

11/50
a

HOPPING GREEN SAMS & SMITH
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS

JAMES S. ALVES
BRIAN H. BIBEAU
KATHLEEN BLIZZARD
ELIZABETH C. BOWMAN
RICHARD S. BRIGHTMAN
PETER C. CUNNINGHAM
RALPH A. DeMEO
THOMAS M. DeROSE
WILLIAM H. GREEN
WADE L. HOPPING
FRANK E. MATTHEWS
RICHARD D. MELSON
DAVID L. POWELL
WILLIAM D. PRESTON
CAROLYN S. RAEPPEL
DOUGLAS S. ROBERTS
GARY P. SAMS
ROBERT P. SMITH
CHERYL G. STUART

123 SOUTH CALHOUN STREET
POST OFFICE BOX 6526
TALLAHASSEE, FLORIDA 32314

(904) 222-7500
FAX (904) 224-8551
FAX (904) 425-3415

KRISTIN M. CONROY
CONNIE C. DURRENCE
JONATHAN S. FOX
JAMES C. GOODLETT
GARY K. HUNTER, JR.
JONATHAN T. JOHNSON
ROBERT A. MANNING
ANGELA R. MORRISON
GARY V. PERKO
KAREN M. PETERSON
MICHAEL P. PETROVICH
LISA K. RUSHTON
R. SCOTT RUTH
JULIE R. STEINMEYER
OF COUNSEL
CARLOS ALVAREZ
W. ROBERT FOKES

Writer's Direct Dial No.
(904) 425-2313

December 22, 1995

BY HAND DELIVERY

Ms. Blanca S. Bayó
Director, Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 950984-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of MCI Metro Access Transmission Services, Inc. (MCImetro) in the above referenced docket are the original and 15 copies of MCImetro's Objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents.

By copy of this letter this document has been provided to the parties on the attached service list.

Very truly yours,

Richard D. Melson

RDM/cc
Enclosures
cc: Parties of Record

Handwritten notes and initials on the left margin, including a checkmark and the number 1/3.

DOCUMENT NUMBER-DATE

12962 DEC 22 95

FPSC-RECORDS/REPORTING

67316.1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following by hand delivery (**) or next business day delivery by UPS (*) this 22nd day of December, 1995.

Lee L. Willis**
J. Jeffrey Wahlen
Macfarlane, Ausley, Ferguson &
McMullen
227 S. Calhoun Street
Tallahassee, FL 32301

Anthony P. Gillman**
Kimberly Caswell
GTE Florida Incorporated
c/o Richard M. Fletcher
106 E. College Ave., Ste. 1440
Tallahassee, FL 32301-7704

Leslie Carter*
Digital Media Partners
1 Prestige Place, Ste. 255
Clearwater, FL 34619-1098

James C. Falvey*
Swidler & Berlin, Chartered
3000 K Street, N.W., Ste. 300
Washington, DC 20007

David Erwin**
Young van Assenderp & Varnadoe
225 S. Adams St., Suite 200
Tallahassee, FL 32301

Richard A. Gerstemeier*
Time Warner AXS of Florida
2251 Lucien Way, Ste. 320
Maitland, FL 32751-7023

Patrick K. Wiggins**
Wiggins & Villacorta
501 East Tennessee Street
Tallahassee, FL 32301

Andrew D. Lippman*
Metropolitan Fiber Systems
One Tower Lane, Suite 1600
Oakbrook Terrace, IL 60181-4630

J. Phillip Carver**
c/o Nancy H. Sims
Southern Bell Telephone
150 S. Monroe St., Suite 400
Tallahassee, FL 32301

Patricia Kurlin*
Intermedia Communications
9280 Bay Plaza Blvd., Ste. 720
Tampa, FL 33619-4453

Kenneth A. Hoffman**
Rutledge, Ecenia, Underwood,
Purnell & Hoffman
215 S. Monroe St., Suite 420
Tallahassee, FL 32301-1841

Jodie Donovan-May*
Teleport Communications Group
1133 21st Street, N.W., Ste. 400
Washington, DC 20036

