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October 18, 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. 990750-TP (ITC^DeltaCom)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Staff's Second 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
Michael P. Goggin

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

- AFA _____
- APP _____
- CAF _____
- CMU *Furns*
- CTR _____
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- MAS 2
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- SEC 1
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:) Docket No. 990750-TP
)
Petition for Arbitration of ITC^DeltaCom)
Communications, Inc. with BellSouth)
Telecommunications, Inc. pursuant to the)
Telecommunications Act of 1996.)
_____) Filed: October 18, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND OBJECTIONS
TO STAFF'S SECOND REQUEST FOR PRODUCTION**

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*, file the following Responses and Objections to the Second Request for Production served by the Staff of the Florida Public Service Commission's ("Staff") on September 28, 1999.

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

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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

REQUEST NO 6: Please provide all documents identified in response to Staff's Second Set of Interrogatories No. 27(d)

RESPONSE: Not applicable.

REQUEST NO 7: Please provide all documents identified in response to Staff's Second Set of Interrogatories No. 30(e)

RESPONSE: Not applicable.

REQUEST NO 8: Please provide all documents identified in response to Staff's Second Set of Interrogatories No. 32(b).

RESPONSE: See the response to Interrogatory Item No. 32(b) for location of applicable documents in Exhibit DDC-4.

REQUEST NO 9: Please provide all documents identified in response to Staff's Second Set of Interrogatories No. 32(c)

RESPONSE: See the response to Interrogatory Item No. 32(c) for location of applicable documents in Exhibit DDC-4.

REQUEST NO 10: Referring to Exhibit DDC-4, Bates-stamped page 000007, please provide the derivation of the Land and the Building factors and any and all documents that support the values used in the derivations.

RESPONSE: See Exhibit DDC-4, filed August 16, 1999. Section 4, Page Nos. 30 to 31 provides an explanation of the land and building loadings. Appendix B, Page Nos. 805 to 808 provide worksheets showing the calculations.

REQUEST NO 11: Referring to Exhibit DDC-4, Bates-stamped page 000008, please provide derivations of the following factors and any and all documents that support the values used in the derivations: Depreciation, Cost of Money, Income Tax, Plant Specific Expenses, and Ad Valorem Expense.

RESPONSE: See Exhibit DDC-4, filed August 16, 1999. Section 4 provides an explanation of the factors, and Appendix B provides worksheets showing the calculations of the factors. Locations of the appropriate supporting documents are:

Factor	Section 4 (Page Nos.)	Appendix B (Page Nos.)
Depreciation	32 to 34	827 to 831
Cost of Money	32 to 34	827 to 831
Income Tax	32 to 34	827 to 831 & 833 to 834
Plant Specific Expenses	34 to 36	797 to 826
Ad Valorem	36	832 & 835

REQUEST NO 12: For purposes of the following request, please refer to Exhibit DDC-4, Bates-stamped page 000021, line 278. Please provide any and all documents and work papers that support the projected values for mechanized LSRs.

RESPONSE: See Attachment No. 1. This document is **proprietary** and is subject to nondisclosure provisions.

REQUEST NO 13: Please provide any and all documents that support the response to Staff's Second Set of Interrogatories No. 55(a).

RESPONSE: Please see the direct and rebuttal testimony of Alphonso J. Varner filed in this docket. See also testimony of ITC^DeltaCom witnesses Thomas Hyde (direct and rebuttal) and Don Wood (rebuttal).

REQUEST NO 14: Please provide any and all documents that support the response to Staff's Second Set of Interrogatories No. 55(b).

RESPONSE: The documents which support BellSouth's response to Interrogatory No. 55(b) are the following:

The Telecommunications Act of 1996
The Eighth Circuit Court's decision in
Iowa Utilities Board
The Supreme Court Order in *Iowa Utilities Board*
FCC Rule 51.315(c)-(f)
Direct and Rebuttal Testimony of Alphonso J. Varner
in this docket

These documents are part of the public record in these cases mentioned, are readily available to the parties.

REQUEST NO 15: Please provide any and all documents that support the response to Staff's Second Set of Interrogatories No. 56(b).

RESPONSE: Subject to the General Objections above, responsive documents will be produced. The BellSouth ADSL Technical Service Description is **proprietary** and is subject to nondisclosure provisions.

REQUEST NO 16: Please provide any and all documents that support the response to Staff's Second Set of Interrogatories No. 56(c).

RESPONSE: See BellSouth's response to POD No. 15.

REQUEST NO 17: Please provide any and all documents that support the response to Staff's Second Set of Interrogatories No. 56(d).

RESPONSE: See BellSouth's response to POD No. 15.

REQUEST NO 18: Please provide any and all documents that support the response to Staff's Second Set of Interrogatories No. 56(e).

RESPONSE: Not applicable.

REQUEST NO 19: Please provide any and all documents that support the response to Staff's Second Set of Interrogatories No. 58(a).

RESPONSE: No responsive documents are available.

REQUEST NO 20: Please provide any and all documents that support the response to Staff's Second Set of Interrogatories No. 58(b).

RESPONSE: See response to Staff's First Set of Interrogatories, Item No. 8 in this Docket.

Respectfully submitted this 18th day of October, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

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