

RECEIVED-FPSC

Legal Department

E. EARL EDENFIELD, Jr.
General Attorney

00 APR 27 PM 4:33

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0763

RECORDS AND
REPORTING

April 27, 2000

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. 991534-TP (Intermedia)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Objections to Intermedia Communications, Inc.'s First Request for Production of Documents and First Set of Interrogatories, 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 on the parties shown on the attached Certificate of Service.

Sincerely,

E Earl Edenfield Jr.

E. Earl Edenfield, Jr. *(initials)*

Enclosures

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

AFA _____
APP _____
CAF _____
CMB 2
CTR _____
EAG _____
LEG 2
MAS 2
OPC _____
RRR _____
SEC 1
WAW _____
JTH _____

RECEIVED & FILED

[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05219 APR 27 8

FPSC-RECORDS/REPORTING

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re:)	
)	
Request for Arbitration Concerning Complaint of)	Docket No. 991534-TP
Intermedia Communications, Inc. against BellSouth)	
Telecommunications, Inc. for breach of terms of)	
Interconnection Agreement under Sections 251 and)	
252 of the Telecommunications Act of 1996, and)	
Request for relief.)	Filed: April 27, 2000
)	

BELLSOUTH TELECOMMUNICATIONS, INC.'S OBJECTIONS TO INTERMEDIA COMMUNICATIONS, INC.'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to the Order Establishing Procedure (PSC-00-0193-PCO-TP), objects to Intermedia Communications Inc.'s ("ICI") First Request for Production of Documents and First Set of Interrogatories, both dated April 17, 2000, and says:

GENERAL OBJECTIONS

1. BellSouth objects to the interrogatories and request 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 request is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to the interrogatories and request 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 such interrogatories and request for production of documents as being irrelevant, overly broad, unduly burdensome, and oppressive.

DOCUMENT NUMBER-DATE

05219 APR 27 8

118

FPSC-RECORDS/REPORTING

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

5. BellSouth objects to each and every interrogatory and request for production of documents insofar as the interrogatory and request for production of documents are not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

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

7. BellSouth objects to each and every interrogatory and request for production of documents 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 interrogatory and request for production of documents that would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, *Florida Statutes*. To the extent that ICI requests proprietary information that is not subject to the "trade

secrets" privilege or to §364.24, BellSouth will make such information available to ICI at a mutually agreeable time and place upon the execution of a confidentiality agreement, or subject to a Request for Confidential Classification.

8. BellSouth objects to ICI's interrogatories and request for production of documents, 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 interrogatory and request for production of documents insofar as any of them is 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 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 interrogatories and request 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 interrogatories and request for production of documents purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

SPECIFIC OBJECTIONS

Request for Production No. 10 - If BellSouth has provisioned multiple tandem access in Florida for competitive carriers other than Intermedia pursuant to request, provide any and all documents that substantiate such requests and provisionings. See Interrogatory 14, 1st Set.

ICI requests information concerning proprietary customer account records of CLECs that are not parties to this proceeding. Production of these records could place BellSouth in violation of §364.24, *Florida Statutes* (1995). Further, BellSouth is not in a position to evaluate whether the production of this information could provide ICI with a competitive advantage over the CLECs about which ICI is seeking information.

As an additional basis for objection, ICI seeks information that is not relevant. Records reflecting the ordering and provisioning of multiple tandem access (“MTA”) by CLECs other than ICI are irrelevant to this proceeding, which involves the interpretation of the Interconnection Agreement between BellSouth and ICI.

Request for Production No. 11 - If BellSouth has provisioned multiple tandem access anywhere within its interconnection network arrangements with competitive carriers other than Intermedia in Florida in the absence of such other carrier’s request or order, produce any and all documents that relate in any way to BellSouth’s decision to do so and relate in any way to the provisionings.

ICI requests information concerning proprietary customer account records of CLECs that are not parties to this proceeding. Production of these records could place BellSouth in violation of §364.24, *Florida Statutes* (1995). Further, BellSouth is not in a position to evaluate whether the production of this information could provide ICI with a competitive advantage over the CLECs about which ICI is seeking information.

As an additional basis for objection, ICI seeks information that is not relevant. Records reflecting the ordering and provisioning of MTA by CLECs other than ICI are irrelevant to this

proceeding, which involves the interpretation of the Interconnection Agreement between BellSouth and ICI.

Interrogatory No. 14c – Identify any and all competitive carriers that have ordered multiple tandem access pursuant to agreement with BellSouth.

ICI requests information concerning proprietary customer account records of CLECs that are not parties to this proceeding. Production of these records could place BellSouth in violation of §364.24, *Florida Statutes* (1995). Further, BellSouth is not in a position to evaluate whether the production of this information could provide ICI with a competitive advantage over the CLECs about which ICI is seeking information.

As an additional basis for objection, ICI seeks information that is not relevant. Records reflecting the ordering and provisioning of MTA by CLECs other than ICI are irrelevant to this proceeding, which involves the interpretation of the Interconnection Agreement between BellSouth and ICI.

Interrogatory No. 14d – Identify any and all competitive carriers for which BellSouth has provisioned multiple tandem access pursuant to request and, for each and every such carrier, identify where such provision has taken place and describe with the aid of appropriate diagrams the interconnection architecture in place.

ICI requests information concerning proprietary customer account records of CLECs that are not parties to this proceeding. Production of these records could place BellSouth in violation of §364.24, *Florida Statutes* (1995). Further, BellSouth is not in a position to evaluate whether the production of this information could provide ICI with a competitive advantage over the CLECs about which ICI is seeking information.


As an additional basis for objection, ICI seeks information that is not relevant. Records reflecting the ordering and provisioning of MTA by CLECs other than ICI are irrelevant to this

proceeding, which involves the interpretation of the Interconnection Agreement between BellSouth and ICI.


WHEREFORE, BellSouth respectfully requests that the Commission sustain each of the objections set forth herein.

Respectfully submitted this 27th day of April 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



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



R. DOUGLAS LACKEY
E. EARL EDENFIELD JR.
BENNETT L. ROSS
675 West Peachtree Street, #4300
Atlanta, Georgia 30375
(404) 335-0763

206891

**CERTIFICATE OF SERVICE
Docket No. 991534-TP**

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

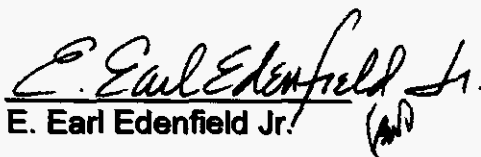
(*) Hand Delivery and (+) Federal Express this 27th day of April, 2000 to the following:

C. Lee Fordham (*)
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Scott Sapperstein (+)
Senior Policy Counsel
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, FL 33619
Tel. No. (813) 829-0011
Fax. No. (813) 829-4923

Patrick Knight Wiggins
Charles J. Pellegrini (*)
Wiggins & Villacorta, P.A.
2145 Delta Boulevard
Suite 200
Tallahassee, FL 32303
Tel. No. (850) 385-6007
Fax. No. (850) 385-6008

Jonathan E. Canis (+)
Enrico C. Soriano
Kelly Dye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036
Tel. No. (202) 955-9600
Fax. No. (202) 955-9792


E. Earl Edenfield Jr.