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BellSouth Telecommunications, Inc.
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ORIGINAL

April 12, 2000

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RECORDS AND
REPORTING

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 991237-TP

Dear Ms. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Staff's Request for Production of Documents Numbers 1 and 2, dated March 13, 2000, which we ask that you file in the captioned docket.

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,

Lisa S. Foshee
Lisa S. Foshee (Pw)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

- AFB _____
- APP _____
- CAF _____
- CMG 1
- CTR _____
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- LEG 1
- MAS 3
- OPC _____
- RRR _____
- SEC 1
- WAW _____
- OTH _____

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by AT&T Communications)
Of the Southern States, Inc. d/b/a/ Connect'N)
Save d/b/a/ Lucky Dog and d/b/a ACC Business)
Against BellSouth Telecommunications, Inc.)
Regarding improper application of switched)
access charges.)
_____)

Docket No. 991237-TP

Filed: April 12, 2000

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND
OBJECTIONS TO STAFF'S FIRST DOCUMENT REQUESTS**

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to Rule 28-106.206, *Florida Administrative Code*, and Rules 1.340, 1.350 and 1.280, *Florida Rules of Civil Procedure*, files the following Responses and Objections to the First Request for Production of Documents served by the Commission Staff on March 13, 2000.

GENERAL OBJECTIONS

1. BellSouth has interpreted Staff's requests to apply to BellSouth's regulated intrastate operations in Florida and will limit its Answers 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 as irrelevant, overly broad, unduly burdensome, and oppressive.

2. BellSouth objects to the Discovery Requests to the extent they purport to require BellSouth to provide the name of the employee providing the information contained in each answer. The information provided is so provided by BellSouth Telecommunications, Inc. and often is the result of the combined efforts of many persons.

3. BellSouth objects to each and every request and instruction to the extent that such request 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 the production of any proprietary, confidential and/or competitively sensitive materials or information without the execution of an acceptable protective agreement or the filing of a Request for Confidential Classification.

5. BellSouth objects to the Discovery Requests to the extent they seek the production of documents or information prior to 1993. AT&T only is claiming damages for the period 1993 to present, and thus information prior to 1993 is not relevant to this proceeding. Moreover, to the extent Staff's requests seek information prior to 1993, such requests are overbroad and unduly burdensome.

6. BellSouth objects to each and every request insofar as the request 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.

7. BellSouth objects to each and every request insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

8. BellSouth objects to each and every request insofar as the request 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.

9. BellSouth objects to each and every request as overbroad and unduly burdensome insofar as the request purports to obligate BellSouth to perform any special studies, software development or other extraordinary efforts to obtain the information requested.

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

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

**SPECIFIC RESPONSES AND OBJECTIONS TO REQUEST FOR
PRODUCTION OF DOCUMENTS**

Request No. 1: Please provide copies of any and all documents which support the response to Interrogatory #7.


Response: Subject to the General Objections, BellSouth objects to Request for Production 1 on the grounds that it is overbroad, unduly burdensome, and seeks the production of documents not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the stated objections, BellSouth will produce documents responsive to this Request of which it is aware.

Request No. 2: Please provide copies of any and all documents which support the response to Interrogatory #8.


Response: Subject to the General Objections, BellSouth objects to Request for Production 2 on the grounds that it is overbroad, unduly burdensome, and seeks the production of documents not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the stated objections, BellSouth will produce documents responsive to this Request of which it is aware.

Respectfully submitted this 12th day of April, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (for)
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CERTIFICATE OF SERVICE
Docket No. 991237-TP

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

U.S. Mail this 12th day of April, 2000 to the following:

Diana Caldwell
Staff Counsel
Florida Public Service
Commission
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Lisa S. Foshee (ps)