

ORIGINAL

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September 25, 2003

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

Re: Docket Nos. 981834-TP and 990321-TP (Generic Collocation)

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Objections to Covad's Second Set of Interrogatories (Nos. 6-31) and Second Request for Production of Documents (No. 2), 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.

RECEIVED & FILED



FPSC-BUREAU OF RECORDS

Sincerely,



J. Phillip Carver

(KA)

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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 981834-TP and 990321-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express (*), First Class U.S. Mail and Electronic Mail this 25th day of September, 2003 to the following:

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J. Phillip Carver (JPC)

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive)	
Carriers for Commission Action)	Docket No. 981834-TP
To Support Local Competition)	
In BellSouth's Service Territory)	
In re: Petition of ACI Corp. d/b/a)	
Accelerated Connections, Inc. for)	Docket No. 990321-TP
Generic Investigation into Terms and)	
Conditions of Physical Collocation)	
_____)	Filed: September 25, 2003

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
OBJECTIONS TO COVAD'S SECOND SET OF INTERROGATORIES (NOS. 6-31)
AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 2)**

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 Covad's Second Set of Interrogatories (Nos. 6-31) and Second Request for Production of Documents (No. 2), dated September 15, 2003.

The objections stated herein are preliminary in nature and are made at this time to comply with the requirement set forth in Order No. PSC-02-1513-PCO-TP issued on November 4, 2002, by the Florida Public Service Commission ("Commission"). Should additional grounds for objection be discovered as BellSouth prepares its answers to the above-referenced Interrogatories and Requests, BellSouth reserves the right to supplement, revise, or modify its objections at the time it serves its responses.

GENERAL OBJECTIONS

1. BellSouth objects to each Production Request and Interrogatory to the extent that it seeks 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 Interrogatory or Request is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to each Production Request and Interrogatory to the extent that it is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. BellSouth objects to each such Interrogatory and Request as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each Production Request and Interrogatory to the extent that it requests 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 Production Request and Interrogatory to the extent that it is vague, ambiguous, overly broad, imprecise, or to the extent that it utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of this discovery. Any answers provided by BellSouth in response to these Interrogatories and Production Requests will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each Production Request and Interrogatory to the extent that 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 each Production Request and Interrogatory to the extent that it seeks to impose obligations on BellSouth that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

8. BellSouth objects to each Production Request and Interrogatory to the extent that responding to it would be unduly burdensome, expensive, oppressive, or excessively time consuming.

9. BellSouth objects to each Production Request and Interrogatory to the extent that it is not limited to any stated period of time and, therefore, is overly broad and unduly burdensome.

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

SPECIFIC OBJECTIONS

11. BellSouth specifically objects to Covad's Interrogatories, Nos. 7-16 and 21-30, because they are irrelevant. Each of the interrogatories go to the technical, power issues that were part of the first phase of this proceeding. The deadline for discovery relating to those issues has long since passed. These interrogatories are irrelevant to the cost issues that are within the proper scope of the second phase of the proceeding. AT&T previously filed a Motion to consolidate the evidence in these two phases, and that request was denied by Order of the Commission. The latest interrogatories by Covad appear to be an attempt by Covad to interject into phase two issues that the Commission has already ruled do not belong.

12. BellSouth also objects to interrogatory nos. 6 and 7 for the additional reason that they are unduly burdensome. Each of these interrogatories have numerous sub-parts, and each sub-part calls for information to be supplied for every one of the 202 BellSouth central offices in Florida for a time period of seven years and nine months. Based on a preliminary estimate, BellSouth believes that, for each central office, 38 hours would be required to respond to interrogatory no. 6 and 62 hours to respond to interrogatory no. 7. Thus, for the total of 202 Florida central offices, responses to interrogatories 6 and 7 would require, respectively, 7,676 and 12,524 hours of labor. Moreover, it is unlikely that the necessary information has been retained for this extended time period.

13. BellSouth objects to interrogatory no. 23 for the additional reason that it is unduly burdensome. This interrogatory calls for BellSouth to provide information covering a period of seven years and nine months for each of the 202 BellSouth central

offices in Florida. It is unlikely that the necessary information has been retained for this extended time period. Further, even if the information is available, responding to this interrogatory would require a manual review of every augment or new construction in these 202 central offices over a seven and a half year period. Thus, this response would require thousands of hours of labor.

14. Interrogatory nos. 24 and 25 are derivative of interrogatory no. 23, in that, they can only be answered by first answering interrogatory no. 23. Thus, BellSouth objects to these interrogatories for the reasons set forth above regarding interrogatory no. 23.

15. BellSouth objects to interrogatory no. 26 for the additional reason that it is unduly burdensome. This interrogatory calls for BellSouth to provide information for each of the 202 BellSouth central offices in Florida. Thus, responding to this interrogatory would require a manual review of the pertinent records for each of these 202 central offices. This response would require several hundreds of hours of labor.

16. Interrogatory nos. 27 and 28 are derivative of interrogatory no. 26, in that, they can only be answered by first answering interrogatory no. 26. Thus, BellSouth objects to these interrogatories for the reasons set forth above regarding interrogatory no. 26.

17. BellSouth objects to interrogatory no. 29 for the additional reason that it is unduly burdensome. This interrogatory calls for BellSouth to provide information covering seven years and nine months for each of the 202 BellSouth central offices in Florida. It is unlikely that the necessary information has been retained for this extended time period. Further, even if the information is available, responding to this

interrogatory would require a review of records relating to each of these 202 central offices over the seven and a half year period. Thus, this response would require several hundred hours of labor.

18. Interrogatory nos. 30 and 31 are derivative of interrogatory no. 29, in that, they can only be answered by first answering interrogatory no. 29. Thus, BellSouth objects to these interrogatories for the reasons set forth above regarding interrogatory no. 29.

Respectfully submitted this 25th day of September, 2003.

BELLSOUTH TELECOMMUNICATIONS, INC.

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