

ORIGINAL

RECEIVED-FPSC

Legal Department

J. PHILLIP CARVER
General Attorney

99 MAY 18 PM 4: 28

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

RECORDS AND
REPORTING

May 17, 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. 981011-TL

Dear Ms. Bayó:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Intermedia's Second Request for Production of Documents and Motion for 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

AFA	1	
APP		
CAF		
CMU		Enclosures
CTR		
EAG		cc: All parties of record
LEG	1	
MAS	5	M. M. Criser, III
OPC		N. B. White
RRR		William J. Ellenberg II (w/o enclosures)
SEC	1	
WAW		
OTH	980946	only

DOCUMENT NUMBER-DATE

RECEIVED & FILED

00276 MAY 18 99

FPSC-BUREAU OF RECORDS FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

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

Docket No. 981011-TL

Filed: May 17, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND
OBJECTIONS TO INTERMEDIA COMMUNICATIONS INC.'S
SECOND 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 Intermedia Communications Inc.'s ("Intermedia") Second Request for Production of Documents.

GENERAL RESPONSES

BellSouth makes the following General Objections to Intermedia's Second Request for Production of Documents:

1. BellSouth has interpreted Intermedia'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,

DOCUMENT NUMBER-DATE
06276 MAY 18 99
FPSC-RECORDS/REPORTING

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 Intermedia 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 Intermedia 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 Intermedia's Request to Produce No. 2, this request is for information provided in response to e.spire Communications, Inc.'s (“e.spire”) First Request for Production of Documents, to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of e.spire.

6. In response to Intermedia's Request to Produce No. 3, this request is for information provided in response to ACI Corp.'s (“ACI”) First Request for Production of Documents, to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of ACI, with one exception. The exception is that BellSouth produced documents to ACI that were responsive to Request No. 10, which documents contained information relating to ACI. On May 10, 1999, BellSouth received a letter from counsel for ACI (copy

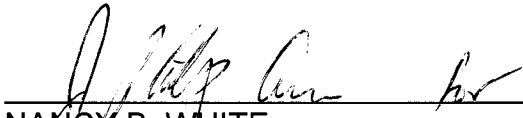
attached) stating that these documents are proprietary to ACI. For this reason, these documents are subject to the Motion for Protective Order set forth above, and BellSouth objects to producing these documents for the reasons set forth therein.

7. In response to Intermedia's Request to Produce No. 4, this request is for information provided in response to Sprint's ("Sprint") First Request for Production of Documents, to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of Sprint.


8. In response to Intermedia's Request to Produce No. 5, this request is for information provided in response to Staff's ("Staff") First Request for Production of Documents, to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of Staff.

Respectfully submitted this 17th day of May, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.



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



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

162319

HOPPING GREEN SAMS & SMITH

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET
POST OFFICE BOX 6526
TALLAHASSEE, FLORIDA 32314

(850) 222-7500

FAX (850) 224-8551

FAX (850) 425-3415

May 10, 1999

JAMES S. ALVES
BRIAN H. BIBEAU
RICHARD S. BRIGHTMAN
KEVIN B. COVINGTON
PETER C. CUNNINGHAM
RALPH A. DEMEO
RANDOLPH M. GIDDINGS
WILLIAM H. GREEN
WADE L. HOPPING
GARY K. HUNTER, JR.
JONATHAN T. JOHNSON
ROBERT A. MANNING
FRANK E. MATTHEWS
RICHARD D. MELSON
ANGELA R. MORRISON
GABRIEL E. NIETO
ERIC T. OLSEN

GARY V. PARRS
MICHAEL P. PETROVICH
DAVID L. POWELL
WILLIAM J. PRESTON
CAROLYN B. RAEPPEL
DOUGLAS S. ROBERTS
GARY P. SAMS
TIMOTHY S. SCHOENWALDER
ROBERT P. SMITH
DAN R. STENGLE
CHERYL J. STUART
W. STEVE SYMES
T. KENT THERRELL, II
OF COUNSEL
ELIZABETH S. BOWMAN

BY FACSIMILE AND U.S. MAIL

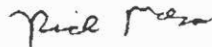
J. Phillip Carver
BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, FL 32301

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

Dear Phil:

This is to inform you that ACI Corp. does regard item 10 of BellSouth's response to ACI's First Request for Production of Documents as constituting proprietary information of ACI.

Very truly yours,



Richard D. Melson

cc: Kenneth A. Hoffman

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 17th day of May, 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 & Sapronov, 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

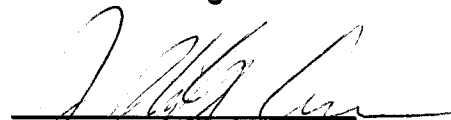
Carolyn Marek *
VP of Reg. Affairs
Time Warner Communications
233 Bramerton Court
Franklin, TN 37069
Tel. (615) 376-6404
Fax (615) 376-6405

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