc. – Jacksonville, Inc., d/b/a e.spire™ Communications, Inc.'s ("e.spire") First Request for Production of Documents.

GENERAL RESPONSES

BellSouth makes the following General Objections to e.spire's First Request for Production of Documents:

1. BellSouth has interpreted e.spire's requests 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.

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

3. 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.

MOTION FOR TEMPORARY PROTECTIVE ORDER

4. 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 that e.spire requests proprietary confidential business information which is not subject to the "trade secrets"

privilege, BellSouth will make such information available to be reviewed by counsel for e.spire upon BellSouth's premises, pursuant to an appropriate Protective Agreement and subject to any other general or specific objections contained herein.

SPECIFIC RESPONSES

5. With respect to Request No. 1, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above and subject to e.spire entering into a Protective Agreement with BellSouth. BellSouth also notes that all responsive documents are being produced in response to Request No. 7.

6. With respect to Request No. 2, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above and subject to e.spire entering into a Protective Agreement with BellSouth. BellSouth also notes that all responsive documents are being produced in response to Request No. 7.

7. With respect to Request No. 3, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above and subject to e.spire entering into a Protective Agreement with BellSouth. BellSouth also notes that all responsive documents are being produced in response to Request No. 7.

8. With respect to Request No. 4, BellSouth has no responsive documents it has in its possession, custody or control.

9. With respect to Request No. 5, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above and subject to e.spire entering into a Protective Agreement with BellSouth. BellSouth also notes that all responsive documents are being produced in response to Request No. 7.

10. With respect to Request No. 6, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above and subject to e.spire entering into a Protective Agreement with BellSouth.

11. With respect to Request No. 7, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place subject to the Motion for Temporary Protective Order set forth above and subject to e.spire entering into a Protective Agreement with BellSouth.

Respectfully submitted this 29th day of January, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White (cc)

NANCY B. WHITE

c/o Nancy Sims

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