Michael W. Tye**
101 North Monroe Street, Ste. 700
Tallahassee, FL 32301

Robin D. Dunson*
1200 Peachtree St., N.E.
Pomenade I, Room 4038
Atlanta, GA 30309

Laura Wilson**
Florida Cable
Telecommunications Assoc. Inc.
310 N. Monroe Street
Tallahassee, FL 32301

Floyd R. Self**
Messer, Caparello, Madsen,
Goldman & Metz, P.A.
P.O. Box 1876
Tallahassee, FL 32302

William H. Higgins*
AT&T Wireless Services
250 S. Australian Ave., Ste. 900
West Palm Beach, FL 33401

Donna Canzano**
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Jill Butler**
Florida Regulation Director
Time Warner Communications
2773 Red Maple Ridge
Tallahassee, FL 32301

Brian Sulmonetti*
LDDS WorldCom Communications
1515 S. Federal Hwy., Suite 400
Boca Raton, FL 33432

C. Everett Boyd, Jr.**
Ervin, Varn, Jacobs,
Odom & Ervin
305 S. Gadsden Street
Tallahassee, FL 32301

Benjamin Fincher, Esq.*
Sprint Communications Co.
Limited Partnership
3065 Cumberland Circle
Atlanta, GA 30339

Sue E. Weiske*
Senior Counsel
Time Warner Communications
160 Inverness Drive West
Englewood, CO 80112

Peter M. Dunbar, Esq.**
Charles W. Murphy, Esq.
Pennington & Haben, P.A.
215 S. Monroe Street, 2nd Fl
Tallahassee, FL 32301

Timothy Devine*
MFS Communications Company, Inc.
Six Concourse Parkway, Ste. 2100
Atlanta, GA 30328

Richard M. Rindler*
James C. Falvey
Swidler & Berlin, Chartered
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007

Donald L. Crosby*
Continental Cablevision, Inc.
Southeastern Region
7800 Belfort Parkway, Ste. 270
Jacksonville, FL 32256-6925

A. R. Schleiden*
Continental Fiber Technologies
d/b/a AlterNet
4455 Baymeadows Road
Jacksonville, FL 32217

Bill Wiginton*
Hyperion Telecommunications, Inc.
Boyce Plaza III
2570 Boyce Plaza Road
Pittsburgh, PA 15241

Richard O. Mc

Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of petition(s))
to establish nondiscriminatory rates,))
terms, and conditions for) Docket No. 950984-TP
resale involving local)
exchange companies and alternative) Filed: December 22, 1995
local exchange companies pursuant to)
Section 364.161, Florida Statutes.)
_____)

MCIMETRO'S OBJECTIONS TO BELL SOUTH'S
FIRST SET OF INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW MCI Metro Access Transmission (MCImetro), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.340 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 MCImetro.

The objections stated herein are preliminary in nature and are made at this time for the purpose for complying with the ten-day requirement set forth in the procedural order in this docket. Should additional grounds for objection be discovered as MCImetro prepares its answers to the above-referenced interrogatories and requests for production, MCImetro reserves the right to supplement, revise, or modify its objections at the time that it serves its answers on BellSouth. Moreover, should MCImetro determine that a Protective Order is necessary with respect to any of the material requested by BellSouth, MCImetro reserves the

DOCUMENT NUMBER-DATE
12962 DEC 22 1995 270
FPSC-RECORDS/REPORTING

right to file a motion with the Commission seeking such an order at the time that it serves its answers on BellSouth.

GENERAL OBJECTIONS

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

1. MCImetro objects to the discovery requests to the extent that such requests seek to impose an obligation on MCImetro to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. MCImetro has interpreted BellSouth's interrogatories to apply to MCImetro's intrastate operations in Florida and will limit its answers accordingly. To the extent that any discovery request is intended to apply to matters other than Florida intrastate operations, MCImetro objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. MCImetro objects to each and every discovery 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. MCImetro objects to each and every discovery 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 MCImetro to BellSouth's discovery requests will be provided subject to, and without waiver of, the foregoing objection.

