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February 13, 2001

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RECORDS AND
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BY HAND DELIVERY

Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: FPSC Docket No. 000075-TP

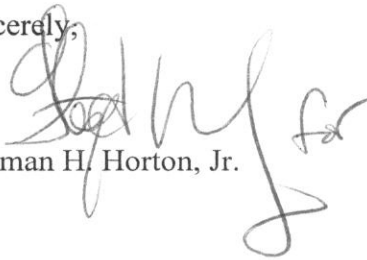
Dear Ms. Bayó:

Enclosed for filing on behalf e.spire Communications, Inc. are an original and fifteen copies of e.spire Communications, Inc.'s Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and First Request for Production of Documents in the above-referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,



Norman H. Horton, Jr.

APP _____
CAF _____
CMP _____
COM 5 _____
CTR _____
ECR _____
YEG _____
OPC _____
PAI _____
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SEC _____
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Enclosure

cc: James C. Falvey, Esq.
Parties of Record

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into Appropriate)
Method to Compensate Carriers for Exchange) Docket No. 000075-TP
Traffic Subject to Sec. 251 of the) Filed: February 13, 2001
Telecommunications Act)
_____)

**e.spire's OBJECTIONS TO BELLSOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

e.spire Communications, Inc. (hereinafter "e.spire"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code and Rules 1.350 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories and First Request for Production of Documents to e.spire Communications, Inc.

The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. PSC-00-2350-PCO-TP issued by the Florida Public Service Commission (hereinafter the "Commission") in the above-referenced docket on December 7, 2000. Should additional grounds for objection be discovered as e.spire prepares its Responses to the above-referenced sets of requests, e.spire reserves the right to supplement, revise, or modify its objections at the time that it serves its Responses on BellSouth. Moreover, should e.spire determine that a Protective Order is necessary with respect to any of the material requested by BellSouth, e.spire reserves the right to file a motion with the Commission seeking such an order at the time that it serves its Responses on BellSouth.

General Objections

e.spire makes the following General Objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents which will be incorporated by reference into the specific responses when its Responses are served on BellSouth.

1. e.spire objects to BellSouth's First Set of Interrogatories and First Request for Production of Documents to the extent that it is overly broad, unduly burdensome, oppressive, not permitted by applicable discovery rules, and would require e.spire to disclose information which is privileged.

2. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, e.spire objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. e.spire 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. e.spire 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. Any responses provided by e.spire in response to BellSouth's requests will be provided subject to, and without waiver of, the foregoing objection.

5. e.spire 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. e.spire will attempt to note each instance where this objection applies.

6. e.spire objects to BellSouth's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on e.spire which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. e.spire objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission or any other agency or court.

8. e.spire objects to each and every request, general instruction, or definition insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. e.spire objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that BellSouth's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, e.spire will make such information available to counsel for BellSouth pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. With respect to documents, e.spire will comply with BellSouth's request that a search be conducted of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more, e.spire objects on the grounds that compliance would impose an undue burden or expense.

11. e.spire objects to the definitions of "e.spire" to the extent that such definitions seek to impose an obligation on e.spire to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

Objections to Specific Requests

Subject to, and without waiver of, the foregoing general objections, e.spire enters the following specific objections with respect to BellSouth's requests:

Interrogatories

3. Identify all documents which refer or relate to any issues raised in the Generic ISP Proceeding that were provided or made available to any expert identified in response to Interrogatory No. 2.

OBJECTION: e.spire objects to this interrogatory as being overly broad, burdensome, impossible to comply with and not reasonably calculated to lead to the discovery of admissible evidence. e.spire further objects to the extent the request requires disclosure of privileged matters.

4. Identify all documents which refer or relate to any issue raised in Phase I of the Generic ISP Proceeding.

OBJECTION: e.spire objects to this interrogatory as being overly broad and unduly burdensome.

7. Identify the number of access lines in Florida for which e.spire provides local telephone service.

OBJECTION: e.spire objects to this interrogatory on the basis that it calls for the disclosure of proprietary, confidential information.

8. Please state the total number of end user customers that e.spire serves within the state of Florida, separated into residential and business customers.

OBJECTION: See objection to interrogatory no. 7.

9. Please state the total number of end user customers that e.spire serves off of its own network ("on-net" customers) within Florida.

OBJECTION: See objection to interrogatory no. 7.

10. Please state the total number of e.spire's on-net customers in Florida that are Internet Service Providers ("ISPs").

OBJECTION: See objection to interrogatory no. 7.

11. Please state on a monthly basis the total amount of revenue that e.spire expects to earn from providing services within Florida to its end-user customers for the years 2001 and 2002.

