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Legal Department

MARY K. KEYER  
General Attorney

98 AUG -3 PH 4: 52

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0729

RECORDS AND  
REPORTING

August 3, 1998

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

Re: Docket No. 980696-TP

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to the Citizens' First Set of Requests for Production of Documents and Motion for a Temporary Protective Order, which we ask that you file in the captioned matter.

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,

*Mary K. Keyer*  
(MK)

Mary K. Keyer

- ACK \_\_\_\_\_
- AFA 2 \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU 1 \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2 \_\_\_\_\_
- LIN 5 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_

Enclosures

cc: All parties of record  
A. M. Lombardo  
R. G. Beatty  
William J. Ellenberg II (w/o enclosures)

DOCUMENT NUMBER-DATE

08186-AUG-38

FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the Cost )  
of Basic Local Telecommunications ) Docket No.: 980696-TP  
Service, pursuant to Section 364.025, )  
Florida Statutes )  
\_\_\_\_\_ ) Dated: August 3, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES  
AND OBJECTIONS TO THE CITIZENS'  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
AND MOTION FOR A TEMPORARY PROTECTIVE ORDER**

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), and files pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Responses and Objections to Citizens' ("Citizens") First Set of Requests for Production of Documents dated July 14, 1998, and pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order.

**MOTION FOR TEMPORARY PROTECTIVE ORDER**

Some of the documents that will be delivered to or made available for review by Public Counsel contain proprietary, confidential business information that should not be publicly disclosed. Thus, pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, BellSouth moves the Prehearing Officer to issue a Temporary Protective Order exempting these documents from § 119.07(1), Florida Statutes. These documents contain proprietary confidential business information. Such information is specifically included as proprietary confidential business information pursuant to § 364.183(3), Florida Statutes. If Public

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Counsel subsequently notifies BellSouth that any of the proprietary documents are to be used in a proceeding before the Commission, BellSouth will, in accordance with Rule 25-22.006, Florida Administrative Code, file a detailed Motion for Protective Order specifically addressing each of the documents identified.

### GENERAL RESPONSES

1. BellSouth objects to Public Counsel's proposed "Instruction" relating to details of privileged documents. To the extent a document responsive to any of the requests is subject to an applicable privilege, some of the information requested by Public Counsel would be similarly privileged and therefore not subject to discovery. Notwithstanding this objection, BellSouth agrees to identify any documents withheld on the basis of privilege.

2. With regard to Public Counsel's definition of "document" or "documents", BellSouth has made a diligent, good faith attempt to locate documents responsive to the scope of Public Counsel's individual requests for documents.

3. BellSouth objects to Public Counsel's definition of "you" and "your." It appears that Public Counsel, through its definition of these words, is attempting to obtain discovery of information in the possession, custody, or control of entities that are not parties to this docket. Requests for Production may only be directed to parties, and any attempt by Public Counsel to obtain

discovery from non-parties should be prohibited. See Rule 1.340, Florida Rules of Civil Procedure; Broward v. Kerr, 454 So. 2d 1068 (4th D.C.A. 1984).

4. BellSouth does not believe it was Public Counsel's intent to require BellSouth to produce again the same documents previously produced in other dockets, but to the extent it does, BellSouth objects on the basis that such a request would be unduly burdensome, oppressive, and unnecessary, and for these reasons is prohibited.

5. In any instance in which BellSouth agrees to produce documents, they will be produced at a mutually agreeable time and place. In instances in which the documentation is so voluminous that copying or transporting the documents would be burdensome, BellSouth will make the documents available for review upon BellSouth's premises in Atlanta, Georgia.

6. The following Specific Responses are given subject to the above-stated General Responses and Objections.

#### SPECIFIC RESPONSES

1. Please provide all documents requested by AT&T's first request for production of documents filed July 10, 1998, in this docket.

Response:--Public Counsel's request is a reiteration of AT&T's First Request for Production of Documents filed July 10, 1998, in its entirety. BellSouth, therefore, incorporates by reference herein its responses to AT&T's First Request for Production of Documents as if those responses were fully set forth herein. To the extent BellSouth agreed to produce documents in response



to AT&T's First Request for Production of Documents, it will produce those documents to Public Counsel. The documents BellSouth agreed to produce in response to AT&T's Requests 11, 13, and 15 contain proprietary confidential business information and are voluminous. Accordingly, these documents will be made available for viewing at a mutually agreeable time at the location at which they are retained in Atlanta, Georgia, subject to BellSouth's Motion for Temporary Protective Order.

Respectfully submitted this 3rd day of August, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Robert G. Beatty*

ROBERT G. BEATTY  
NANCY B. WHITE  
c/o Nancy H. Sims  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5555

*William J. Ellenberg II*

WILLIAM J. ELLENBERG II  
MARY K. KEYER  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0711

**CERTIFICATE OF SERVICE  
DOCKET NO. 980696-TP (HB4785)**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express this 3rd day of August, 1998 to the following:

**Jack Shreve, Esquire**  
**Charles Beck, Esquire**  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Rm. 812  
Tallahassee, Florida 32399-1400  
Tel. No. (850) 488-9330  
Fax. No. (850) 488-4491

**Michael Gross, Esquire**  
Assistant Attorney General  
Office of the Attorney General  
PL-0 1 The Capitol  
Tallahassee, Florida 32399-1050  
Tel. No. (850) 414-3300  
Fax. No. (850) 488-6589

**Tracy Hatch, Esquire (+)**  
AT&T  
101 N. Monroe Street, Suite 700  
Tallahassee, Florida 32301  
Tel. No. (850) 425-6364  
Fax. No. (850) 425-6361

