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RECORDS AND
REPORTING

February 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. 990874-TP (US LEC Complaint)

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of Objections of BellSouth Telecommunications, Inc. to US LEC's First Set of Interrogatories and First Request for Production of Documents, which we ask that you file in the above-referenced 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,



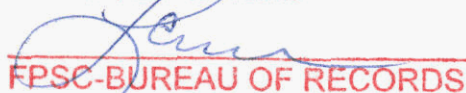
Bennett L. Ross



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

AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
MAS _____
OPC _____
RRR _____
SEC _____
WAW _____
OTH _____

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FPSC-BUREAU OF RECORDS

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FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 990874-TP (US LEC Complaint)

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

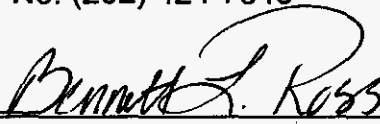
U.S. Mail this 25th day of February, 2000 to the following:

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Bennett L. Ross (for)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of US LEC of Florida, Inc. against)
BellSouth Telecommunications, Inc. for)
Breach of Terms of Florida Interconnection)
Agreement under Sections 251 and 252 of the)
Telecommunications Act of 1996, and Request)
For Relief)
_____)

Docket No. 990874-TP

Filed: February 25, 2000

**OBJECTIONS OF BELL SOUTH TELECOMMUNICATIONS, INC.
TO US LEC'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 US LEC of Florida, Inc. ("US LEC") on February 11, 2000.

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 US LEC requests proprietary information that is not subject to the "trade secrets" privilege or to §364.24, BellSouth will make such information available to US LEC 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 US LEC'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

Interrogatory No. 10

- a. Identify Project Encore
- b. Identify when Project Encore was formed or created; identify the goals, purpose and objectives of Project Encore.
- c. Identify all persons who were members of Project Encore or who participated in any meetings or discussions conducted by Project Encore.
- d. Identify all actions, meetings, discussions and/or communications involving Project Encore which related, referred or pertained to the issue of the payment or non-payment of reciprocal compensation for traffic bound for ESPs and identify all documents reflecting, referring, relating to or pertaining to any such discussion.

OBJECTION: BellSouth objects to this Interrogatory on grounds that it is overly broad and unduly burdensome to the extent its requests the identity of every person who ever participated in a meeting or discussion conducted by Project Encore, a description of every discussion or communication involving Project Encore concerning the issue of ISP-bound traffic, and the identification of every document referring, relating to or pertaining to any such discussion. BellSouth also objects on grounds that such information is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 13

Identify all persons who participated in the decision to send the August 12, 1997 Ernest Bush memo to CLECs regarding the billing and payment of reciprocal compensation for ESP traffic; identify all discussions, meetings and communications which led to that decision, all persons who participated in drafting, reviewing or editing that memo and all documents which reflect, refer or relate thereto.

OBJECTION: BellSouth objects to this Interrogatory on grounds that it is overly broad and unduly burdensome to the extent it seeks information concerning every "discussion, meeting, or communication" concerning the August 12, 1997 Ernest Bush memo and the identity of every person who participated in such discussions and every document "which reflect, refer, or relate thereto." BellSouth also objects on grounds that such information is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 14

To the extent that the group, committee, entity or project known as Harmonize, or any members or participants thereof, ever discussed the subject of reciprocal compensation for ESP traffic, state the dates of all such discussions, the persons who participated in all such discussions, the substance of all such discussions, the results of all such discussions and identify all documents that reflect, refer to relate to all such discussions.

OBJECTION: BellSouth objects to this Interrogatory on grounds that it is overly broad and unduly burdensome to the extent it asks BellSouth to identify with specificity: (1) all "discussions" that may have been had by any individual member or participant of Harmonize on the issue of ISP-bound traffic; and (2) all

documents that may reflect, refer, or relate to such discussions. BellSouth also objects on grounds that such information is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Because attorneys are involved in the Harmonize effort, BellSouth also objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege or the work product doctrine.

