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ORIGINAL

September 10, 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 ITC^DeltaCom's First Set of Interrogatories and First Request for Production of Documents, dated August 11, 1999.

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,

E. Earl Edenfield, Jr. (ke)
E. Earl Edenfield, Jr.

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

AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG 1
MAS 2
OPC _____
PAI _____
SEC 1
WAW _____
OTH _____

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CERTIFICATE OF SERVICE
Docket No. 990750-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
U.S. Mail, (+) Hand Delivery and (#) Federal Express this 10th day of September, 1999
to the following:

Diana Caldwell
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E. Earl Edenfield, Jr. (102)
E. Earl Edenfield, Jr.

*Signed a Protective Agreement

ORIGINAL

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: September 10, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES AND
 OBJECTIONS TO ITC^DELTACOM COMMUNICATIONS, INC.'S
FIRST REQUEST FOR PRODUCTION**

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to Rule 28-106.206, *Florida Administrative Code*, and Rules 1.350 and 1.280, *Florida Rules of Civil Procedure*, files the following Responses and Objections to ITC^DeltaCom Communications, Inc.'s ("ITC") First Request for Production served on August 11, 1999.

GENERAL OBJECTIONS

1. BellSouth objects to the 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 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 Florida Public Service Commission ("Commission"). BellSouth will note in its responses each instance where this objection applies.

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3. BellSouth objects to each and every request for production of documents and instruction to the extent that such request for production of documents or instruction calls for information that 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 production of documents insofar as the 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 requests for production of documents will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every request for production of documents insofar as the 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 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 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 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 ITC requests proprietary information that is not subject to the "trade secrets" privilege or to §364.24, BellSouth will make such information

available to ITC at a mutually agreeable time and place upon the execution of a confidentiality agreement.

8. BellSouth objects to ITC'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 request for production of documents, insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written. Any answers provided by BellSouth in response to these requests for production of documents will be provided subject to, and without waiver of, the foregoing objection.

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 Federal Communications Commission ("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 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 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. 1:

All cost studies identified in your answers to ITC^DeltaCom's First Set of Interrogatories to BellSouth.

RESPONSE:

These cost studies are proprietary and will be provided after the execution of the appropriate nondisclosure agreement. ITC already has the cost studies filed on August 16, 1999 in Docket No. 990750-TP.

REQUEST NO. 2:

The most recent TELRIC cost studies prepared by or for BellSouth for UNE cost dockets in Florida (including Florida PSC Docket Nos. 960833-TP/960846-TP and Florida PSC Docket Nos. 960833-TP/960846-TP/960757-TP/971140-TP) that fully complies with methodology and principles as contained in the FCC's August 8, 1996 Order, CC Docket 96-98 and the related Part 51 rules and established as a result of that order. The cost studies should be provided via CD ROM and an executable version of each model that BellSouth relies upon. Please provide the complete working copy of each cost study, including a complete working copy of all computerized models involved in preparing the cost estimate with data intact; a complete set of work papers with all special studies, data sources, all data inputs and assumptions, a description of all cost models and whatever instructions that go along with the models; and a complete set of cost study documentation.

RESPONSE:

See response to Request No. 1, above.

REQUEST NO. 3:

All cost studies for cageless (“unenclosed”) collocation as a result of the FCC’s advanced service order, CC Docket No. 98-147, including a complete working copy of all computerized models involved in preparing the cost estimate with data intact, a complete set of work papers and all special studies, data sources, all data inputs and assumptions; a description of all cost models and whatever instructions that go along with the models; and a complete set of cost study documentation via CD ROM, if available.

RESPONSE:

See Responses to Interrogatory No. 2 and Request No. 1, above.

REQUEST NO. 4:

BellSouth’s recent ADSL FCC tariff filing, Transmittal No. 513, with Exhibits A and B (Proprietary Version) and BellSouth’s ADSL tariff filing that was effective September 8, 1998, with Exhibits A and B (Proprietary Version).

RESPONSE:

BellSouth objects to this Request on the grounds that it seeks information concerning BellSouth’s retail services, which is not relevant to any issue in this proceeding nor is it reasonably calculated to lead to the discovery of admissible evidence. Although the Commission has been asked to arbitrate rates for a certain limited number of unbundled network elements, the rates that a BellSouth end-user customer pays for a BellSouth retail service is irrelevant to this issue because, as the FCC has repeatedly held, unbundled network elements do not have a retail analogue. *See In re: Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, 13 FCC Rcd 20599 ¶ 87 (Oct. 13, 1998); *See In re: Application of BellSouth Corp., et al. Pursuant to Section 271 of the Communications*

Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina, CC Docket 97-208, 13 FCC Rcd 539 ¶¶ 98 (Dec. 24, 1997); and In re: Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Michigan, CC Docket 97-137, 12 FCC Rcd 20543 ¶¶ 141 (Aug. 19, 1997).

Subject to this objection and without waiving this objection, BellSouth, in an effort to be responsive, is attaching copies of BellSouth's publicly available Transmittals Nos. 476 and 513 as filed with the FCC, including appendixes A and B. Transmittal 476 became effective on September 3, 1998, while transmittal 513 became effective July 24, 1999.

Respectfully submitted this 10th day of September 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

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