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General Attorney

08 JUL 29 PH 4: 30

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RECORDS AND  
REPORTING

July 29, 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. 980696-TP

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Intermedia's First Request for Production of Documents, which we ask that you file 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,

*Mary K. Keyer*  
*(MK)*

Mary K. Keyer

ACK \_\_\_\_\_  
AFA 4 \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
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SEC 1 \_\_\_\_\_  
WAS \_\_\_\_\_  
DTH \_\_\_\_\_

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FPSC-BUREAU OF RECORDS

Enclosures

cc: All parties of record  
A. M. Lombardo  
R. G. Beatty  
William J. Ellenberg II

DOCUMENT NUMBER - DATE

08007 - JUL 29 98

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the cost )  
of basic local telecommunications )  
service, pursuant to Section 364.025, )  
Florida Statutes. )  
\_\_\_\_\_ )

Docket No.: 980696-TP

Filed: July 29, 1998

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

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), and files pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Responses and Objections to Intermedia Communications, Inc.'s ("Intermedia") First Request for Production of Documents dated July 9, 1998.

**GENERAL RESPONSES**

1. BellSouth objects to Intermedia's proposed "Instruction" relating to details of privileged documents. To the extent a document responsive to any of the requests is subject to an applicable privilege, some of the information requested by Public Counsel would be similarly privileged and therefore not subject to discovery. Notwithstanding this objection, BellSouth agrees to identify any documents withheld on the basis of privilege.

2. With regard to Intermedia's definition of "document" or "documents", BellSouth has made a diligent, good faith attempt to locate

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documents responsive to the scope of Intermedia's individual requests for documents.

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

4. BellSouth does not believe it was Intermedia'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.

5. BellSouth objects to the specific time and place designated by Intermedia for the production of documents for the reasons that the designation is not reasonable, but has no objection to producing the documents that are responsive and to which no other objection is made, at a mutually agreed upon time and place.

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

SPECIFIC RESPONSES


1. All documents and diskettes provided in response to the Florida Public Service Commission Staff's April 28, 1998, Universal Service data request.

Response: BellSouth will produce the documents requested subject to the Protective Agreement executed by Intermedia Communications, Inc., on July 28, 1998.

Respectfully submitted this 29th day of July, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
\_\_\_\_\_  
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**CERTIFICATE OF SERVICE  
DOCKET NO. 980696-TP (HB4785)**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express and Hand Delivery\* this 29th day of July, 1998 to the following:

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Mary-K. Keyer (20)

(+) Protective Agreements