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ORIGINAL
FILE COPY

December 27, 1995

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RE: Docket No. 950985B-TP

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response and Objections to Metropolitan Fiber Systems of Florida, Inc.'s First Request for Production of Documents. Please file these documents 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 on the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
(BW)

Nancy B. White

- ACK
- ALL _____
- ENCLOSURES _____
- cc: _____
- ALL PARTIES OF RECORD _____
- A. M. Lombardo _____
- R. G. Beatty _____
- R. D. Lackey _____
- CHASE
- CHE _____
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- CPC _____
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FPC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of petition(s))
to establish nondiscriminatory)
rates, terms, and conditions for)
interconnection involving local) Docket No. 950985B-TP (MFS)
exchange companies and alternative)
local exchange companies pursuant)
to Section 364.162, Florida) Filed: December 27, 1995
Statutes)
_____)

BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE AND
OBJECTIONS TO METROPOLITAN FIBER SYSTEMS OF FLORIDA, INC.'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
AND MOTION FOR PROTECTIVE ORDER

COMES NOW BellSouth Telecommunications, Inc. ("BellSouth" or "Company"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.350 and 1.280(b)(c), Florida Rules of Civil Procedure, hereby submits the following (1) Response and Objections to Metropolitan Fiber Systems of Florida, Inc.'s ("MFS") First Request for Production of Documents to BellSouth dated December 7, 1995, and (2) Motion for Protective Order.

GENERAL RESPONSE AND OBJECTIONS

1. BellSouth has interpreted MFS's requests to apply to BellSouth's regulated intrastate operations in Florida and will limit its Answers accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, BellSouth objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

2. BellSouth objects to each and every request to the extent that such request calls for information which is exempt

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900

from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

3. BellSouth objects to each and every request insofar as the request 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 Responses provided by BellSouth in response to MFS's requests will be provided subject to, and without waiver of, the foregoing objection.

4. BellSouth objects to each and every request insofar as the request 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 each instance where this objection applies.

5. BellSouth objects to MFS's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on BellSouth which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

6. BellSouth objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission.

7. BellSouth objects to each and every request, general instruction, or definition insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

8. BellSouth objects to each and every request to the extent that the information requested constitutes "trade secrets"

which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that MFS's requests seek proprietary confidential business information which is not subject of the "trade secrets" privilege, BellSouth moves the Prehearing Officer to issue a Protective Order directing that discovery not be had or had only under certain conditions. BellSouth will make such information available to counsel for MFS pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

9. 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 Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and 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 provided in response to these discovery requests. Rather, these responses provide all of the information obtained by BellSouth after a reasonable and diligent search conducted in connection with this discovery request. BellSouth has complied with MFS's request that a search be conducted of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

10. BellSouth objects to each and every request to the extent that such requests 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.

11. BellSouth objects to each and every request to the extent that they seek information in the nature of market research. BellSouth should not be required to provide to a competitor information which BellSouth has compiled or which BellSouth has paid to have compiled and allow a competitor to have the benefit of such information.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Subject to, and without waiver of, the foregoing general objections, BellSouth enters the following specific responses and objections with respect to MFS's requests:

1. With respect to Request No. 1, pursuant to the General Objections stated above, BellSouth specifically objects to this request on the grounds set forth in the individual specific objections made by BellSouth as set forth in BellSouth's Objections to MFS' First Set of Interrogatories served on MFS on December 18, 1995. Such specific objections are incorporated herein by specific reference thereto. In an effort to be responsive, however, BellSouth will produce those documents that are in BellSouth's possession, custody, and control to which specific objections have not been lodged.

2. With respect to Request No. 2, pursuant to the General Objections stated above, BellSouth specifically objects to this request on the grounds that MFS propounded over 200 interrogatories, including subparts, to BellSouth. These interrogatories covered a vast spectrum of topics and subjects. In order to attempt to respond to these interrogatories, BellSouth "referred to or relied upon" a voluminous amount of information. BellSouth therefore objects on the grounds that this request is overly broad, unduly burdensome, and oppressive. In an effort to be responsive, however, BellSouth refers MFS to BellSouth's response to Request No. 1.

3. With respect to Request No. 3, BellSouth objects to producing the documents requested on the basis that the documents responsive to this request contain proprietary and confidential business information. Consequently, BellSouth moves for a Protective Order as set forth herein. In the alternative, the production of such documents should occur only after the execution of an acceptable protective agreement.

4. With respect to Request No. 4, BellSouth objects to producing the documents requested on the basis that the documents responsive to this request contain proprietary and confidential business information. Consequently, BellSouth moves for a Protective Order as set forth herein. In the alternative, the production of such documents should occur only after the execution of an acceptable protective agreement.

5. With respect to Request No. 5, BellSouth objects to producing the documents requested on the basis that the documents responsive to this request contain proprietary and confidential business information. Consequently, BellSouth moves for a Protective Order as set forth herein. In the alternative, the production of such documents should occur only after the execution of an acceptable protective agreement.

6. With respect to Request No. 6, BellSouth objects to producing the documents requested on the basis that the documents responsive to this request contain proprietary and confidential business information. Consequently, BellSouth moves for a Protective Order as set forth herein. In the alternative, the production of such documents should occur only after the execution of an acceptable protective agreement.

7. With respect to Request No. 7, BellSouth objects to producing the documents requested on the basis that the documents responsive to this request contain proprietary and confidential business information. Consequently, BellSouth moves for a Protective Order as set forth herein. In the alternative, the production of such documents should occur only after the execution of an acceptable protective agreement.

8. With respect to Request No. 8, BellSouth objects to producing the documents requested on the basis that the documents responsive to this request contain proprietary and confidential business information. Consequently, BellSouth moves for a Protective Order as set forth herein. In the alternative, the

production of such documents should occur only after the execution of an acceptable protective agreement.

Respectfully submitted this 27th day of December, 1995.

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE

Docket No. 950985A-TP

Docket No. 950985B-TP

Docket No. 950985C-TP

Docket No. 950985D-TP

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Federal Express this 27th day of December, 1995 to:

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