

ORIGINAL

In Re: Investigation into Pricing of)
Unbundled Network Elements)

Docket No. 990649-TP
Filed: September 1, 2000

**BLUESTAR NETWORKS, INC.'S OBJECTIONS TO BELL SOUTH
TELECOMMUNICATIONS, INC.'S SECOND SET OF INTERROGATORIES AND
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO BLUESTAR
NETWORKS, INC.**

BlueStar Networks, Inc. ("BlueStar"), by counsel and pursuant to the procedural order in this case (Order No. PSC-00-0540-PCO-TP), hereby files its Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") Second Set of Interrogatories and Second Request for Production of Documents as follows:

GENERAL OBJECTIONS

1. BlueStar objects to the interrogatories and requests to the extent that such interrogatories and requests seek to impose an obligation on BlueStar to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case.

2. BlueStar objects to each and every interrogatory or request to the extent that such interrogatory or request calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

3. BlueStar objects to each and every interrogatory or request to the extent such interrogatory or request is vague, ambiguous, overly broad, imprecise, or uses undefined terms subject to multiple interpretations.

4. BlueStar objects to each and every interrogatory or request to the extent that the interrogatory or request is not reasonably calculated to lead to the discovery of admissible evidence

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and is not relevant to the subject matter of this action.

5. BlueStar objects to providing information or documents to the extent that such information or document is publicly available or is in the control of BellSouth.

6. BlueStar objects to each and every interrogatory or request to the extent that it is unduly burdensome, expensive, oppressive, overly broad, or excessively time consuming.

7. BlueStar objects to BellSouth's instructions insofar as they seek to impose obligations on BlueStar that exceed the requirements of the Florida Rules of Civil Procedure or Florida law, including the obligation to supplement its responses.

8. To the extent that any interrogatory or request calls for confidential, proprietary business information of BlueStar, BlueStar will provide such information only subject to the protective agreement between the parties.

9. BlueStar objects to each and every interrogatory or request to the extent that it calls for a legal conclusion or opinion.

10. BlueStar objects to each and every request to the extent that it seeks documents that may be subject to protective orders or other confidentiality agreements or may be subject to copyright protection of a third party and therefore are not available for production in this proceeding.

SPECIFIC OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 32

For each unbundled network element or interconnection service for which you are proposing recurring and nonrecurring rates in this proceeding, identify the lowest rate for that same element or service that is contained in any interconnection agreement executed by BlueStar. In answering this Interrogatory, identify each such agreement, state the date the agreement was executed, state whether the agreement was arbitrated or negotiated, and identify the state commission order approving or rejecting such agreement.

OBJECTION

BlueStar objects to this Interrogatory on the grounds that it is unduly burdensome expensive, oppressive, overly broad, and excessively time consuming in nature. BlueStar further objects to this Interrogatory on the grounds that the information requested is publicly available and thus readily obtainable by BellSouth.

INTERROGATORY NO. 46

If the answer to the foregoing Interrogatory is in the affirmative, identify any statute, rule, case law, or commission order that you contend would authorize the Florida Public Service Commission to impose such a requirement.

OBJECTION

BlueStar objects to this Interrogatory on the grounds that it seeks a legal conclusion or opinion.

INTERROGATORY NO. 48

If the answer to the foregoing Interrogatory is in the affirmative, please explain how your contention can be reconciled with *Iowa Utilities Board v. FCC*, 2000 U.S. App. LEXIS 17234 (8th Cir. July 18, 2000), in which the United States Court of Appeals for the Eighth Circuit held that rates must be based on "the cost to the ILEC of providing its existing facilities and equipment either through interconnection or by providing the specifically requested existing network elements that the competitor will in fact be obtaining"

OBJECTION

BlueStar objects to this Interrogatory on the grounds that it seeks a legal conclusion or opinion.

INTERROGATORY NO. 54

Referring to page 54 of the Direct and Rebuttal Testimony of Terry Murray dated July 31, 2000, identify each and every input which you contend is "so poorly identified and documented that it is often impossible to determine what BST might have intended, let alone whether its inputs are valid."

OBJECTION

Pursuant to the Stipulation of Certain Issues and Schedule of Events (filed December 7, 1999), BellSouth is obligated to provide all work papers along with its cost studies. Specifically, the Stipulation states, inter alia, that "Such documentation should enable a reviewer to identify the key assumptions underlying the costs analysis." (Stipulation ¶ 3(c)). To the extent that information was available about inputs, those inputs have been criticized by Ms. Murray where appropriate. To the extent that sufficient information was not provided by BellSouth, BlueStar does not bear the burden of pointing out "each and every" specific instance of BellSouth's failure to comply with the Stipulation.

SPECIFIC OBJECTIONS TO DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 13

Produce all documents referring or relating to multiple loop conditioning practices of any incumbent local exchange carrier.

OBJECTION

BlueStar objects to this Request for Production of Documents to the extent it seeks documents that may be subject to protective orders or other confidentiality agreements and therefore are not available for production in this proceeding.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of BlueStar Networks, Inc.'s Objections to BellSouth Telecommunications, Inc.'s Second Set of Interrogatories and Second Request for Production of Documents to BlueStar Networks, Inc. has been furnished by hand delivery(*), U.S. Mail and e-mail, this 1st day of September 2000, to:

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