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January 20, 2004

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. 030851-TP & Docket No. 030852-TP

Dear Ms. Bayó:

Today, BellSouth Telecommunications, Inc. served its Objections to Sprint's Second Request for Production of Documents in Docket No. 030851-TP and Objections to Sprint's First Requests for Production of Documents in Docket No. 030852-TP, in the above referenced dockets.

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

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FPSC-BUREAU OF RECORDS

Sincerely,

Nancy B. White
Nancy B. White (CB)

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

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CERTIFICATE OF SERVICE
Docket Nos. 030851-TP and 030852-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, Hand Delivery* and FedEx this 20th day of January 2004 to the following:

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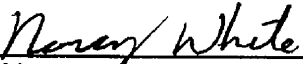
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(+)signed Protective Agreement
(*) via Hand Delivery
(⊗) via FedEx

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission) Docket No. 030851-TP
triennial UNE review: Local Circuit Switching)
for Mass Market Customers.) Filed: January 20, 2004
_____)

In re: Implementation of requirements arising from)
Federal Communications Commission Triennial)
UNE review: Location Specific-Review for DS1,) Docket No. 030852-TP
DS3 and Dark Fiver Loops and Route-Specific)
Review for DS1, DS3 and Dark Fiber Transport)
_____) Filed: January 20, 2004

**BELLSOUTH TELECOMMUNICATIONS, INC.'S OBJECTIONS TO SPRINT'S
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOs. 28-30) IN
DOCKET NO. 030851-TP AND FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS (NOs. 1-3) IN DOCKET NO. 030852-TP**

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 General Objections to Sprint Communications Limited Partnership and Sprint-Florida's (hereinafter "Sprint), Second Request for Production of Documents (Nos. 28-30) in Docket 030851-TP and First Request for Production of Documents (Nos. 1-3) in Docket No. 030852-TP, dated January 13, 2004.

The objections stated herein are preliminary in nature. Should additional grounds for objection be discovered as BellSouth prepares its answers to the above-referenced requests 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 requests for production 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 requests for production are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Specifically, Sprint defines BellSouth to include, in relevant part, “subsidiaries, and affiliates, including, but not limited to, Cingular Wireless” BellSouth will not be responding to discovery that seeks information from affiliate companies or from Cingular, an entity in which BellSouth Corporation is a shareholder.

2. BellSouth objects to the requests to the extent they are intended to apply to matters other than those subject to the jurisdiction of the Commission. BellSouth objects to such requests as being irrelevant, overly broad, unduly burdensome, and oppressive.

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

5. BellSouth objects to each and every 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 Sprint'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 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.

10. BellSouth objects to each and every request to the extent that the information requested constitutes "trade secrets" pursuant to Section 90.506, Florida

Statutes. To the extent that Sprint requests proprietary confidential business information, BellSouth will make such information available in accordance with a protective agreement, subject to any other general or specific objections contained herein.

11. BellSouth objects to any discovery request that seeks to obtain “all” of particular documents, items, or information to the extent that such requests are overly broad and unduly burdensome. Any answers provided by BellSouth in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

12. BellSouth also objects to any request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC’s Customer Proprietary Network Information (“CPNI”) rules, 47 CFR §64.2007 or under protective agreements with CLECs to which BellSouth is a party. BellSouth will only provide CPNI and CLEC confidential information consistent with the FCC’s rules and BellSouth-executed protective agreements.

SPECIFIC OBJECTIONS

DOCUMENT REQUEST NO. 28: Please provide the executable Visual Basic program that when compiled produces the BACE.exe file.

OBJECTION: BellSouth objects to this request on the grounds that it seeks information outside the scope of permissible discovery. The Commission has held previously that a party is not required to produce the source code of a model in a format that would allow the requesting party to change the code, which is what this request seeks. In addressing the identical issue in an earlier proceeding, the Commission stated: "While we believe that BellSouth was obligated to provide parties with the ability to review and critique the model, we do not believe it was required to provide the actual source code." Order No. PSC-01-1181-FOF-TP (May 25, 2001), at 130.

This case is indistinguishable from the UNE docket in which the Commission previously held source code is not discoverable. First, the source code is BellSouth's intellectual property, and it cannot simply be forced to hand it over to its competitors. Second, just like in the UNE cost cases, every party to this docket knew that the FCC required a business case model to be used to assess economic impairment, and any party was free to develop and submit such a model to the Commission for its consideration. In fact, parties other than BellSouth have submitted so-called "models" in this case that they claim assess impairment in accordance with the principles required by the FCC. If Sprint wanted a model that suited its vision of how impairment should be tested, it should have developed one, instead of trying to just "piggyback" on another party's work. BellSouth devoted substantial financial and human resources to developing a model that assesses economic impairment. While the BACE model is

easy to use, developing such a model is very complicated and requires specialized expertise. It would be wholly unjust if BellSouth were required to give Sprint the source code to the model in a format that would permit Sprint to simply change the code and present what would in fact be a different model without Sprint having to incur the expense of developing that model. As the Commission recognized when it addressed this issue in the UNE case, Sprint is not entitled to have BellSouth's code so that it can alter it to create its own model.

Finally, BellSouth has provided Sprint with the source code for the BACE model in a format (.pdf) that enables Sprint to review and test the BACE model's logic and to recommend changes. That is exactly the information that BellSouth provided in the UNE docket with respect to the BSTLM. Sprint does not need the source code in a format that would enable Sprint to alter the model.

DOCUMENT REQUEST NO. 29: Please provide any ancillary files not previously provided that are necessary for the compilation of the executable program.


OBJECTION: See BellSouth's Objection to Request No. 28.

DOCUMENT REQUEST NO. 30: Please provide any passwords that allow full access to data tables, SQL or other password protected files that are necessary for the execution of the Visual Basic program and subsequent intermediate results and final results data.


OBJECTION: See BellSouth's Objection to Request No. 28.

Respectfully submitted this 20th day of January, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



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