

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:) Docket No. 991534-TP
)
 Request for Arbitration Concerning Complaint of)
 Intermedia Communications, Inc. against BellSouth)
 Telecommunications, Inc. for breach of terms of)
 Interconnection Agreement under Sections 251 and)
 252 of the Telecommunications Act of 1996, and)
 Request for relief.)
) Filed: May 17, 2000

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

BellSouth Telecommunications, Inc. ("BellSouth"), files pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Responses to Intermedia Communications, Inc.'s ("Intermedia") First Request for Production of Documents, dated April 17, 2000.

GENERAL OBJECTIONS AND RESPONSES

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

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

8. BellSouth objects to the Commission’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 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.

GENERAL RESPONSES

1. With regard to Intermedia's definition of "document", BellSouth has made a diligent, good faith attempt to locate documents responsive to the scope of Intermedia's individual requests for documents.

2. In any instance in which BellSouth agrees to produce responsive documents, they will be produced at a mutually agreeable time and place.

3. The following Specific Responses are given subject to the above-stated General Responses and Objections, and the objections previously served and filed.

**SPECIFIC RESPONSES AND OBJECTIONS TO REQUEST FOR
PRODUCTION OF DOCUMENTS**

1. Produce any and all documents related to any and all events and circumstances that directly or indirectly gave rise to the MTA Amendment. See Interrogatory 2, 1st Set.

Specific Response: In response to Request for Production No. 1, see BellSouth's responses to Request for Production Nos. 3, 4, and 12.

2. Produce any and all documents, including electronic documents, related in any way to any and all internal BellSouth meetings prior to the execution of the MTA Amendment in which the MTA Amendment and matters related to it were discussed, including, but not limited to, memoranda memorializing the substance of and the participants in such meetings. See Interrogatory 3, 1st Set.

Specific Response: In response to Request for Production No. 2, BellSouth has no documents in its possession, custody or control.

3. Produce all documents related in any way to any and all meetings between Intermedia and BellSouth, face-to-face or telephonic, preceding the execution of the MTA Amendment in which the MTA Amendment and matters related to it were discussed, including, but not limited to, memoranda memorializing the substance of and the participants in such meetings. See Interrogatory 4, 1st Set.

Specific Response: In response to Request for Production No. 3, BellSouth is uncertain of whether or not Intermedia is in receipt of the document entitled "Interconnection Reference Guide on New (6-30-97) Architecture options", therefore in an abundance of caution BellSouth will provide responsive documents.

4. Produce any and all documents related in any way to BellSouth's allegation that Intermedia requested that the parties' interconnection agreement be amended to make multiple tandem access arrangements available to Intermedia. See Interrogatory 5, 1st Set.

Specific Response: In response to Request for Production No. 4, BellSouth will provide responsive documents.

5. Produce any and all documents that tend to support BellSouth's theory that elemental rates established by the Florida Commission in Docket Nos. 960833-TP and 960846-TP, Order No. PSC-96-1579-FOF-TP, are applicable to the payment of reciprocal compensation for the exchange of all local traffic between Intermedia and BellSouth. See Interrogatory 6, 1st Set.

Specific Response: In response to Request for Production No. 5, see BellSouth's responses to Request for Production Nos. 4 and 12.

6. Produce any and all documents that support BellSouth's allegation that Intermedia agreed that the elemental rates established by the Florida Commission in Docket Nos. 960833-TP and 960846-TP, Order No. PSC-96-1579-FOF-TP would be applicable to the payment of reciprocal compensation for the exchange of all local traffic between Intermedia and BellSouth. See Interrogatory 7, 1st Set.

Specific Response: In response to Request for Production No. 6, see BellSouth's responses to Request for Production Nos. 4 and 12.

7. Produce any and all documents that relate in any way to Intermedia requests or orders, if any, for multiple tandem access network arrangements in Florida and to BellSouth's provisioning of multiple tandem access arrangements pursuant to such Intermedia requests or orders. See Interrogatory 12, 1st Set.

Specific Response: In response to Request for Production No. 7, BellSouth has no documents in its possession, custody or control.

8. If Intermedia has requested or ordered multiple tandem access in Florida and if BellSouth has provisioned multiple tandem access pursuant to Intermedia's request or order, produce any and all documents that identify all Intermedia and BellSouth employees and representatives who were involved in any way with the request(s) or order(s) and with the provisioning(s). See Interrogatory 12, 1st Set.

