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ORIGINAL

September 7, 1999

BY HAND DELIVERY THIS DATE

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SEP 12 13
PH 12:13
RECORDS AND REPORTING

Blanca S. Bayo
Director
Division of Records and Recording
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket #990750-TP; Petition for Arbitration by ITC^DeltaCom Communications

Dear Ms. Bayo:

On behalf of ITC^DeltaCom Communications, Inc., enclosed for filing in the referenced docket are an original and 16 copies of Petitioner's Objections to BellSouth's First Request for Production of Documents and Interrogatories.

Please file stamp the extra enclosed copies and return them to our runner. Thank you for your assistance.

Sincerely,

HUEY, GUILDAY & TUCKER, P.A.

J. Andrew Bertron, Jr.

AFA _____
APP _____
CAF _____
CMU *haves* _____
CTR _____ JAB/
EAG _____ Enclosures
LEG _____ a\ITC\clerk3.ltr.wpd
MAS *2* _____
OPC _____
PAI _____
SEC _____
WAW _____
OTH _____

DOCUMENT NUMBER-DATE
10685 SEP-7 99
PPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:)
)
Petition for Arbitration of ITC^DeltaCom)
Communications, Inc. with BellSouth)
Telecommunications, Inc. Pursuant to the)
Telecommunications Act of 1996)
_____)

Docket No.990750-TP

PETITIONER ITC^DELTA COM'S OBJECTIONS TO BELLSOUTH'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES

Petitioner, ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom"), pursuant to the Order Establishing Procedure in this docket dated August 13, 1999, hereby files its objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Request for Production of Documents and First Set of Interrogatories.

GENERAL OBJECTIONS

ITC^DeltaCom objects to all discovery requests to the extent they request information which is: subject to the attorney-client privilege or any other applicable privilege; work product; not relevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence; confidential, proprietary or trade secret information pursuant to §90.506, Florida Statutes, or Rule 1.280(c)(7), Florida Rules of Civil Procedure; customer specific information pursuant to §364.24, Florida Statutes; or is overly broad, unduly burdensome or oppressive to produce.

In the sections below, ITC^DeltaCom will list the BellSouth discovery requests which it finds to be objectionable and then will state its specific objections to each such discovery request.

DOCUMENT NUMBER-DATE
10685 SEP-7 8
FPSC-RECORDS/REPORTING

REQUESTS FOR PRODUCTION OF DOCUMENTS

18. Produce any documents that support, refer or relate to (a) the total amount billed by ITC^DeltaCom for service to ITC^DeltaCom's ISP customers from inception of service to present; (b) the amounts of any credits, rebate, or adjustments given to such customers; and (c) the total amount of revenue collected from such customers, from inception of service to present.

20. Produce all documents that support, refer or relate to ITC^DeltaCom's contention that ITC is entitled to reciprocal compensation for ISP traffic, including but not limited to any and all cost studies, analyses, or quantifications of the costs you incur in transporting ISP-bound traffic.

21. Produce all documents that support, refer or relate to ITC^DeltaCom's revenues for its end-users customers that ITC^DeltaCom serves off of its own network ("on-net" customers) within Florida.

22. Produce all documents that support, refer or relate to ITC^DeltaCom's revenues for its on-net customers in Florida that are Internet Service Providers "ISPs").

OBJECTION: ITC^DeltaCom objects to requests 18, 20, 21 and 22 because they are not reasonably calculated to lead to the discovery of evidence which would be admissible in this Docket. Moreover, this request calls for the production of trade secret information which is proprietary and confidential pursuant to §90.506, Florida Statutes, and Rule 1.280(c)(7), Florida Rules of Civil Procedure. Finally, this request is overly broad and unduly burdensome.

19. For any interconnection agreement into which ITC^DeltaCom entered through arbitration, produce any draft or proposed agreement that was filed with the state commission with ITC^DeltaCom's petition for arbitration setting forth ITC^DeltaCom's position.

OBJECTION: ITC^DeltaCom objects to this Request because it is overly broad and unduly burdensome. Moreover, this Request seeks production of documents which would not be admissible in this docket and seeks information which is protected by the attorney-client privilege. Finally, BellSouth already has in its possession drafts which were exchanged as part of the attempt to settle the issues in this case.

INTERROGATORIES

3. Identify each person whom you have consulted as an expert in anticipation of this arbitration or in preparation for a hearing in this arbitration who is not expected to be called as a witness. With respect to each such expert, please state the facts known by and opinions held by this expert concerning any matters raised in the Arbitration Petition.

OBJECTION: ITC^DeltaCom objects to this Interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence. To the extent that ITC^DeltaCom may have consulted with an expert who is not to testify in this proceeding, any such consultation is not discoverable pursuant to Rule 1.280(b)(4), Florida Rules of Civil Procedure.

13. Identify all states in which ITC^DeltaCom is providing local exchange service and identify the number of access lines being served by ITC^DeltaCom in each such state.

