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Legal Department

MICHAEL P. GOGGIN  
General Attorney

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BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

RECORDS AND  
REPORTING

December 20, 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. 991267-TP (Global NAPS Complaint)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Objections to Staff's First Set of Interrogatories and First Request for Production of Documents, 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.

Sincerely,

*Michael P. Goggin*  
(M)

Michael P. Goggin

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SEC 1  
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cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey  
Nancy B. White

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*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: ) Docket No. 991267-TP  
 )  
 Complaint of Global NAPs, Inc., against )  
 BellSouth Telecommunications, Inc. for )  
 Enforcement of Section VI(B) of its )  
 Interconnection Agreement with BellSouth )  
 Telecommunications, Inc. and Request for Relief )  
 \_\_\_\_\_ ) Filed: December 20, 1999

**OBJECTIONS OF BELLSOUTH TELECOMMUNICATIONS, INC.  
 TO STAFF'S FIRST SET OF INTERROGATORIES AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to Rule 28-106.206, *Florida Administrative Code*, and Rules 1.340, 1.350 and 1.280, *Florida Rules of Civil Procedure*, files the following Objections to the First Set of Interrogatories and First Request for Production of Documents served by the Staff of the Florida Public Service Commission's ("Staff") on December 10, 1999.

The objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the 10-day requirement set forth in the procedural order issued by the Florida Public Service Commission ("Commission") in the above-captioned docket. Should additional grounds for objection be discovered as BellSouth prepares its answers to the above-referenced interrogatories, BellSouth reserves the right to supplement, revise, or modify its objections at the time it serves its answers. Moreover, should BellSouth determine that a Protective Order is necessary with respect to any of the requested information, BellSouth reserves the right to file a motion with the Commission seeking such an order at the time that it serves its answers.

## GENERAL OBJECTIONS

1. BellSouth objects to the interrogatories and requests for production of documents 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 are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. BellSouth objects to the interrogatories and requests for production of documents to the extent they are intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. BellSouth objects to such interrogatories and requests for production of documents as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every interrogatory, request for production of documents and instruction to the extent that such interrogatory, request for production of documents 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. BellSouth objects to each and every request for interrogatory and request for production of documents insofar as the interrogatory or request for production of documents 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 answers provided by BellSouth in response to these interrogatories and requests for production of

documents will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every interrogatory and request for production of documents insofar as the interrogatory or request for production of documents 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 and every interrogatory and request for production of documents to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to §90.506, *Florida Statutes*. BellSouth also objects to each and every interrogatory and request for production of documents that would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, *Florida Statutes*. To the extent that Staff requests proprietary information that is not subject to the "trade secrets" privilege or to §364.24, BellSouth will make such information available to Staff at a mutually agreeable time and place upon the execution of a confidentiality agreement, or subject to a Request for Confidential Classification.

8. BellSouth objects to Staff'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.

9. BellSouth objects to each and every interrogatory and request for production of documents, insofar as any of them is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

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. Therefore, it is possible that not every document has been identified in response to these interrogatories and requests for production of documents. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the interrogatories and requests for production of documents purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

#### **SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES**

**For Interrogatories 2-5, please refer specifically to Witness Scollard's testimony on Page 5, lines 6-11.**

**Interrogatory No. 2: With what ALEC did BellSouth try to negotiate a settlement in the Fall of 1997?**

**Objection:** In addition to the General Objections stated above, BellSouth objects to Interrogatory No. 2 to the extent that it would require the disclosure of

customer specific information, the disclosure of which is prohibited by §364.24, Florida Statutes.

**Interrogatory No. 3: Was the negotiation initiated by the ALEC or by BellSouth? If BellSouth, what prompted the attempt at negotiation?**

Objection: In addition to the General Objections stated above, BellSouth objects to Interrogatory No. 3 to the extent that it would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, Florida Statutes.

**Interrogatory No. 4: What were the specific issues in question with regard to reciprocal compensation for ISP traffic?**

Objection: In addition to the General Objections stated above, BellSouth objects to Interrogatory No. 4 to the extent that it would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, Florida Statutes.

**Interrogatory No. 5: Did BellSouth attempt to negotiate a settlement on these issues with any other ALECs? If the response is affirmative, what was the result? If the response is negative, why not?**

Objection: In addition to the General Objections stated above, BellSouth objects to Interrogatory No. 5 to the extent that it would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, Florida Statutes.

**For purposes of Interrogatories 10-11, please refer to the testimony of Albert Halprin.**

**Interrogatory No. 10: On pages 37 through 39 of Mr. Halprin's testimony, alternative suggestions are made for recovery of costs associated with traffic delivered to ISPs. Has BellSouth negotiated with any ALECs in Florida to use these or other methods to compensate for ISP traffic? If the response is affirmative, on approximately what date did BellSouth begin attempting to negotiate new interconnection agreements that separated out traffic delivered to ISPs?**

Objection: In addition to the General Objections stated above, BellSouth objects to Interrogatory No. 10 to the extent that it would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, Florida Statutes.

**SPECIFIC RESPONSES AND OBJECTIONS TO REQUEST FOR PRODUCTION OF DOCUMENTS**

**Request for Production No. 1: Please provide all documents in your possession or under your control from January 1, 1995 to the present, including, but not limited to, E-mail, memoranda, letters, or procedural manuals (applicable portions only), that relate specifically to the exclusion of ISP traffic from reciprocal compensation billing.**

Objection: In addition to the General Objections stated above, BellSouth objects to Request for Production No. 1 to the extent that it would require the disclosure of customer specific information, the disclosure of which is prohibited by §364.24, Florida Statutes.

Respectfully submitted this 20th day of December, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Nancy B. White*

NANCY B. WHITE  
MICHAEL P. GOGGIN

c/o Nancy H. Sims  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5558

*R. Douglas Lackey*

R. DOUGLAS LACKEY

Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0747

190370



**CERTIFICATE OF SERVICE  
Docket No. 991267-TP**

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

U.S. Mail and (\*) Facsimile this 20th day of December, 1999 to the following:

Beth Keating \*  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6199

Jon C. Moyle, Jr. \*  
Cathy M. Sellers  
Moyle Flanigan Katz Kolins  
Raymond & Sheehan, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301  
Tel. No. (850) 681-3828  
Fax. No. (850) 681-8788  
Represents Global NAPS

William J. Rooney  
General Counsel  
John O. Post  
Assistant General Counsel  
Global NAPS, Inc.  
10 Merrymount Road  
Quincy, MA 02169  
Tel. No. (617) 507-5111  
Fax. No. (617) 507-5200

Christopher W. Savage  
Coles, Raywid, & Braverman, L.L.P.  
1919 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Tel. No. (202) 828-9811

Nanette Edwards  
Senior Manager, Regulatory Attorney  
ITC^DeltaCom  
700 Boulevard South, Suite 101  
Huntsville, AL 35802  
Tel. No. (256) 650-3856  
Fax No. (256) 650-3936

  
Michael P. Goggin (M)