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Legal Department

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General Attorney

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RECORDS AND  
REPORTING

January 25, 2000

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. 991838-TP

Dear Ms. Bayó:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s Responses and Objections to BlueStar's First Request for Production of Documents. 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. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

*J. Phillip Carver*  
(JPC)

J. Phillip Carver

AFA  
APP  
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EAG  
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SEC

Enclosures

cc: All parties of record  
M. M. Criser, III  
N. B. White  
R. D. Lackey

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
01069 JAN 26  
FPSC-RECORDS/REPORTING

In re:

Petition for Arbitration of BlueStar	)	
Networks, Inc. with BellSouth	)	Docket No. 991838-TP
Telecommunications, Inc. Pursuant	)	
To the Telecommunications Act of 1996	)	
_____	)	Filed: January 25, 2000

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES  
AND OBJECTIONS TO BLUESTAR'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS**

BellSouth Telecommunications, Inc. ("BellSouth"), files pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Responses and Objections to BlueStar Networks, Inc.'s ("BlueStar") First Request for Production of Documents dated January 5, 2000.

**GENERAL RESPONSES**

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

2. BellSouth does not believe it was BlueStar'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.

3. In any instance in which BellSouth agrees to produce responsive documents, they will be produced at a mutually agreeable time and place.

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

### **SPECIFIC RESPONSES**

5. BellSouth objects to Request to Produce No. 1 for the reasons set forth in its Objections filed January 18, 2000.

6. In response to Request to Produce No. 2, BellSouth will produce the requested documents. BellSouth notes, however, that these documents are proprietary. Therefore, these documents will be produced only after the execution of an appropriate proprietary agreement, and may then be viewed only by those persons covered by the Agreement.

7. In response to Request to Produce No. 3, BellSouth will produce the requested documents. BellSouth notes, however, that these documents are proprietary. Therefore, these documents will be produced only after the execution of an appropriate proprietary agreement, and may then be viewed only by those persons covered by the Agreement.

8. BellSouth objects to Request to Produce No. 4 because it is so vague and ambiguous that a responsive answer can not be framed. Moreover, it is overbroad and calls for information that is not relevant. Specifically, Request to Produce No. 4 calls for "vendor contracts from which BellSouth purchases the ADSL equipment referenced above". The words "referenced above" presumably refer to previous production requests. These requests, however, only refer to load coils, repeaters and bridge taps, three items that do not constitute ADSL

equipment. Accordingly, it is not possible to ascertain from the request as framed what BlueStar is requesting.

9. Moreover, even if BlueStar were to frame its request properly to identify information relating to specifically (and properly) identified ADSL equipment, the request would still call for an exceedingly broad range of information that is not relevant. Moreover, all of this information is proprietary, and at least as to some of the information, BellSouth is contractually bound not to produce it. It is noteworthy that BlueStar has not asked for only the portions of contracts that relate specifically to ADSL equipment, but to all parts of these contracts. These contracts are typically voluminous, and they provide for the purchase of a variety of goods and services. There is no justification for BlueStar's request to receive the entire contracts.

10. Also, in many instances, the information in these contracts constitutes proprietary information that belongs to the vendors. In many cases, BellSouth has entered into contracts with these vendors that provide specifically that BellSouth may not release this information to any third party. Thus, before BellSouth could produce any particular contracts, it would be necessary to contact the respective vendor and attempt to negotiate the terms under which the vendor would allow BellSouth to release its information. There is, of course, the strong possibility that the vendor would decline to allow the release of this information.

11. To summarize, it is impossible to determine from the vague and somewhat nonsensical request propounded by BlueStar precisely what it seeks.

Moreover, whatever BlueStar has in mind when it refers to ADSL equipment, the request still calls for the production of a broad, but (based upon the language of BlueStar's request) unidentifiable set of contracts that BellSouth has with vendors, which likely contain terms that would prohibit BellSouth from releasing the requested information (even under a proprietary agreement) without the specific approval of the respective vendor.

