

ORIGINAL

Legal Department

MARY K. KEYER  
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(404) 335-0729

September 21, 1998

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

RE: Docket No. 980733-TL

Dear Mrs. Bayo:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s, Objections to Citizens' Fifth Set of Requests for Production of Documents and Second Set of Interrogatories. 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.

ACK    
AFA 2   
APP \_\_\_\_\_   
CAF \_\_\_\_\_   
CMU 1   
CTR \_\_\_\_\_   
EAG \_\_\_\_\_   
LEG 2   
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OPC \_\_\_\_\_   
PDH 2   
SEC 1   
WAS \_\_\_\_\_   
OTH \_\_\_\_\_

Enclosures

Sincerely,

*Mary K. Keyer*  
Mary K. Keyer (Bw)

cc: All Parties of Record  
A. M. Lombardo  
R. G. Beatty  
W. J. Ellenberg (w/o enclosures)

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10406 SEP 21 88

FPSC-RECORDS/REPORTING

## 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 21, 1998  
 )

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
 OBJECTIONS TO CITIZENS' FIFTH SET OF REQUESTS FOR PRODUCTION  
 OF DOCUMENTS AND SECOND SET OF INTERROGATORIES**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), hereby files, pursuant to Rule 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, the following objections to Citizens' Fifth Set of Requests for Production of Documents and Second Set of Interrogatories to BellSouth.

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 responses and answers to the above-referenced requests and interrogatories, BellSouth reserves the right to supplement, revise, or modify its objections at the time it serves its responses and answers. Moreover, should BellSouth determine that a Protective Order is necessary with respect to any of the requested material, BellSouth reserves the

right to file a motion with the Commission seeking such an order at the time it serves its responses and answers.

### **GENERAL OBJECTIONS**

BellSouth makes the following General Objections to Citizens' Fifth Set of Requests for Production of Documents and Second Set of Interrogatories (collectively referred to as "requests") which will be incorporated by reference into BellSouth's specific responses and answers when they are served on Citizens.

1. BellSouth objects to the requests to the extent 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 has interpreted the discovery requests in this docket to apply to BellSouth's regulated intrastate operations in Florida and will limit its responses 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 to produce as irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every request and instruction to the extent that such request 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 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 the Citizens' request will be provided subject to, and without waiver of, the foregoing objection.

5. 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.

6. BellSouth objects to Citizens' 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.

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

8. BellSouth objects to each and every request, insofar as it is unduly burdensome, expensive, oppressive, or excessively time-consuming as written.

9. 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 Citizens requests proprietary confidential business information which is not subject to the "trade secrets" privilege, BellSouth will make such information available to counsel for Citizens

subject to a Protective Agreement in which Citizens agrees to treat the information as confidential and any other general or specific objections contained herein.

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 Florida Public Service 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 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 conducted a search 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.

11. In any instance in which BellSouth agrees to produce documents, they will be produced at a mutually agreeable time and place. In instances in which the documentation is so voluminous that copying or transporting the documents would be burdensome, BellSouth will make the documents available for review upon BellSouth's premises where the documents are located.

Respectfully submitted this 21st day of September, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Robert G. Beatty*

ROBERT G. BEATTY

NANCY B. WHITE

c/o Nancy Sims

150 South Monroe Street, #400

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*William J. Ellenberg II*

WILLIAM J. ELLENBERG II

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**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 21st day of September, 1998, to the following:

Charles J. Beck  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

*Mary K. Keyer*  
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Mary K. Keyer (sw)