

ORIGINAL

Legal Department

MARY K. KEYER
General Attorney

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

RECEIVED-PPSC
90 SEP 16 PM 4:38
RECORDS AND
REPORTING

September 16, 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. 980733-TL

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to AARP's Request for Production of Documents, which we served today. Please file them in the captioned matter.

A copy of this letter is enclosed and has been served on the parties shown on the attached Certificate of Service. Please mark it to indicate that the original was filed and return the copy to me.

Sincerely,

Mary K. Keyer (KR)
Mary K. Keyer

- ACK ✓
- AFA 2
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 2
- LIN _____
- OPC _____
- RCH 2
- SEC 1
- WAS _____
- OTH _____

Enclosures

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

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
10184 SEP 16 98
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 980733-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Hand-Delivery this 16th day of September, 1998, to the following:

David M. Frank
Law Office of David M. Frank
1403 Maclay Commerce Drive, Suite 3
Tallahassee, FL 32312

Mary K. Keyer (KR)
Mary K. Keyer

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Discovery for Study on Fair & Reasonable Rates and on Relationships Among Costs and Charges Associated with Certain Telecommunications Services Provided by LECs, as Required by Chapter 98-277.)

Docket No.: 980733-TL

Filed: September 16, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES
AND OBJECTIONS TO AARP'S
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 the American Association of Retired Persons ("AARP") Request for Production of Documents dated August 13, 1998.

GENERAL RESPONSES

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

2. BellSouth objects to AARP's definition of "you" and "your." It appears that AARP, 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 AARP 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).

3. BellSouth does not believe it was AARP'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.

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

SPECIFIC RESPONSES

1. All documents requested in Florida Legal Services' First Request for Production of Documents to BellSouth in this proceeding.

Response: BellSouth will produce the documents it produced in response to Florida Legal Services' First Request for Production of Documents to BellSouth, some of which contain confidential proprietary business information, which BellSouth will make available for review by the AARP at a mutually agreeable time and place subject to a Protective Agreement executed by the AARP. BellSouth will make other responsive documents available for review by counsel for the AARP subject to a Protective Agreement executed by the AARP and subject to the following.

With respect to the documents requested in Data Requests 13 and 14 in Tim Devlin's letter dated June 19, 1998, to all local exchange companies

regarding 980000A-SP, undocketed special project, fair and reasonable rates, BellSouth has certain materials that it has provided to bond rating agencies, including Standard & Poor's and Moody's, on its own behalf, but it does not have possession, custody or control of any such documents that might have been prepared by BellSouth Corporation or any of its other subsidiaries.

The materials BellSouth has that may be responsive to those particular requests constitute confidential proprietary business information, some of which is so sensitive that any individual who reviews the information is deemed to be an "insider" for purposes of the Securities and Exchange Commission rules.

With this in mind, and assuming that counsel for the AARP who wish to review this material are willing to review the materials with the understanding that doing so may make them "insiders" for purposes of the Securities and Exchange Commission, BellSouth will produce for review the requested materials that are in its possession, custody and control at a mutually agreed upon time and place, subject to the material being treated as proprietary confidential business information. BellSouth will file Notices and Requests for Confidential Classification at the appropriate time.

2. All documents requested in FCTA's First Request for Production of Documents to BellSouth in this proceeding.

Response: BellSouth will produce the documents it produced in response to FCTA's First Request for Production of Documents to BellSouth to the extent they have not been produced to the AARP in BellSouth's response to

Request 1 and subject to the same conditions stated in BellSouth's response to Request 1.

3. All documents requested in Public Service Commission's First Request for Production of Documents to BellSouth in this proceeding.

Response: To the extent they have not been produced, BellSouth will produce the documents it produced in response to Public Service Commission's First Request for Production of Documents to BellSouth, some of which contain confidential proprietary business information, which BellSouth will make available for review by the AARP at a mutually agreeable time and place subject to a Protective Agreement executed by the AARP.

4. All documents requested in Citizens'/Attorney General's First Request for Production of Documents to BellSouth in this proceeding.

Response: BellSouth will provide the documents produced in response to Citizens' First Request for Production of Documents to BellSouth, some of which constitute proprietary confidential business information, subject to a Protective Agreement executed by the AARP.

5. All documents requested in Citizens'/Attorney General's Second Request for Production of Documents to BellSouth in this proceeding.

Response: BellSouth will produce the documents produced in response to Citizens' Second Request for Production of Documents to the extent they have not been produced and subject to the same conditions stated in BellSouth's response to Request 1.

6. All documents requested in Citizens' Third Request for Production of Documents to BellSouth in this proceeding.

Response: BellSouth will produce the documents it produced in response to Citizens' Third Request for Production of Documents to BellSouth.

7. All cost studies you prepared, filed, or consulted in this proceeding.

Response: BellSouth objects to providing the information requested to the extent that such information is already in the public record before the Florida Public Service Commission or is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving these and the objections raised in BellSouth's Objections to AARP's Request for Production of Documents filed August 27, 1998, BellSouth will produce the cost studies filed with the Commission to the extent they are not a matter of public record, have not already been produced to the AARP, and subject to a Protective Agreement executed by the AARP for the information requested which constitutes confidential proprietary business information.

8. All documents you provided in response to Public Service Commission staff data requests in this proceeding.

Response: See BellSouth's response to Request 1.

9. All comments you served or filed in response to Public Service Commission staff requests in this proceeding.

Response: See BellSouth's response to Request 8.

10. All testimony you filed or consulted in this proceeding.

Response: BellSouth objects to providing the information requested to the extent that such information is already in the public record before the Florida Public Service Commission or is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving these and the objections raised in BellSouth's Objections to AARP's Request for Production of Documents filed August 27, 1998, BellSouth will produce any testimony filed with the Commission in this proceeding to the extent it is not a matter of public record and subject to a Protective Agreement executed by the AARP for any information requested which constitutes confidential proprietary business information.

11. All testimony you filed or consulted in Public Service Commission Docket No. 980696-TP, In re: Determination of the Cost of Basic Local Telecommunications Service, pursuant to Section 364.025, Florida Statutes.

Response: BellSouth objects to providing the information requested to the extent that such information is already in the public record before the Florida Public Service Commission and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this proceeding. BellSouth further objects to this request to the extent that such request: calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege; seeks to impose obligations on BellSouth that exceed the requirements of the Florida Rules of

Civil Procedure or Florida law; and is unduly burdensome, expensive,
oppressive, or excessively time-consuming as written.

Respectfully submitted this 16th day of September, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty (KR)

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 (KR)

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

134130