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Legal Department

MICHAEL P. GOGGIN  
General Attorney

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BellSouth Telecommunications, Inc.  
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Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

RECORDS AND  
REPORTING

September 23, 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. 990691-TP (ICG Arbitration)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Staff's First Request for Production of Documents (Nos. 1 and 2) served on August 19, 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,

*Michael P. Goggin*  
Michael P. Goggin (1/2)

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAE \_\_\_\_\_
- CMU 3
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS 3
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- SEC \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

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

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*[Signature]*  
FPSC-BUREAU OF RECORDS

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**CERTIFICATE OF SERVICE  
Docket No. 990691-TP**

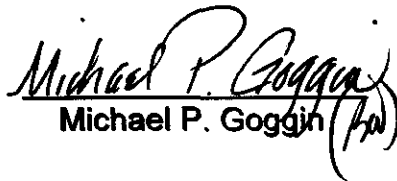
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

(\*) Hand Delivery and U.S. Mail this 23rd day of September, 1999 to the following:

C. Lee Fordham \*  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

ICG Telecom Group, Inc.  
Mr. Carl Jackson  
50 Glenlake Parkway, Suite 500  
Atlanta, GA 30328  
Tel. No. (678) 222-7342  
Fax. No. (678)222-7413  
Represented by McWhirter Law Firm

McWhirter Law Firm  
Joseph McGlothlin  
Vicki Gordon Kaufman  
117 South Gadsden Street  
Tallahassee, FL 32301  
Tel. No. (850) 222-2525  
Fax. No. (850) 222-5606  
Represents ICG

  
Michael P. Goggin (for)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:	)	Docket No. 990691-TP
	)	
Petition by ICG TELECOM GROUP, INC.	)	
for Arbitration of an Interconnection	)	
Agreement with BELLSOUTH	)	
TELECOMMUNICATIONS, INC. Pursuant to	)	
Section 252(b) of the Telecommunications	)	
Act of 1996.	)	
<hr/>		Filed: September 23, 1999

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

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), hereby files, pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340, 1.350 and 1.280, Florida Rules of Civil Procedure, the following Responses and Objections to the Staff of the Florida Public Service Commission ("Staff") First Request for Production served on August 19, 1999.

**GENERAL RESPONSES AND 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 Commission. BellSouth objects to

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such requests for production of documents as being irrelevant, overly broad, unduly burdensome, and oppressive.

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 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 production of documents insofar as it 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 the request. Any answer provided by BellSouth in response to such a request 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 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 Florida Public Service 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 Section 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 Section 364.24, Florida Statutes. To the extent that Staff requests proprietary information that is not subject to the “trade secrets” privilege or to Florida Statutes Section 364.24, BellSouth will make such information available to Staff at a mutually agreeable time and place upon the execution of a confidentiality agreement.

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 request for production of documents, insofar as they are 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 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 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 1: Please provide a copy of BellSouth's "Percent Local Use (PLU) Reporting Guidebook" referred to in Alphonso Varner's direct testimony, page 48, line 24 - page 49, lines 1-3.**


Response: This request seeks information relating to an issue the parties have resolved and, therefore, is no longer a matter for this arbitration.


**Request 2: Please provide the Interconnection Agreements identified in interrogatory 3.d.**

Response: This request seeks information relating to an issue the parties have resolved and, therefore, is no longer a matter for this arbitration.

Respectfully submitted this 23rd day of September, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
\_\_\_\_\_  
NANCY B. WHITE  
MICHAEL P. GOGGIN  
c/o Nancy H. Sims  
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\_\_\_\_\_  
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