

ORIGINAL

RECEIVED-PPSC

Legal Department

J. PHILLIP CARVER
General Attorney

99 APR 28 PM 4: 39

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0710

RECORDS AND
REPORTING

April 28, 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 Nos. 980946-TL, 980947-TL, 980948-TL,
981011-TL, 981012-TL, and 981250-TL

Dear Ms. Bayó:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s Responses and Objections to ACI's First Request for Production of Documents. 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
(PC)

J. Phillip Carver

AFA 3
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
MAS 52
OPC _____
RRR _____
SEC 1
WAW _____
OTH _____

Enclosures

cc: All parties of record

M. M. Criser, III

N. B. White

William J. Ellenberg II (w/o enclosures)

RECEIVED & FILED

PPSC-BUREAU OF RECORDS

DOCUMENT NUMBER--DATE

981011-17 APR 28 99

PPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for temporary waiver of)
Physical collocation requirements set forth)
In the 1996 Telecommunications Act and)
The FCC's First Report and Order, for the)
Daytona Beach Port Orange Central Office)
By BellSouth Telecommunications, Inc.)
_____)

Docket No. 980946-TL

In re: Petition for temporary waiver of)
Physical collocation requirements set forth)
In the 1996 Telecommunications Act and)
The FCC's First Report and Order, for the)
Boca Raton Boca Teeca Central Office, by)
BellSouth Telecommunications, Inc.)
_____)

Docket No. 980947-TL

In re: Petition for Waiver of Physical)
Collocation Requirements Set Forth)
In the Telecommunications Act of 1996)
And the FCC's First Report and Order,)
for the Miami Palmetto Central)
Office, By BellSouth Telecommunications, Inc.)
_____)

Docket No. 980948-TL

In re: Petition for waiver of physical)
Collocation requirements set forth in the)
Telecommunications Act of 1996 and the)
FCC's First Report and Order, for the)
West Palm Beach Gardens Central Office,)
By BellSouth Telecommunications, Inc.)
_____)

Docket No. 981011-TL

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

Docket No. 981012-TL

In re: Petition for temporary waiver of)	
Physical collocation requirements set forth)	
In the 1996 Telecommunications Act and)	Docket No. 981250-TL
The FCC's First Report and Order, for the)	
Lake Mary Main Central Office, by)	
BellSouth Telecommunications, Inc.)	Date: April 28, 1999
_____)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND
OBJECTIONS TO ACI CORP.'s FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS AND MOTION FOR 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 Protective Order to ACI Corp.'s ("ACI") First Request for Production of Documents.

GENERAL RESPONSES

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

1. BellSouth has interpreted ACI'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 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. Further, Section 364.24, Florida Statutes prohibits the disclosure of certain customer account information except as required by "subpoena, court order, other process of court, or as otherwise allowed by law." Accordingly, BellSouth objects to producing any information,

the production of which is prohibited by this statute. To the extent that ACI has requested proprietary confidential business information that is not subject to the “trade secrets” privilege or Section 364.24, BellSouth will make this information available to be reviewed by counsel for ACI at a mutually agreeable time and place, subject to an appropriate Protective Agreement and subject to any other general or specific objections contained herein.

SPECIFIC RESPONSES

5. In response to ACI’s Request to Produce No. 1, this request is for all documents produced by BellSouth in response to any Request for Production of Documents by MCI WorldCom, Inc. or its predecessor WorldCom Technologies, Inc. (“MCI”) to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted requests of MCI.

6. In response to ACI’s Request to Produce No. 2, this request is for all documents produced by BellSouth in response to any Request for Production of Documents by Supra Telecommunications and Information Systems, Inc. (“Supra”) to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted requests of Supra.

7. In response to ACI’s Request to Produce No. 3, this request is for all documents produced by BellSouth in response to any Request for Production of Documents by Teleport Communications Group Inc./TCG South Florida (“TCG”) to which BellSouth has previously responded. BellSouth hereby

responds to this request by incorporating by reference its responses and objections to the above-noted requests of TCG.

8. In response to ACI's Request to Produce No. 4, this request is for all documents produced by BellSouth in response to any Request for Production of Documents by American Communications Services, Inc. – Jacksonville, Inc. d/b/a e.spire Communications, Inc. ("e.spire") to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted requests of e.spire.

9. In response to ACI's Request to Produce No. 5, this request is for all documents produced by BellSouth in response to any Request for Production of Documents by Intermedia Communications, Inc. ("Intermedia") to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted requests of Intermedia.

10. In response to ACI's Request to Produce No. 6, this request is for all documents produced by BellSouth in response to any Request for Production of Documents by Sprint Communications ("Sprint") to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted requests of Sprint.

11. In response to ACI's Request to Produce No. 7, this request is for all documents produced by BellSouth in response to any Request for Production of Documents by the Staff of the Florida Public Service Commission ("Staff") to

which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted requests of Staff.