OBJECTION: ITC^DeltaCom objects to this Interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, BellSouth is a direct competitor of ITC^DeltaCom, and this information contains trade secrets which are proprietary and confidential pursuant to §90.506, Florida Statutes, and Rule 1.280(c)(7), Florida Rules of Civil Procedure. As to information concerning BellSouth's territories, BellSouth has

that information in its possession.

14. Identify the location of each physical collocation space leased by ITC^DeltaCom or applied for by ITC^DeltaCom from any Incumbent Local Exchange Carrier, including BellSouth. In answering this Interrogatory, please:

- (a) Identify the Incumbent Local Exchange Carrier from which ITC^DeltaCom is leasing such physical collocation space;
- (b) state with particularity all costs incurred by ITC^DeltaCom in connection with leasing each such physical collocation space, including identifying all recurring and nonrecurring costs charged by the incumbent for ITC^DeltaCom's use of that space; and
- (c) state the interval in which each such physical collocation space was provided, including identifying all dates used to determine this interval (i.e., the date of ITC^DeltaCom's request for the collocation space and the date the space was made available.

OBJECTION: BellSouth controls the information in (a), (b) and (c) as it relates to BellSouth. With regard to other ILECs, such information is proprietary and confidential, and contains trade secrets pursuant to §90.506, Florida Statutes, and Rule 1.280(c)(7), Florida Rules of Civil Procedure.

20. Please state the total number of end user customers that ITC^DeltaCom serves within the State of Florida.

21. Please state the total number of end users customers that ITC^DeltaCom serves

off of its own network ("on-net" customers) within Florida.

22. Please state the total number of ITC^DeltaCom's on-net customers in Florida that are Internet Service Providers ("ISPs").

23. Please state on a monthly basis the total amount of revenue that ITC^DeltaCom has received from providing services within Florida to its end-user customers.

24. Please state on a monthly basis the total amount of revenue that ITC^DeltaCom has received from providing services within Florida to its "on-net" end-user customers.

25. For the Florida ISP customers in Response to Interrogatory No. 22, please state, on an annual basis, (a) the total amount billed by ITC^DeltaCom for service to those customers from inception of service to present, (b) the amounts of any credit, rebate, or adjustments given to such customers, and (c) the total amount of revenue collected from such customers, from inception of service to present.

OBJECTIONS TO INTERROGATORIES 20-25: ITC^DeltaCom objects to the above six Interrogatories on the ground that the information requested is not relevant to any issue in this proceeding, nor are these interrogatories reasonably calculated to lead to the discovery of admissible evidence. Furthermore, BellSouth is a direct competitor of ITC^DeltaCom, and this information contains trade secrets, which are confidential and proprietary pursuant to §90.506, Florida Statutes, and Rule 1.280(c)(7), Florida Rules of Civil Procedure.

27. State the number of end-user residential customers ITC^DeltaCom serves in Florida.

28. State the number of end-user business customers ITC^DeltaCom serves in Florida.

OBJECTIONS TO INTERROGATORIES 27-28: ITC^DeltaCom objects on the grounds that the information requested by these two Interrogatories is not relevant to any issue in the proceeding, nor is it reasonably calculated to lead to the discovery of admissible evidence. Furthermore, BellSouth is a direct competitor of ITC^DeltaCom, and this information contains trade secrets, which are confidential and proprietary pursuant to §90.506, Florida Statutes, and Rule 1.280(c)(7), Florida Rules of Civil Procedure.

32. State the number of resold lines ITC^DeltaCom has in Florida.

33. State the number of unbundled network elements ITC^DeltaCom has purchased in Florida.

OBJECTIONS TO INTERROGATORIES 32-33: To the extent these Interrogatories request information about incumbent local exchange companies other than BellSouth, ITC^DeltaCom objects on the grounds that the information requested by these two Interrogatories is not relevant to any issue in the proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, BellSouth is a direct competitor of ITC^DeltaCom, and this information contains trade secrets, which are confidential and proprietary pursuant to §90.506, Florida Statutes, and Rule 1.280(c)(7), Florida Rules of Civil Procedure.

39. State with particularity, including appropriate citations or other sources, each of the legal and/or regulatory grounds upon which you contend a penalty, liquidated damages or waiver is appropriate.


OBJECTION: ITC^DeltaCom objects to this Interrogatory because it calls for a

legal conclusion and is not appropriate for fact discovery.

89. State each and every reason ITC^DeltaCom will not accept the procedures documented in the MECAB and MECOD OBF Guidelines for Meet Point Billing for situations in which such standards are applicable.

OBJECTION: ITC^DeltaCom does not understand this Interrogatory and therefore objects to it. ITC^DeltaCom does not understand what information BellSouth is requesting.

Dated this 7th day of September, 1999.



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**CERTIFICATE OF SERVICE
DOCKET NO. 990750-TP**

I hereby certify that a true and correct copy of the foregoing has been furnished this 7 day of September, 1999 to the following:

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