**Richard D. Nelson, Esquire**  
Hopping, Green, Sams & Smith, P.A.  
123 South Calhoun Street  
Tallahassee, Florida 32314  
Tel. No. (850) 425-2313  
Fax. No. (850) 224-8551  
Atty. for MCI

**Thomas K. Bond**  
MCI Metro Access Transmission  
Services, Inc.  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342  
Tel. No. (404) 267-6315  
Fax. No. (404) 267-5992

**Robert M. Post, Jr.**  
ITS  
16001 S.W. Market Street  
Indiantown, FL 34956  
Tel. No. (561) 597-3113  
Fax. No. (561) 597-2115

**Charles Rehwinkel**  
Sprint-Florida, Inc.  
1313 Blair Stone Road,  
MC FLTHOO 107  
Tallahassee, Florida 32301  
Tel. No. (850) 847-0244  
Fax. No. (850) 878-0777

**Carolyn Marek**  
VP-Regulatory Affairs  
S.E. Region  
Time Warner Comm.  
2828 Old Hickory Boulevard  
Apt. 713  
Nashville, TN 37221  
Tel. No. (615) 673-1191  
Fax. No. (615) 673-1192

**Norman H. Horton, Jr., Esquire**  
Messer, Caparello & Self P. A.  
215 South Monroe Street  
Suite 701  
Tallahassee, Florida 32301  
Tel. No. (850) 222-0720  
Fax. No. (850) 224-4359  
Represents e.spire™

**David B. Erwin, Esquire**  
Attorney-at-Law  
127 Riversink Road  
Crawfordville, Florida 32327  
Tel. No. (850) 926-9331  
Fax. No. (850) 926-8448  
Represents GTC, Frontier,  
ITS and TDS

**Floyd R. Self, Esquire**  
Messer, Caparello & Self, P.A.  
215 South Monroe Street  
Suite 701  
Tallahassee, FL 32301  
Tel. No. (850) 222-0720  
Fax. No. (850) 224-4359  
Represents WorldCom

**Patrick Wiggins, Esquire**  
**Donna L. Canzano, Esquire (+)**  
Wiggins & Villacorta  
2145 Delta Blvd.  
Suite 200  
Tallahassee, Florida 32302  
Tel. No. (850) 385-6007  
Fax. No. (850) 385-6008

**Kimberly Caswell, Esquire**  
GTE Florida Incorporated  
201 North Franklin Street  
16th Floor  
Tampa, Florida 33602  
Tel. No. (813) 483-2617  
Fax. No. (813) 204-8870

**Jeffrey J. Wahlen, Esquire**  
Ausley & McMullen  
227 South Calhoun Street  
Tallahassee, Florida 32301  
Tel. No. (850) 425-5471 or 5487  
Fax. No. (850) 222-7560  
Represents ALLTEL, NEFTC,  
and Vista-United

**Tom McCabe**  
TDS Telecom  
107 West Franklin Street  
Quincy, FL 32351  
Tel. No. (850) 875-5207  
Fax. No. (850) 875-5225

**Peter M. Dunbar, Esquire**  
**Barbara D. Auger, Esquire**  
Pennington, Moore, Wilkinson,  
& Dunbar, P. A.  
215 South Monroe Street  
2nd Floor  
Tallahassee, Florida 32301  
Tel. No. (850) 222-3533  
Fax. No. (850) 222-2126

**Brian Sulmonetti**  
WorldCom, Inc.  
1515 South Federal Highway  
Suite 400  
Boca Raton, FL 33432  
Tel. No. (561) 750-2940  
Fax. No. (561) 750-2629

**Kelly Goodnight**  
Frontier Communications  
180 South Clinton Avenue  
Rochester, New York 14646  
Tel. No. (716) 777-7793  
Fax. No. (716) 325-1355

**Laura Gallagher (+)**  
VP-Regulatory Affairs  
Florida Cable Telecommunications  
Association, Inc.  
310 N. Monroe Street  
Tallahassee, Florida 32301  
Tel. No. (850) 681-1990  
Fax. No. (850) 681-9676

**Mark Ellmer**  
GTC Inc.  
502 Fifth Street  
Port St. Joe, Florida 32456  
Tel. No. (850) 229-7235  
Fax. No. (850) 229-8689

**Steven Brown**  
Intermedia Communications, Inc.  
3625 Queen Palm Drive  
Tampa, Florida 33619-1309  
Tel. No. (813) 829-0011  
Fax. No. (813) 829-4923

**Suzanne F. Summerlin, Esq.**  
1311-B Paul Russell Road  
Suite 201  
Tallahassee, FL 32301  
Tel. No. (850) 656-2288  
Fax. No. (850) 656-5589

**Harriet Eudy**  
ALLTEL Florida, Inc.  
206 White Avenue  
Live Oak, Florida 32060  
Tel. No. (904) 364-2517  
Fax. No. (904) 364-2474

**Lynne G. Brewer**  
Northeast Florida Telephone Co.  
130 North 4th Street  
Macclenny, Florida 32063  
Tel. No. (904) 259-0639  
Fax. No. (904) 259-7722

**James C. Falvey, Esquire**  
e.spire™ Comm. Inc.  
133 National Business Pkwy.  
Suite 200  
Annapolic Junction, MD 20701  
Tel. No. (301) 361-4298  
Fax. No. (301) 361-4277

**Lynn B. Hall**  
Vista-United Telecomm.  
3100 Bonnet Creek Road  
Lake Buena Vista, FL 32830  
Tel. No. (407) 827-2210  
Fax. No. (407) 827-2424

**William Cox**  
Staff Counsel  
Florida Public Svc. Comm.  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6204  
Fax. No. (850) 413-6250

  
\_\_\_\_\_  
Mary K. Keyer (Pw)

(+) Protective Agreements