

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

ORIGINAL

February 17, 2000
VIA Hand Delivery

RECEIVED-H-PSC
00 FEB 17 PM 2:39
RECORDS AND REPORTING

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.991838-TP

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and 15 copies of:

- BlueStar Networks, Inc.'s Objections to BellSouth Telecommunications, Inc.'s Second Set of Interrogatories (No. 31) and Second Request for Production of Documents (Nos. 19-20); **02207-00**
- BlueStar Networks, Inc.'s Notice of Service of Responses to BellSouth Telecommunications, Inc.'s First Set of Interrogatories (Nos. 1-30) and First Request for Production of Documents (Nos. 1-18); **02208-00**
- BlueStar Networks, Inc.'s Response to BellSouth Telecommunications, Inc.'s Motion to Strike Testimony and Motion for Protective Order or Alternatively Motion to Continue Hearing. **02209-00**

AFA _____
 APP _____
 CAP _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 MAS _____
 OPC _____
 RRR _____
 SSC _____
 TAIN _____
 OTH _____

RECEIVED & FILED
 mlr
 BUREAU OF RECORDS

Please acknowledge receipt of the above on the extra copies enclosed herein and return them to me. Thank you for your assistance.

Yours truly,


Vicki Gordon Kaufman

encls.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:

Petition for Arbitration of BlueStar Networks, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996

Docket No. 991838-TP

Filed: February 17, 2000

**BLUESTAR NETWORKS, INC.'S
OBJECTIONS TO BELLSOUTH TELECOMMUNICATIONS, INC.'S
SECOND SET OF INTERROGATORIES (NO. 31) AND SECOND REQUEST
FOR PRODUCTION OF DOCUMENTS (NOS. 19-20)**

BlueStar Networks, Inc. (BlueStar), pursuant to rules 25-22.034 and 25-22.035, Florida Administrative Code, rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, and Order No. PSC-00-0141-PCO-TP, files the following objections to the Second Set of Interrogatories (No. 31) and the Second Request for Production of Documents (Nos. 19-20) filed by BellSouth Telecommunications, Inc. (BellSouth).

General Objection

1. BlueStar objects to BellSouth's Second Set of Interrogatories and its Second Set of Requests for Production because they are untimely. Order No. PSC-00-0141-PCO-TP requires discovery to be completed in this case by February 24 and sets a 20-day expedited response time. Further, the Order provides no additional time for mailing.

2. BellSouth's second set of discovery was served by mail in February 7, 2000.¹ Recognizing that the Order provides no additional time for mailing, BlueStar's response would be due on February 28, after the discovery cut-off of February 24.

¹ The discovery was served by mail to Florida counsel despite the fact that the certificate of service indicates that it was hand delivered.

3. BellSouth has not sought an extension of the discovery deadline nor has it provided any justification for its late filing. Therefore, BlueStar objects to all discovery in BellSouth's Second Set as untimely.

Specific Objections to Production Requests

4. In addition to the general objection stated above, BlueStar objects to Production Request No. 19 which asks for all documents that relate to collocation space obtained or applied for by BlueStar, including changes, cancellations, firm orders.... All these documents are in BellSouth's custody and control as they are documents BellSouth required BlueStar to provide in the collocation application process. Therefore, it would be harassing and burdensome to require BlueStar to produce the same documents which BellSouth already has in its possession.

5. BlueStar objects to Production Request No. 20 which seeks BlueStar's "business plans and results in Florida." BlueStar objects to this request on the basis that it is irrelevant and that the business plans of BlueStar (who is a competitor of BellSouth) are obviously highly sensitive, proprietary documents. Such information is of great value to BellSouth as a competitor, is treated as confidential by BlueStar, and is irrelevant to any issues in this case.

Vicki Gordon Kaufman

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Davidson
Decker Kaufman Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: 850-222-2525
Telecopier: 850-222-5606

Henry C. Campen
John A. Doyle
Parker, Poe, Adams & Bernstein, LLP
First Union Capitol Center
150 Fayetteville Street Mall, Suite 1400
Raleigh, North Carolina 27602
Telephone: 919-828-0564
Telecopier: 919-834-4564

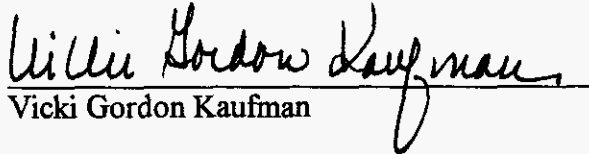
Attorneys for BlueStar Networks, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing BlueStar Networks, Inc.'s Objections to BellSouth Telecommunications, Inc.'s Second Set of Interrogatories (No. 31) and Second Request for Production of Documents (Nos. 19-20) has been furnished by (*) hand delivery, (**) Telefax Transmittal or by U.S. mail to the following parties of record this 17th day of February, 2000:

(*) Donna Clemons
Florida Public Service Commission
Staff Attorney
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

(*)(**) Phil Carver
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, Florida 32399-0850


Vicki Gordon Kaufman