Specific Response: In response to Request for Production No. 8, BellSouth has no documents in its possession, custody or control.

9. If BellSouth has provisioned multiple tandem access anywhere within its interconnection network arrangements with Intermedia in Florida in the absence of Intermedia's request or order, produce any and all documents that relate in any way to BellSouth's decision to do so and that relate in any way to the provisionings. See Interrogatory 12, 1st Set.

Specific Response: In response to Request for Production No. 9, BellSouth has no documents in its possession, custody or control.

10. If BellSouth has provisioned multiple tandem access in Florida for competitive carriers other than Intermedia pursuant to request, provide any and all documents that substantiate such requests and provisionings. See Interrogatory 14, 1st Set.

Specific Objection: In response to Request for Production No. 10, BellSouth objects to this Request for Production to the extent the information requested is proprietary, customer specific information. The Commission has always zealously protected customer specific information in order to protect the customer's privacy and prevent a competitor of the customer from obtaining an unfair advantage. Furthermore, the information sought is not relevant to this proceeding.

11. If BellSouth has provisioned multiple tandem access anywhere within its interconnection network arrangements with competitive carriers other than Intermedia in Florida in the absence of such other carrier's request or order, produce any and all documents that relate in any way to BellSouth's decision to do so and that relate in any way to the provisionings.

Specific Objection: In response to Request for Production No. 11, BellSouth objects to this Request for Production to the extent the information requested is proprietary, customer specific information. The Commission has always zealously protected customer specific information in order to protect the customer's privacy and prevent a competitor of the customer from obtaining an unfair advantage. Furthermore, the information sought is not relevant to this proceeding.

12. Produce any and all documents of any kind that relate in any way to any and all communications of any kind between BellSouth and Intermedia prior to BellSouth's application of the MTA Amendment rates in rendering payment to Intermedia against Intermedia's invoices for reciprocal compensation in Florida. See Interrogatory 17, 1st Set.

Specific Response: In response to Request for Production No. 12, BellSouth will provide responsive documents.

13. Produce any and all documents that relate in any way to meetings and other communications between BellSouth and Intermedia concerning blockage or congestion or traffic delivered by Intermedia to BellSouth for termination to BellSouth end users in the Jacksonville, Orlando, and Miami serving areas. See Interrogatory 19, 1st Set.

Specific Response: In response to Request for Production No. 13, BellSouth has no documents in its possession, custody or control.

14. Produce any and all documents that relate in any way to any and all meetings and other communications between BellSouth and Intermedia concerning the manner in which Intermedia's network was to be interconnected with BellSouth's network in the Jacksonville, Orlando, and Miami serving areas for purposes of handling local traffic exchange, including, but not limited to, requests for proposal, proposals, designs and specifications, purchase orders, purchase order confirmations, deployment work orders, and deployment confirmations. See Interrogatory 20, 1st Set.

Specific Response: In response to Request for Production No. 14, BellSouth has no documents in its possession, custody or control.

15. Produce any and all documents that relate in any way to any and all meetings and other communications between BellSouth and Intermedia concerning changes to the manner in which Intermedia's network was interconnected with BellSouth's network in the Jacksonville, Orlando, and Miami serving areas for purposes of handling local traffic exchange, including, but not limited to, requests for proposal, proposals, designs and specifications, purchase orders, purchase order confirmations, deployment work orders and deployment confirmations. See Interrogatory 20, 1st Set.

Specific Response: In response to Request for Production No. 15, BellSouth has no documents in its possession, custody or control.

16. Produce any and all documents that relate in any way to any and all internal BellSouth meetings subsequent to the MTA Amendment convened for any purpose related to the MTA Amendment, including, but not limited to, memoranda memorializing the substance of and the participants in such meetings. See Interrogatory 18, 1st Set.

Specific Objection: BellSouth objects to this request on the grounds that this information is protected by the attorney/client privilege.

Respectfully submitted this 17th day of May, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

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**CERTIFICATE OF SERVICE
Docket No. 991534-TP**

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

(*) Hand Delivery and U.S. Mail this 17th day of May, 2000 to the following:

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(+) **Signed Protective Agreement**