OBJECTION: See objection to interrogatory no. 7.

12. Please state on a monthly basis the total amount of revenue that e.spire expects to earn from providing services within Florida to its "on-net" end-user customers for the years 2001 and 2002.

OBJECTION: See objection to interrogatory no. 7.

13. For the Florida ISP customers identified in response to Interrogatory No. 9, please state, on an annual basis, (a) the total amount e.spire expects to earn for service to those customers for the years 2001 and 2001; (b) the amounts of any credits, rebate, or adjustments expected to be given to such customers for the years 2001 and 2002; and (c) the total amount of revenue e.spire expects to collect from such customers for the years 2001 and 2002.

OBJECTION: See objection to interrogatory no. 7.

14. Please provide e.spire's total dollar investment in Florida, including total dollar investment in switches, outside plant, and support assets.

OBJECTION: See objection to interrogatory no. 7.

16. Identify any cost study or other data or documents concerning the actual cost to e.spire to transport ISP traffic from the point of interconnection with BellSouth to the ISP serve being served by a e.spire switch.

OBJECTION: See objection to interrogatory no. 7.

17(d). Identify all documents that refer or relate to or support a distinction between call termination for jurisdictional and reciprocal compensation purposes.

OBJECTION: e.spire objects to this subpart on the basis it is overly broad, cumbersome and not calculated to lead to discovery of admissible evidence. Further e.spire objects to the extent the request requires the disclosure of information deemed proprietary and confidential

17(e). Identify all internal e.spire memoranda or other documents that discuss, relate to or touch upon the issue of whether reciprocal compensation may be owed for calls delivered to ISPs.

OBJECTION: e.spire objects to this subpart on the basis it is overly broad, cumbersome and not calculated to lead to discovery of admissible evidence. Further e.spire objects to the extent the request requires the disclosure of information deemed proprietary and confidential

18. Has e.spire provided telecommunications services to any person with whom e.spire has entered into any arrangement or agreement that involves the sharing of reciprocal compensation received by e.spire from BellSouth? If the answer to the foregoing is in the affirmative, identify the person, describe the telecommunications services e.spire has provided, and identify all documents referring or relating to such telecommunications services.

OBJECTION: e.spire objects to this interrogatory on the basis that it calls for the disclosure of proprietary, confidential information and is not calculated to the discovery of relevant or admissible evidence.

20. State the rate you contend is appropriate for reciprocal compensation for ISP-bound traffic, and separately state the rate you contend is appropriate for local traffic, if that is a different figure. In answering this interrogatory, state with particularity how the rate(s) were calculated and identify any analyses, cost studies, or other reports that support your rates.

OBJECTION: e.spire objects on the basis that it calls for the disclosure of confidential information.

Document Production

2. Produce all maps, plats, diagrams, schematics or any other document reflecting the location of e.spire's customers served by each switch e.spire has in Florida.

OBJECTION: e.spire objects to the production on the basis that it requires disclosure of proprietary, confidential material.

4. Please provide any and all written agreements and/or contracts entered between e.spire and its ISP customers, as well as an explanation of any oral agreements entered into with such ISP customers.

OBJECTION: See objection to document request no. 2.

5. Identify any and all cost studies, evaluations, reports or analyses prepared by or for e.spire concerning any issue raised in the Generic ISP Proceeding.

OBJECTION: See objection to document request no. 2.

6. Produce all documents that refer, reflect or describe the network architecture used by e.spire to deliver traffic to ISPs.

OBJECTION: See objection to document request no. 2. Further, e.spire objects to this request as not reasonably calculated to lead to the discovery of admissible evidence or to information relevant to this proceeding.

7. Produce all documents that refer, relate or describe e.spire's delivery of traffic to ISPs located outside the rate center in which the call to the ISP originated.

OBJECTION: See objection to document request no. 6.

8. Produce all documents that refer, relate or describe e.spire's collection of reciprocal compensation for its delivery of traffic to ISPs located outside the rate center in which the call to the ISP originated.

OBJECTION: See objection to document request no. 6.

9. Produce all documents that refer or relate to any projections, estimates, studies, calculation, or budgets developed by or on behalf of e.spire that reflect the amount of reciprocal compensation e.spire expects to receive from BellSouth in Florida in the years 2001 and 2002.

OBJECTION: See objection to document request no. 6. e.spire also objects to this request as the request seeks disclosure of information which is proprietary and confidential.

10. Produce all documents that refer or relate to any projections, estimates, cost studies, calculations, or budgets developed by on behalf of e.spire that reflect the volume of calls e.spire expects to receive from BellSouth customers to Internet Service Providers ("ISPs") served by e.spire in Florida in the years 2001 and 2002.

