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Legal Department

MICHAEL P. GOGGIN  
General Attorney

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BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

RECORDS AND  
REPORTING

July 2, 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 Second 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  
R. Douglas Lackey

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*[Signature]*  
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MICHAEL P. GOGGIN  
General Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

July 2, 1999

**Via Hand-Delivery**

Robert W. Turken  
Sean M. Cleary  
Stroock Law Firm  
200 South Biscayne Blvd.  
33rd Floor  
Miami, FL 33131-2385

**Re: Docket No. 990108-TP (Access One)**

Dear Messrs. Turken and Cleary:

Enclosed is BellSouth Telecommunications, Inc.'s Responses and Objections to Access One's Second Request for Production.

Sincerely,

  
Michael P. Goggin

cc: Blanca S. Bayo  
All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey

**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 2nd day of July, 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  
3427 N. W. 55<sup>th</sup> Street  
Ft. Lauderdale, FL 33309-6308  
Tel. (954) 714-0000  
Fax. (954) 739-2476

Everett Boyd  
Ervin Law Firm  
Post Office Drawer 1170  
Tallahassee, FL 32302  
Tel. (850) 224-9135  
FAX. (850) 224-9135

Stroock Law Firm \*  
Robert W. Turken  
Sean M. Cleary  
200 South Biscayne Blvd.  
33rd Floor  
Miami, FL 33131-2385  
Tel. No. (305) 789-9376  
Fax. No. (305) 789-9302  
Attys. for Access One

  
Michael P. Goggin (KR)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Access One Communications, Inc., )  
 )  
 Complainant, ) Docket No. 990108-TP  
 )  
 vs. )  
 )  
 BellSouth Telecommunications, Inc., )  
 )  
 Respondent. )  
 )  
 \_\_\_\_\_ ) Filed: July 2, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
RESPONSE AND OBJECTIONS TO ACCESS ONE'S  
SECOND 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") Second Request for Production of Documents, dated May 28, 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 5. All documents that refer to, reflect, or relate to any agreement, provision of agreement, or amendment to agreement entered into between BellSouth and any telecommunications carrier that contains a provision substantially similar or identical to the Most Favored Nations Clause.**

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. 5.

Respectfully submitted this 2nd day of July, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White (KR)

NANCY B. WHITE

MICHAEL P. GOGGIN

c/o Nancy H. Sims

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