

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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RECORDS AND
REPORTING

In re: Investigation Into)
Pricing Of Unbundled Network)
Elements)

Docket No. 990649-TP
Filed: June 28, 2000

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

INTERMEDIA COMMUNICATIONS INC. ("Intermedia"), through its undersigned
counsel, submits its objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First
Request for Production of Documents ("Document Requests").¹

PRELIMINARY

The federal Telecommunications Act of 1996 (the "1996 Act") requires the incumbent
local exchange carriers ("ILECs") to open their monopoly networks by, among other things,
providing access to piece parts of their facilities, so-called unbundled network elements

Intermedia is a large, multistate corporation with employees and records located in many different
locations in Florida and other states. In the course of its business, Intermedia creates numerous documents
that may not be subject to state or federal record retention policies. 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, although Intermedia has extensively searched its records in response to discovery
requests in this proceeding, it is possible that not every document or information has been identified in
response to these requests. In the event additional information and/or documents should come to light
subsequent to the filing of Intermedia's responses to discovery requests, Intermedia will provide such
additional information and/or documents, as appropriate.

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("UNEs"). Under the Federal Communications Commission's ("FCC") rules, a state commission must set the price for UNEs based on the element's forward-looking Total Element Long Run Incremental Cost ("TELRIC").

In determining the appropriate prices for interconnection and UNEs, it is the ILECs who must show that their prices for interconnection and UNEs are based on forward-looking incremental costs. It is the ILECs' costs—not the costs of the new entrants seeking access to the ILECs' networks—which are relevant for purposes of this exercise. The burden clearly is on the ILECs to demonstrate compliance with the unbundling and pricing standards of the 1996 Act.

To the extent, therefore, that BellSouth improperly seeks to shift the burden in this proceeding to the new entrants by, among other things, inquiring into the new entrants' costs, business plans, investments, and types of services offered, BellSouth runs afoul of applicable law. This the Commission should not condone.

GENERAL OBJECTIONS

1. Intermedia objects to BellSouth's Document Requests to the extent they are overly broad, unduly burdensome, oppressive, and not permitted by the applicable discovery rules.

2. Intermedia objects to BellSouth's Document Requests to the extent they seek information and/or documents that are irrelevant to the subject matter of this proceeding or are not reasonably calculated to lead to the discovery of admissible evidence.

3. Intermedia objects to BellSouth's Document Requests insofar as they are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of the Document Requests.

4. Intermedia objects to BellSouth's Document Requests insofar as they require the production of information and/or documents that are already publicly available and to which BellSouth has easy access.

5. Intermedia objects to BellSouth's Document Requests to the extent they require the production of information and/or documents that are strictly proprietary, competitively sensitive, confidential, or constitutes trade secret.

6. Intermedia objects to BellSouth's Document Requests, instructions, and definitions, insofar as they seek to impose obligations on Intermedia that exceed the requirements of applicable law.

7. Intermedia objects to BellSouth's Document Requests to the extent they seek the production of information and/or documents that are not generally maintained by Intermedia in the ordinary course of business.

8. Intermedia objects to BellSouth's Document Requests insofar as they impose unreasonable expense on Intermedia or are excessively time-consuming.

SPECIFIC OBJECTIONS

2. Produce all documents furnished or provided by ICI or on ICI's behalf to its shareholders, accountants, auditors, creditors, or to stock analysts referring or relating to the economic lives or useful lives used by ICI for depreciation purposes for the switches, cable, and digital circuit equipment ICI uses to provide telephone exchange service or interLATA service in Florida.

RESPONSE: OBJECTION. Intermedia objects to this Document Request on the grounds that it seeks the release of documents that are not relevant to the subject matter of this

proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

Intermedia further objects to this Document Request on the grounds that it is overly broad, unreasonably burdensome, expensive, and time-consuming. Additionally, Intermedia objects to this Document Request on the basis that it requires the production of documents which may contain proprietary and highly sensitive information.

3. Produce all documents furnished or provided by ICI or on ICI's behalf to its shareholders, accountants, auditors, creditors, or to stock analysts referring or relating to the economic lives or useful lives used by ICI for depreciation purposes for fixed wireless equipment ICI uses to provide telephone exchange service or interLATA service in Florida.

RESPONSE: OBJECTION. Intermedia objects to this Document Request on the grounds that it seeks the release of documents that are not relevant to the subject matter of this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence. Intermedia further objects to this Document Request on the grounds that it is overly broad, unreasonably burdensome, expensive, and time-consuming. Additionally, Intermedia objects to this Document Request on the basis that it requires the production of documents which may contain proprietary and highly sensitive information.

4. Produce all documents furnished or provided by ICI or on ICI's behalf to its shareholders, accountants, auditors, creditors, or to stock analysts referring or relating to the economic lives or useful lives used by ICI for depreciation purposes for cable television plant or equipment ICI uses to provide telephone exchange service or interLATA service in Florida.

RESPONSE: OBJECTION. Intermedia objects to this Document Request on the grounds that it seeks the release of documents that are not relevant to the subject matter of this

proceeding and are not reasonably calculated to lead to the discovery of admissible evidence. Intermedia further objects to this Document Request on the grounds that it is overly broad, unreasonably burdensome, expensive, and time-consuming. Additionally, Intermedia objects to this Document Request on the basis that it requires the production of documents which may contain proprietary and highly sensitive information.

Respectfully submitted this 28th day of June, 2000.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was hand delivered to BellSouth c/o Nancy Sims, faxed to GTE c/o Kimberly Caswell and sent via first-class mail on this 28th day of June, 2000 to the following parties:

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