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February 4, 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 are an original and 15 copies of BellSouth Telecommunications, Inc.'s Objections to Intermedia Communications, Inc.'s First Set of Interrogatories. 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.

ACK _____

AFA _____

APP _____

CAF _____

CHL _____

CTR _____

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LED 3 _____

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Q _____

R _____

SEL 1 _____

W/S _____

W/M _____

INDEXED
[Handwritten Signature]

Sincerely,

Thomas B. Alexander

RECORDS

Thomas B. Alexander *(PWA)*

Enclosures

cc: All parties of record
M. M. Criser, III
N. B. White
William J. Ellenberg II (w/o enclosures)

DOCUMENT NUMBER-DATE

01467 FEB-48

FPSC-RECORDS/REPORTING

**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: Feb. 4, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
OBJECTIONS TO INTERMEDIA COMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES**

Pursuant to Rules 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 Set of Interrogatories propounded on January 25, 1999 by Intermedia Communications, Inc., ("Intermedia").

GENERAL OBJECTIONS

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

2. BellSouth objects to the instructions to Intermedia's First Set of Interrogatories to the extent e.spire seeks to require BellSouth to produce information in a form in which such information is not maintained by BellSouth.

3. BellSouth has interpreted Intermedia's Interrogatories to apply to BellSouth's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any Interrogatory 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 information to the extent such information is already in the public record.

SPECIFIC OBJECTIONS

3. Please provide a complete explanation of the manner in which the NRC BellSouth assesses when a customer elects to change its presubscribed long-distance carrier was established.

Objection: BellSouth objects to this Interrogatory on grounds that the information requested 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 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).

9. Please identify all services that BellSouth provides pursuant to customer specific contract arrangements.

Objection: BellSouth objects to this Interrogatory on grounds that the information requested is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Intermedia's arbitration petition nor BellSouth's response raised any issue concerning services provided by BellSouth pursuant to Contract Service Arrangements ("CSAs").

16. Have cost studies been prepared by or on behalf of BellSouth relating to the following:

- a) dedicated interoffice transport of any type;
- b) LIGHTgate/SMARTgate;
- c) SMARTpath;
- d) SMARTring.

Objection: BellSouth objects to this 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 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).

50. Please state the actual costs BellSouth incurred for each physical collocation arrangement that has been completed to date, 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 Interrogatory on grounds that it is overly broad and unduly burdensome. To date BellSouth has completed more than 43 physical collocation arrangements in Florida and more than 200 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 more than 2,000 man-hours to review the relevant documents and gather the requested information just for those physical 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).

51. Please provide a complete explanation of the differences in activities and nonrecurring costs involved in the service order processing, engineering, connect and test, and technician travel time between each of the following:

- a) 1FB and 2 wire analog voice grade loop UNE
- b) 1FR and 2 wire analog voice grade loop UNE
- c) PBX trunk and 2 wire analog voice grade loop UNE

- d) Centrex line and 2 wire analog voice grade loop UNE
- e) ISDN and 2 wire ISDN digital grade loop UNE
- f) ADSL and 2 wire ADSL compatible loop UNE
- g) 4 wire DS1 and 4 wire DS1 digital loop UNE

Objection: BellSouth objects to this Interrogatory to the extent it seeks information concerning 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 nonrecurring rates for certain unbundled network elements, the rates a BellSouth customer pays for a BellSouth retail service 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).

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

Federal Express this 4th day of February, 1999 to the following:

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