5. MCImetro objects to each and every discovery 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. MCImetro will attempt to note each instance where this objection applies.

6. MCImetro objects to BellSouth's discovery requests insofar as they seek to impose obligations on MCImetro which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. MCImetro objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission.

8. MCImetro objects to each and every discovery request, insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. MCImetro objects to each and every discovery 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 discovery requests seek

proprietary confidential business information which is not subject to the "trade secrets" privilege, MCImetro will consider making such information available to counsel for BellSouth pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. MCImetro objects to each of the interrogatories to the extent that they seek information that is not maintained in the format requested.

11. MCImetro objects to the discovery requests to the extent that they seek information in the nature of market research. MCImetro should not be required to provide to a competitor information which MCImetro has compiled or which MCImetro has paid to have compiled and allow a competitor to have the benefit of such information.

12. MCImetro has employees located in many different locations. In the course of its business, MCImetro creates or comes into possession of countless documents that are not subject to any regulatory retention of records requirements. These documents are kept in numerous locations and 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 will be provided in response to these discovery requests. Rather, MCImetro's responses will provide all of the information obtained by MCImetro after a reasonable and diligent search conducted of those files that are reasonably expected to contain the requested information. To the extent that the discovery

request purports to require more, MCI objects on the grounds that compliance would impose an undue burden or expense.

13. MCImetro objects to every interrogatory that requests information about, or a summary of, a document which is also furnished pursuant to a document production request on the grounds that the documents speak for themselves and Bell South is equally capable of extracting or summarizing the requested information.

OBJECTIONS TO SPECIFIC INTERROGATORIES

Interrogatory No. 2: Pursuant to General Objection No. 13, MCImetro objects to subparts (d) to (i) of this interrogatory on the grounds that the information is available to Bell South from an examination of the documents covered by the related document production request. MCImetro further objects to subpart (j) of this interrogatory on the grounds that such request is unduly burdensome and oppressive since the information is not of a type ordinarily in the possession of MCImetro and the burden on Bell South to develop such information is no greater than the burden on MCImetro.

Interrogatory No. 4: Pursuant to General Objection No. 13, MCImetro objects to subparts (a) to (e) of this interrogatory on the grounds that the information is available to Bell South from an examination of the documents covered by the related document production request.

Interrogatory No. 8: Pursuant to General Objection No. 13, MCImetro objects to this interrogatory to the extent it calls for

MCI to describe in detail a position which is set forth in detail in a document or documents covered by a related document production request.

OBJECTIONS TO DOCUMENT PRODUCTION REQUESTS

Request No. 1: Pursuant to the General Objections stated above, MCImetro specifically objects to this request on the grounds set forth in the individual specific objections made by MCImetro to the related interrogatories. Such specific objections are incorporated herein by specific reference thereto.

Request No. 2: Pursuant to the General Objections stated above, MCImetro specifically objects to this request on the grounds that MCImetro may be required to "refer to or rely on" a voluminous amount of information in order to respond to the related interrogatories and this request is therefore overly broad, unduly burdensome, and oppressive.

Request Nos. 3 and 4: MCImetro objects to each of the requests to the extent that they call for the disclosure of trade secrets or other highly confidential business information relating to MCImetro's anticipated or required cost or revenue structure for competitive local exchange service.

Request No. 6: MCImetro objects to this request to the extent that it covers documents protected by the attorney-client or work-product privileges. MCI further objects on the grounds that the request is overly broad and could include material which is not relevant to this proceeding and/or is not reasonably calculated to lead to the discovery of admissible evidence.

RESPECTFULLY SUBMITTED this 22nd day of December, 1995.

HOPPING GREEN SAMS & SMITH, P.A.

By: Richard D. Melson
Richard D. Melson
Post Office Box 6526
123 South Calhoun Street
Tallahassee, FL 32314
904/222-7500

and

MICHAEL J. HENRY
MCI TELECOMMUNICATIONS CORP.
Suite 700
780 Johnson Ferry Road
Atlanta, GA 30346
404/843-6373

Attorneys for MCI Metro Access
Transmission Services, Inc.