12. BellSouth objects to Request to Produce No. 5 for the reasons set forth in its Objections filed January 18, 2000.

13. BellSouth objects to Request to Produce No. 6 for the reasons set forth in its Objections filed January 18, 2000.

14. BellSouth objects to Request to Produce No. 7 for the reasons set forth in its Objections filed January 18, 2000.

15. In response to Request to Produce No. 8, BellSouth objects for the reasons set forth in its objections filed January 18, 2000.

16. In response to Request to Produce No. 9, BellSouth will produce the requested documents. BellSouth notes, however, that these documents are proprietary. Therefore, these documents will be produced only after the execution of an appropriate proprietary agreement, and may then be viewed only by those persons covered by the Agreement.

17. In response to Request to Produce No. 10, BellSouth will produce the requested documents. BellSouth notes, however, that these documents are proprietary. Therefore, these documents will be produced only after the

execution of an appropriate proprietary agreement, and may then be viewed only by those persons covered by the Agreement.

18. In response to Request to Produce No. 11, BellSouth agrees to produce the requested documents. BellSouth notes, however, that these documents are proprietary. Therefore, these documents will be produced only after the execution of an appropriate proprietary agreement, and may then be viewed only by those persons covered by the Agreement.

19. BellSouth objects to Request to Product No. 12 for the reasons set forth in its Objections filed January 18, 2000.

20. In response to Request to Produce No. 13, BellSouth will produce the requested documents. BellSouth notes, however, that these documents are proprietary. Therefore, these documents will be produced only after the execution of an appropriate proprietary agreement, and may then be viewed only by those persons covered by the Agreement.

21. In response to Request to Produce No. 14, BellSouth will produce the requested documents. BellSouth notes, however, that these documents are proprietary. Therefore, these documents will be produced only after the execution of an appropriate proprietary agreement, and may then be viewed only by those persons covered by the Agreement.

22. In response to Request to Produce No. 15, BellSouth objects for the reasons set forth in its Objections filed January 18, 2000 to the request to the extent that it seeks product of contracts other than interconnection agreements.

This objection notwithstanding, BellSouth agrees to produce the five most recent Interconnection Agreements that otherwise comply with this request.

23. In response to Request to Produce No. 16, BellSouth states that it has no responsive documents.

24. In response to Request to Produce No. 17, BellSouth states that it has no responsive documents.

25. In response to Request to Produce No. 18, BellSouth will produce the requested documents. BellSouth notes, however, that these documents are proprietary. Therefore, these documents will be produced only after the execution of an appropriate proprietary agreement, and may then be viewed only by those persons covered by the Agreement.

26. In response to Request to Produce No. 19, BellSouth states that it has no responsive documents.

27. BellSouth objects to Request to Product No. 20 for the reasons set forth in its Objections filed January 18, 2000. Moreover, BellSouth would note that under the literal terms of this request, BellSouth would be required to produce all repair records for every retail and wholesale customer served by BellSouth anywhere and at any time. The breadth of this question is truly staggering. Moreover, as previously stated in BellSouth's January 18, 2000, Objections, information relating to standard repair intervals is of no relevance to this proceeding because it is precisely these standard intervals that BlueStar has declined to accept. Thus, BlueStar's request is not only incredibly overbroad, it is for information that has no relevance.


28. BellSouth objects to Request to Produce No. 21 for the reasons set forth in its Objections filed January 18, 2000. Moreover, BellSouth notes that all documents responsive to this request are subsumed within the documents that are responsive to Request to Produce No. 20.


29. BellSouth objects to Request to Produce No. 22 for the reasons set forth in its Objections filed January 18, 2000.

30. BellSouth objects to Request to Produce No. 23 for the reasons set forth in its Objections filed January 18, 2000.

Respectfully submitted this 25th day of January, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
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**CERTIFICATE OF SERVICE  
DOCKET NO. 991838-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via facsimile(\*) and U.S. Mail this 25th day of January, 2000 to the following:

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