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

Request No. 2

Please produce all documents which reflect, refer, or relate to the August 12, 1997 memo from Ernest Bush to CLECs and all documents which reflect, refer or relate to the decision to send that memo.

OBJECTION: BellSouth objects to this Request on grounds that it is overly broad and unduly burdensome to the extent it seeks every document that may "reflect, refer, or relate to the decision" to send the August 12, 1997 memo from Ernest Bush. BellSouth also objects to this Request to the extent it seeks the production of public documents or documents protected by the attorney-client privilege or work product doctrine.

Request No. 3

Please produce all documents which reflect, refer or relate to any discussions held by or within the group, committee, entity or project known as Harmonize, including any members or other participants in harmonize, pertaining to the subject of reciprocal compensation for ESP traffic or the payment of reciprocal compensation to CLECs.

OBJECTION: BellSouth objects to this Request on grounds that it is overly broad and unduly burdensome to the extent it requests every document prepared by any individual member or participant of Harmonize on the issue of ISP-bound traffic. BellSouth also objects on grounds that such documents are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, BellSouth also objects to this Request to the extent it seeks the production of documents protected by the attorney-client privilege or the work product doctrine.

Request No. 4

Please produce all documents which reflect, refer or relate to any and all discussions within BellSouth on the subject of reciprocal compensation for ESP traffic which occurred during the period January 1, 1995, through and including the present.

OBJECTION: BellSouth objects to this Request on grounds that it is overly broad and unduly burdensome to the extent it seeks every document generated by any employee at BellSouth on the subject of ISP-bound traffic for the past five years. BellSouth also objects on grounds that such documents are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request to the extent it seeks the production of documents protected by the attorney-client privilege or the work product doctrine.

Request No. 6

- a. Please produce all documents reflecting the formation or creation of Project Encore and its goals, purpose and objections.
- b. Please produce all documents reflecting all actions, meetings, discussions and/or communications involving Project Encore which related, referred or pertained to the issue of the payment or non-payment of reciprocal compensation for traffic bound for ESPs.

OBJECTION: BellSouth objects to this Request on grounds that it is overly broad and unduly burdensome to the extent it seeks every document concerning Project Encore. BellSouth also objects on grounds that such documents are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request to the extent it seeks the production of documents protected by the attorney-client privilege or the work product doctrine.

Request No. 8

Please produce all documents which reflect, refer or pertain to the minutes of use, as recorded by BellSouth, for which US LEC has terminated traffic in Florida from BellSouth customers to ESPs, pursuant to all interconnection agreements between BellSouth and US LEC, from the date of the first such agreement to the present.

OBJECTION: BellSouth objects to this Request to the extent that it suggests that calls from BellSouth customers are “terminated” to ISPs served by US LEC. BellSouth also objects to this request on grounds that it is overly broad and unduly burdensome.

Request No. 9

Please produce all documents which reflect, refer or pertain to the minutes of use, as recorded by BellSouth for which BellSouth has terminated traffic in Florida from US LEC customers to ESPs served by BellSouth pursuant to all interconnection agreements between BellSouth and US LEC, from the date of the first such agreement to the present.

OBJECTION: BellSouth objects to this Request to the extent that it suggests that calls from US LEC customers are “terminated” to ISPs served by BellSouth. BellSouth also objects to this request on grounds that it is overly broad and unduly burdensome and that documents concerning minutes of use from US LEC to BellSouth are not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Request No. 15

Please produce copies of all pre-filed testimony, together with any drafts thereof, briefs and exhibits filed by or on behalf of BellSouth in that certain proceeding held by the Florida Public Service Commission entitled *Investigation Into the Statewide Offering of Access to the Local Network for Purposes of Providing Information Services*, Docket No. 88-0423-TP, Order No. 21815 (Sept. 5, 1989, Fla. P.S.C.), together with a transcript of that proceeding.

OBJECTION: BellSouth objects to this Request to the extent it seeks the production of public documents.

Respectfully submitted this 25th day of February, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

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