12. In response to ACI's Request to Produce No. 8, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place.

13. In response to ACI's Request to Produce No. 9, BellSouth agrees to produce the requested documents. However, BellSouth objects to producing the requested documents at the premises of counsel for ACI. These documents are voluminous and also include oversized materials that cannot be readily copied. Accordingly, these documents will be made available for inspection at BellSouth's Tallahassee office at a mutually agreeable time.

14. In response to ACI's Request to Produce No. 10, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place.

15. In response to ACI's Request to Produce No. 11, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place. Also, these documents are proprietary and will, therefore, be produced subject to the Motion for Protective Order set forth above.

16. In response to ACI's Request to Produce No. 12, BellSouth will produce responsive documents that are in its possession, custody or control at a mutually convenient time and place.

Respectfully submitted this 28th day of April, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE (for)
c/o Nancy Sims
150 South Monroe Street, #400
Tallahassee, Florida 32301
(305) 347-5558

William J. Ellenberg II

WILLIAM J. ELLENBERG II (for)
J. PHILLIP CARVER
675 West Peachtree Street, #4300
Atlanta, Georgia 30375
(404) 335-0710

161139

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 28th day of April, 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

Charles J. Pellegrini *
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

Steve Brown
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, FL 33619-1309
Tel. No. (813) 829-0011
Fax. No. (813) 829-4923

Floyd R. Self, Esq. *
Messer, Caparello & Self, P.A.
215 South Monroe Street
Suite 701
Tallahassee, FL 32301-1876
Tel. No. (850) 222-0720
Fax. No. (850) 224-4359

Mr. Brian Sulmonetti *
MCI WorldCom, Inc.
Concourse Corporate Center Six
Six Concourse Parkway, Suite 3200
Atlanta, GA 30328

David V. Dimlich, Esq. *
Legal Counsel
Supra Telecommunications &
Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4235
Fax. No. (305) 443-1078

Amanda Grant
BellSouth Telecommunications, Inc.
Regulatory & External Affairs
675 West Peachtree Street, N.E.
Room 38L64
Atlanta, Georgia 30375

Norman H. Horton, Jr. *
Messer, Caparello & Self, P.A.
215 S. Monroe Street
Suite 701
Tallahassee, Florida 32301-1876
Tel. No. (850) 222-0720
Fax. No. (850) 224-4359
Represents e.spire

James C. Falvey, Esq.
e.spire™ Communications, Inc.
133 National Business Parkway
Suite 200
Annapolis Junction, Maryland 20701
Tel. No. (301) 361-4298
Fax. No. (301) 361-4277

Kenneth A. Hoffman, Esq. *
John R. Ellis, Esq.
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
P.O. Box 551
Tallahassee, FL 32301
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515

Steven Gorosh
Vice President and General Counsel
NorthPoint Communications, Inc.
222 Sutter Street, 7th Floor
San Francisco, CA 94108
Tel. No. (415) 659-6518
Fax. No. (415) 658-4190

Charles A. Hudak, Esq.
Jeremy D. Marcus, Esq.
Gerry, Friend & Saprnov, LLP
Three Ravinia Drive, Suite 1450
Atlanta, GA 30346-2131
Tel. No. (770) 399-9500
Fax. No. (770) 395-0000
Attys. for ACI Corp.

Jeffrey Blumenfeld, Esq.
Elise P.W. Kiely, Esq.
Blumenfeld & Cohen
1615 M Street, NW
Suite 700
Washington, DC 20036
Tel. No. (202) 955-6300
Fax. No. (202) 955-6460
Attys. for ACI Corp.

Peter M. Dunbar, Esq. *
Marc Dunbar, Esq. *
Pennington, Moore, Wilkinson
Bell & Dunbar, P.A.
Post Office Box 10095
Tallahassee, FL 32302-2095
Tel. (850) 222-3533
FAx (850) 222-2126
Attys for Time Warner Telecom

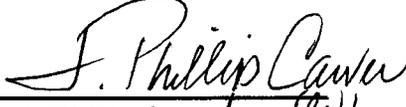
Carolyn Marek *
VP of Reg. Affairs
Time Warner Communications
233 Bramerton Court
Franklin, TN 37069
Tel. (615) 376-6404
Fax (615) 376-6405

Monica M. Barone *
Sprint Communications Company
Limited Partnership
3100 Cumberland Circle
Mailstop GAATLN0802
Atlanta, GA 30339

James D. Earl, Esq. *
Covad Communications, Inc. d/b/a
DIECA Communications
700 Thirteenth Street NW
Suite 950
Washington, DC 20005
Tel: (202) 434-8902
Fax: (202) 434-8932

Richard D. Melson *
Gabriel E. Nieto
Hopping Green Sams & Smith
Post Office Box 6526
Tallahassee, FL 32314
Attys. for ACI Corp.

* Protective Agreements


J. Phillip Carver