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January 18, 2000

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. 991267-TP (Global NAPS Complaint)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Responses and Objections to Global NAPs' First Request for Production of Documents and Motion for Protective Order, which we ask that you file 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 to the parties shown on the attached Certificate of Service.

Sincerely,

Michael P. Goggin

Michael P. Goggin

(2x)

AFA _____
APP _____
CAF _____
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CTR _____
EAG _____
LEG 1
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SEC 1
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OTH _____

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

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:) Docket No. 991267-TP
)
 Complaint of Global NAPs, Inc., against)
 BellSouth Telecommunications, Inc. for)
 Enforcement of Section VI(B) of its)
 Interconnection Agreement with BellSouth)
 Telecommunications, Inc. and Request for Relief)
 _____) Filed: January 18, 2000

**BELLSOUTH TELECOMMUNICATIONS, INC.'s
 RESPONSES AND OBJECTIONS TO GLOBAL NAPs'
 FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
 AND MOTION FOR PROTECTIVE ORDER**

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 the First Request for Production of Documents served by Global NAPs, Inc. ("Global NAPs") on December 17, 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 Commission. BellSouth objects to

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 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 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 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 Global NAPs requests proprietary information that is not subject to the “trade secrets” privilege or to §364.24, BellSouth will make such information available to Global NAPs at a mutually agreeable time and place upon the execution of a confidentiality agreement, or subject to a Request for Confidential Classification.

8. BellSouth objects to Global NAPs' 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 any of them is 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 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.

MOTION FOR TEMPORARY PROTECTIVE ORDER

1. BellSouth objects to each and every request to the extent that the information requested constitute “trade secrets” which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that Global NAPs’ requests request proprietary confidential business information which is not subject to the “trade secrets” privilege, BellSouth will make such information available to counsel for Global NAPs pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

SPECIFIC RESPONSES AND OBJECTIONS TO REQUEST FOR PRODUCTION OF DOCUMENTS

Subject to, and without waiver of, the foregoing general responses, BellSouth enters the following specific responses and objections with respect to Global NAPs’ requests:

Request for Production No. 1: Please produce all documents discussing or otherwise addressing how Internet Service Provider (ISP)-bound traffic should be treated under the Interconnection Agreements Between BellSouth Telecommunications, Inc., and Alternative Local Exchange Carriers (ALECs) for purposes of being subject to reciprocal Compensation.

Specific Objection: With respect to Request No. 1, BellSouth objects to this request on grounds that information concerning interconnection agreements other than the agreement between BellSouth and Global NAPs is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence related

to the issues in this case. BellSouth also objects to this request in that it is overly broad, unduly burdensome and oppressive. BellSouth currently has approximately 302 Interconnection Agreements

Request for Production No. 2: Please produce all that were created prior to or contemporaneous with your negotiations with ITC DeltaCom regarding the Interconnection Agreement Between DeltaCom, Inc. and BellSouth Telecommunications, Inc. dated July 1, 1997, and subsequent amendments thereto, (hereafter DeltaCom Agreement), that relate to how ISP-bound [traffic] should be treated for compensation under the DeltaCom Agreement.

Specific Objection: With respect to Request No. 2, BellSouth objects to this request on the grounds that the DeltaCom agreement is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence related to the issues in this case.

Request for Production No 3: Please produce all documents that reflect how much compensation would be due to GNAPs for the period beginning January 18, 1999 to January 18, 2000, if ISP-bound traffic is treated as local traffic under the DeltaCom Agreement that was adopted by GNAPs.

Specific Response: With respect to Request No. 3, BellSouth will make responsive documents that are in its possession, custody and control available for review at its office in Tallahassee subject to the Motion for Temporary Protective Order set forth above

Request for Production No. 4: Please produce all documents prepared by BellSouth's outside consultants or by BellSouth employees regarding how ISP-bound traffic is to be treated for reciprocal compensation purposes under the terms of the Adoption Agreement dated January 18, 1999, under which Global NAPs adopted the DeltaCom Agreement.

Specific Objection: With respect to Request No. 4, BellSouth objects to this request as overbroad and unduly burdensome. In an attempt to be responsive, and without waiving its objections to this request, BellSouth responds as follows:

Specific Response: There are no documents "prepared by BellSouth's outside consultants" responsive to this request. The documents prepared by BellSouth employees responsive to this request are being provided.

Request for Production No. 5: Please produce all documents that support BellSouth's position regarding the existence of material facts in this case.

Specific Response: With respect to Request No. 5, there are no documents "prepared by BellSouth's outside consultants" responsive to this request. The documents prepared by BellSouth employees responsive to this request are being provided.

Request for Production No. 6: Produce all documents that reflect "the standard reciprocal compensation language (clarifying BellSouth's long-standing position that reciprocal compensation is not due for ISP traffic)" as that term is used in your response to GNAPs' complaint in this case.

Specific Objection: With respect to Request No. 6, BellSouth objects to this request as overbroad and unduly burdensome. In an attempt to be

responsive, and without waiving its objections to this request, BellSouth responds as follows:

Specific Response: Attached please find copies of the relevant sections of the various versions of the BellSouth Standard Interconnection Agreement which contains the “standard reciprocal compensation language.” Interconnection agreements entered into by ALECs with this language are a matter of public record.

Request for Production No. 7: Produce all documents that mention, relate to, or otherwise concern the treatment of ISP-bound traffic for compensation purposes.

Specific Objection: With respect to Request No. 7, BellSouth objects to this request in that it is overly broad and, therefore, burdensome and oppressive. BellSouth also objects to this request on grounds that documents concerning the treatment of ISP-bound traffic for compensation purposes under interconnection agreements under which Global NAPs’ agreement with BellSouth is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence related to the issues in this case.

Respectfully submitted this 18th day of January, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

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193321

CERTIFICATE OF SERVICE
Docket No. 991267-TP

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

(*) Hand Delivery and U.S. Mail this 18th day of January, 2000 to the following:

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