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MICHAEL P. GOGGIN
General Attorney

JUN 28 PM 4:35

BellSouth Telecommunications, Inc.
150 South Monroe Street
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Tallahassee, Florida 32301
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RECORDS AND
REPORTING

June 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 No. 990108-TP (Access One)

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Access One's First Request for Production, which we ask that you file in the above-referenced matter.

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,

Michael P. Goggin (kr)
Michael P. Goggin

cc: All Parties of Record
Marshall M. Criser III
William J. Ellenberg II

AEA _____
APP _____
CAF _____
GMU *Stanton*
CTR _____
EAG _____
LEG 2
MAS 3
OPC _____
RRR _____
SEC I
WAW _____
OTH _____

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[Signature]
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CERTIFICATE OF SERVICE
Docket No. 990108-TP

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

U.S. Mail and (*) Hand-Delivery this 28th day of June, 1999 to the following:

Will Cox
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Access One Communications
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Attys. for Access One

Michael P. Goggin (ER)
Michael P. Goggin

Access One Communications, Inc.,)	
)	
Complainant,)	Docket No. 990108-TP
)	
vs.)	
)	
BellSouth Telecommunications, Inc.,)	
)	
Respondent.)	
<hr/>		Filed: June 28, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
 RESPONSE AND OBJECTIONS TO ACCESS ONE'S
FIRST REQUEST FOR PRODUCTION**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), hereby files, pursuant to Rule 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, the following Responses and Objections to Access One Communications, Inc.'s ("Access One") First Request for Production of Documents, dated May 24, 1999.

GENERAL OBJECTIONS

1. BellSouth objects to the requests for production of documents to the extent they seek to impose an obligation on BellSouth to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to the requests for production of documents to the extent they are intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. BellSouth objects to

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such requests for production of documents as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every request for production of documents and instruction to the extent that such request for production of documents or instruction calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. BellSouth objects to each and every request for production of documents insofar as the request for production of documents is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations *but are not properly defined or explained for purposes of these requests*. Any answers provided by BellSouth in response to these requests for production of documents will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every request for production of documents insofar as the request for production of documents is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. BellSouth will attempt to note each instance where this objection applies.

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

7. BellSouth objects to each and every request for production of documents to the extent that the information requested constitutes “trade secrets” which are privileged pursuant to Section 90.506, Florida Statutes. BellSouth also objects to each and every request for production that would require the disclosure of customer specific information, the disclosure of which is prohibited by Section 364.24, Florida Statutes. To the extent that Access One requests proprietary information that is not subject to the “trade secrets” privilege or to Florida Statutes Section 364.24, BellSouth will make such information available to Access One at a mutually agreeable time and place upon the execution of a confidentiality agreement.

8. BellSouth objects to Access One’s discovery requests, instructions and definitions, insofar as they seek to impose obligations on BellSouth that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

9. BellSouth objects to each and every request for production of documents, insofar as they are unduly burdensome, expensive, oppressive, or excessively time consuming as written.

10. 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 identified in response to these

requests for production of documents. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the requests for production of documents purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

SPECIFIC RESPONSES

Request 1. All documents that refer to, reflect, or relate to any agreement or amendment to agreement entered into between BellSouth and the Telephone Company of Central Florida, Inc. ("TCCF").

Specific Objection: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is not relevant to the subject matter of this action and not calculated to lead to the discovery of admissible evidence.

Response: Subject to its General and Specific Objections, BellSouth will produce documents responsive to Request No. 1.

Request 2. All documents that refer to, reflect, or relate to paragraph H of Exhibit KB-3 to the direct testimony of Ken Baritz filed in this proceeding.

Specific Objection: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is not relevant to the subject matter of this action and not calculated to lead to the discovery of admissible evidence.

Response: Subject to its General and Specific Objections, BellSouth will produce documents responsive to Request No. 2.

Request 3. All documents that refer to, reflect, or relate to any agreements between BellSouth and any telecommunications carrier other than TCCF containing a provision substantially similar to paragraph H of Exhibit KB-3 to Ken Baritz's testimony.

Specific Objection: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is not relevant to the subject matter of this action and not calculated to lead to the discovery of admissible evidence.

Response: Subject to its General and Specific Objections, BellSouth will produce documents responsive to Request No. 3.

Request 4. All documents that refer to, reflect, or relate to any type of communication from BellSouth to customers of Access One during the period of September 1997 until today which advertise or market BellSouth's local telephone service, including without limitation all direct mail solicitations or advertisements to switch local telephone service to BellSouth.

Specific Objection: In addition to the General Objections made above, BellSouth objects to this request to the extent that it is not relevant to the subject matter of this action and not calculated to lead to the discovery of admissible evidence.

Response: Subject to its General and Specific Objections, BellSouth has no documents responsive to Request No. 4.

Respectfully submitted this 28th day of June, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White (kr)

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