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COMMISSION
CLERK

January 18, 2002

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

Re: Docket No. 990649A-TP (UNE Docket)

Dear Mrs. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Objections to Staff's Third Set of Interrogatories and Second Request for Production of Documents, 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,

Andrew D. Shore
Andrew D. Shore (KA)

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

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**CERTIFICATE OF SERVICE
Docket No. 990649A-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Federal Express this 18th day of January, 2002 to the following:

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(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into) Docket No. 990649A-TP
Pricing of Unbundled Network)
Elements)
_____) Filed: January 18, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'S OBJECTIONS TO THE
STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION'S
THIRD SET OF INTERROGATORIES AND
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340 and 1.280, Florida Rules of Civil Procedure, hereby files the following Objections to the Staff of the Florida Public Service Commission's Third Set of Interrogatories and Second Request for Production of Documents ("Staff"), dated January 8, 2002.

The objections stated herein are preliminary in nature and are made at this time to comply with the 10-day requirement set forth in Order No. PSC-01-1904-PCO-TP issued on September 24, 2001, by the Florida Public Service Commission ("Commission). Should additional grounds for objection be discovered as BellSouth prepares its answers to the above-referenced discovery requests and request for production of documents, BellSouth reserves the right to supplement, revise, or modify its objections at the time it serves its responses.

GENERAL OBJECTIONS

1. BellSouth objects to the discovery requests 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 discovery requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to the discovery requests 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 discovery requests as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every discovery request and instruction to the extent that such request 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 discovery request insofar as the discovery requests 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 these discovery requests. Any answers provided by BellSouth in response to the discovery requests will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every discovery request insofar as it 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 in its responses each instance where this objection applies.

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 AT&T and MCI's discovery requests, 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.

8. BellSouth objects to each and every discovery request, insofar as any of them are unduly burdensome, expensive, oppressive, or excessively time consuming as written.

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

SPECIFIC OBJECTIONS

Document Request 85: If the Commission were to establish an end-to-end xDSL UNE loop, with and without voice capability, including DSLAM functionality and transport, provide a cost study and the BellSouth applicable proposed recurring and nonrecurring elements. Include in your response, a discussion of all inputs, assumptions, and source data.

Objection: BellSouth objects to this unprecedented request to provide a cost study in response to a document request on the grounds that it seeks information that is not relevant to this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The Commission ordered BellSouth to file a cost study for a hybrid fiber/copper loop, and BellSouth complied. This request asks BellSouth to perform a cost study that includes BellSouth unbundling packet switching. The FCC has concluded that BellSouth does not have an obligation to unbundle packet switching, except in very limited circumstances. Moreover, no party has made the showing necessary for this Commission to require BellSouth to do so. Finally, this is a UNE cost proceeding and is not the appropriate docket in which the Commission should consider whether it will require BellSouth to unbundle packet switching. ALECs, most notably FDN have inappropriately attempted to insert this issue into this cost docket through testimony, but it is not an issue the parties agreed the Commission would consider in this proceeding.

BellSouth further objects to this request on the grounds that it is vague and overly burdensome. First, it is based on a hypothetical offering. If the

Commission were to mandate an offering as defined in this data request, before BellSouth could conduct a cost study it would have to define the product, including its network design and technical specifications. Once these decisions were made, BellSouth would then have to determine how to perform the cost study. The BSTLM is not presently capable of performing the requested cost study. BellSouth would need to determine if BSTLM could be modified to accurately calculate the cost of the product and, if not, an alternative would have to be developed. There is no way BellSouth could produce the requested cost study within the 15 days allotted for discovery responses or within the 3 weeks between the date of the request and the hearing in this matter.

Respectfully submitted this 18th day of January, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

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