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J. PHILLIP CARVER  
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RECORDS AND  
REPORTING

May 17, 1999

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. 980947-TL

Dear Ms. Bayó:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Intermedia's Second Request for Production of Documents and Motion for Protective Order. Please file this document 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.

Sincerely,



J. Phillip Carver

AFA	<u>1</u>	
APP	_____	
CAF	_____	
CMU	_____	Enclosures
CTR	_____	
EAG	_____	
LEG	<u>1</u>	cc: All parties of record
MAS	<u>5</u>	M. M. Criser, III
OPC	_____	N. B. White
RRR	_____	William J. Ellenberg II (w/o enclosures)
SEC	<u>1</u>	
WAW	_____	
OTH	<u>980946 ong</u>	

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

~~06272~~ MAY 18 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver of	)	
physical collocation requirement set	)	Docket No. 980947-TL
forth in the 1996 Telecommunications	)	
Act and the FCC's First Report and	)	
Order, for the Boca Raton Boca Teeca	)	Filed: May 17, 1999
Central Office, by BellSouth	)	
Telecommunications, Inc.	)	
_____	)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND  
 OBJECTIONS TO INTERMEDIA COMMUNICATIONS INC.'S  
 SECOND REQUEST FOR PRODUCTION  
OF DOCUMENTS AND MOTION FOR PROTECTIVE ORDER**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), 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 Responses, Objections and Motion for Protective Order to Intermedia Communications Inc.'s ("Intermedia") Second Request for Production of Documents.

**GENERAL RESPONSES**

BellSouth makes the following General Objections to Intermedia's Second Request for Production of Documents:

1. BellSouth has interpreted Intermedia's requests to apply to BellSouth's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission,

BellSouth objects to such request to produce as irrelevant, overly broad, unduly burdensome, and oppressive.

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

3. 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 Florida Public Service 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 provided in response to these discovery requests. Rather, these responses provide all of the information obtained by BellSouth after a reasonable and diligent search conducted in connection with this discovery request. BellSouth conducted a search of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

#### **MOTION FOR PROTECTIVE ORDER**

4. BellSouth objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. Further, Section 364.24, Florida Statutes prohibits the disclosure of certain customer account information except as

required by “subpoena, court order, other process of court, or as otherwise allowed by law.” Accordingly, BellSouth objects to producing any information, the production of which is prohibited by this statute. To the extent that Intermedia has requested proprietary confidential business information that is not subject to the “trade secrets” privilege or Section 364.24, BellSouth will make this information available to be reviewed by counsel for Intermedia at a mutually agreeable time and place, subject to an appropriate Protective Agreement and subject to any other general or specific objections contained herein.

### **SPECIFIC RESPONSES**

5. In response to Intermedia's Request to Produce No. 2, this request is for information provided in response to Supra Telecom & Information System, Inc.'s (“Supra”) First Request for Production of Documents, to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of Supra.

6. In response to Intermedia's Request to Produce No. 3, this request is for information provided in response to Supra Telecom & Information Systems, Inc.'s (“Supra”) First Supplemental Request for Production of Documents, to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of Supra.

7. In response to Intermedia's Request to Produce No. 4, this request is for information provided in response to ACI Corp.'s (“ACI”) First Request for

Production of Documents, to which BellSouth has previously responded.

BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of ACI, with one exception.

The exception is that BellSouth produced documents to ACI that were responsive to Request No. 10, which documents contained information relating to ACI. On May 10, 1999, BellSouth received a letter from counsel for ACI (copy attached) stating that these documents are proprietary to ACI. For this reason, these documents are subject to the Motion for Protective Order set forth above, and BellSouth objects to producing these documents for the reasons set forth therein.

8. In response to Intermedia's Request to Produce No. 5, this request is for information provided in response to Sprint's ("Sprint") First Request for Production of Documents, to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of Sprint.

9. In response to Intermedia's Request to Produce No. 6, this request is for information provided in response to Staff's ("Staff") First Request for Production of Documents, to which BellSouth has previously responded. BellSouth hereby responds to this request by incorporating by reference its responses and objections to the above-noted request of Staff.

Respectfully submitted this 17th day of May, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.



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NANCY B. WHITE  
c/o Nancy Sims  
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May 10, 1999

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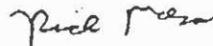
J. Phillip Carver  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, FL 32301

Re: Docket Nos. 980946-TL, 980947-TL, 980948-TL  
981011-TL, 981012-TL, and 981250-TL

Dear Phil:

This is to inform you that ACI Corp. does regard Item 10 of BellSouth's response to ACI's First Request for Production of Documents as constituting proprietary information of ACI.

Very truly yours,



Richard D. Melson

cc: Kenneth A. Hoffman

**CERTIFICATE OF SERVICE**  
**Docket Nos. 980946-TL, 980947-TL, 980948-TL, 981011-TL**  
**981012-TL, and 981250-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 17th day of May, 1999 to the following:

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Commission  
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\* Protective Agreements

  
J. Phillip Carver