OBJECTION: See objection to document request no. 9.

11. Produce any cost study or other information, data or documentation concerning the actual cost incurred by e.spire to transport ISP traffic from the point of interconnection with BellSouth to the ISP customer's location or serve being served by a e.spire switch.

OBJECTION: See objection to document request no. 9.

12. For Florida, please produce all documents reflecting, on an annual basis, (a) the total amount billed by e.spire for serve to each ISP customer from inception of service to present, (b) the amounts of any credits rebate, or adjustments given to such customer, and (c) the total amount of revenue collected from such customer, from inception of service to present.

OBJECTION: e.spire objects to this request on the basis that it is overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence nor is it relevant to any issue in the proceeding.

13. For Florida, please produce all documents reflecting e.spire's total dollar investment in the state, including the total dollar investment in switches, outside plant, and support assets.

OBJECTION: e.spire objects to this request to the extent it requires the disclosure of confidential information.

14. For Florida, please produce all documents separately reflecting the total number of (1) ISP customers in Florida; (2) business customers other than ISPs; and (3) residential customers.

OBJECTION: See objection to document request no. 13.

15. For Florida, please produce all documents reflecting the total number of end users customers that e.spire serves using its own network ("on-net" customers) within the state.

OBJECTION: See objection to document request no. 13.

16. For Florida, please produce all documents reflecting, on an annual basis, the total revenues that e.spire expects to earn from its ISP customers for the years 2001 and 2002.

OBJECTION: See objection to document request no. 13.

17. Produce all documents concerning minutes of use or invoices for minutes of use under any interconnection agreement between e.spire and any other entity, including but not limited to documents that describe or constitute any plan or method for increasing minutes of use.

OBJECTION: See objections to document request nos. 12 and 13.

18. Produce all documents referring, relating or pertaining to the relationship between e.spire and any ISP that e.spire owns, or with which it has an affiliation or in which it has an interest.

OBJECTION: e.spire objects to this request as overly broad, beyond the scope of this proceeding and not reasonably designed to lead to the discovery of admissible evidence.

19. Produce all documents referring, relating or pertaining to any reciprocal compensation billed by e.spire to BellSouth and generated by traffic delivered to an ISP owned by or affiliated with e.spire or in which e.spire has an interest.

OBJECTION: See objection to document request no. 18.

20. Produce all documents referring, relating or pertaining to the payment to or by e.spire or any other ILEC or ALEC of reciprocal compensation for ISP-bound traffic.

OBJECTION: e.spire objects to this request as being vague, overly broad and burdensome and not designed to lead to the discovery of admissible evidence.

21. Produce all documents referring or relating to forecasted growth of e.spire's local market in Florida over the next 24 months.

OBJECTION: e.spire objects to this request as being overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Further, e.spire objects to the extent it requires disclosure of confidential material.

22. Produce all documents referring or relating to historical growth of e.spire's local market in Florida over the past 24 months.

OBJECTION: See objection to document request no. 21.

23. Produce all documents referring, relating or pertaining to any agreements to which e.spire is a party that involves the sharing of any reciprocal compensation received by e.spire from BellSouth.

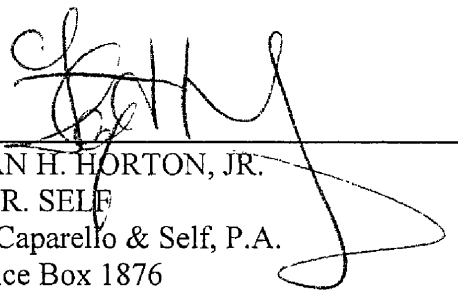
OBJECTION: See objection to document request no. 21.

24. Produce any document relied upon by e.spire in preparing any answer to any Interrogatory in this proceeding.

OBJECTION: e.spire objects tot his request as being overly broad and requiring disclosure of matters which are privileged and confidential.

SUBMITTED this 13th day of February, 2001.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "N. Horton, Jr.", is written over a horizontal line. The signature is stylized and cursive.

NORMAN H. HORTON, JR.
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(850) 222-0720

Attorneys for e.spire Communications, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of e.spire Communications, Inc.'s Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and First Request for Production of Documents in Docket 000075-TP has been served on the following parties by Hand Delivery (*) and/or U. S. Mail this 13th day of February, 2001.

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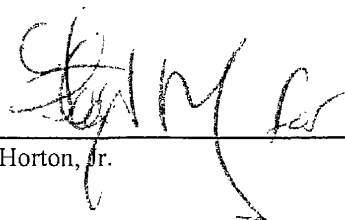
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