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MICHAEL P. GOGGIN  
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BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

RECORDS AND  
REPORTING

August 13, 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 Objections to ICG Telecomm Group, Inc.'s First Set of Interrogatories and First Request for Production of Documents, which we ask that you file in the above-referenced matter.

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

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

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RPL \_\_\_\_\_  
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REC'D-RECORDS/REPORTING

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

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

U.S. Mail this 13th day of August, 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  
117 South Gadsden Street  
Tallahassee, FL 32301  
Tel. No. (850) 222-2525  
Fax. No. (850) 222-5606  
Represents ICG

  
Michael P. Goggin  
Michael P. Goggin

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.	)	
_____	)	Filed: August 13, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
 OBJECTIONS TO ICG'S  
 FIRST SET OF INTERROGATORIES AND  
FIRST REQUEST FOR PRODUCTION**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), hereby files, pursuant to Rule 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, the following Objections to the ICG Telecom Group, Inc.'s ("ICG") First Set of Interrogatories and First Request for Production served on July 21, 1999.

The objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the 10-day requirement set forth in the procedural order issued by the Florida Public Service Commission ("Commission") in the above-captioned docket. Should additional grounds for objection be discovered as BellSouth prepares its answers to the above-referenced interrogatories and requests for production of documents, BellSouth reserves the right to supplement, revise, or modify its objections at the time it serves its answers. Moreover, should BellSouth determine that a Protective Order is necessary with respect to any of the requested information, BellSouth

reserves the right to file a motion with the Commission seeking such an order at the time that it serves its answers.

### **GENERAL OBJECTIONS**

1. BellSouth objects to the interrogatories and 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 interrogatories and 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 interrogatories and requests for production of documents as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. BellSouth objects to each and every interrogatory and request for production of documents and instruction to the extent that such interrogatory and 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 interrogatory and request for production of documents insofar as the interrogatories and requests 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 interrogatories and requests for production of documents will be provided subject to, and without waiver of, the foregoing objection.

5. BellSouth objects to each and every interrogatory and request for production of documents insofar as the interrogatory or 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 interrogatory and 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 interrogatory and 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 ICG 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 ICG at a mutually agreeable time and place upon the execution of a confidentiality agreement.

8. BellSouth objects to ICG'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 interrogatory and 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 interrogatories and 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 interrogatories and requests for production of documents purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

Respectfully submitted this 13th day of August, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Nancy B. White*

NANCY B. WHITE  
MICHAEL P. GOGGIN

(for)

c/o Nancy H. Sims  
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*R. Douglas Lackey*

R. DOUGLAS LACKEY  
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