



ORIGINAL

Florida Cable Telecommunications Association

Steve Wilkerson, President

VIA HAND DELIVERY

February 28, 2001

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
01 FEB 28 PM 4:53
RECORDS AND REPORTING

RE: Docket No. 000075-TP

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and one copy of the Florida Cable Telecommunications Association's Motion for Protective Order and Response in Opposition to BellSouth Telecommunications, Inc.'s Emergency Global Motion to Compel.

Copies of the Motion and Response have been served on the parties of record pursuant to the attached certificate of service. Please acknowledge receipt of filing of the above by stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in processing this filing. Please contact me with any questions.

Sincerely,

Michael A. Gross
Vice President, Regulatory Affairs &
Regulatory Counsel

- APP _____
- CAF _____
- CMP _____
- COM 5
- CTR _____
- ECR _____
- LEG 1
- OPC _____
- PAI _____
- RGO _____
- SEC 1
- SER _____
- OTH _____

MAG/mj
Enclosure
cc: All Parties of Record

RECEIVED & FILED
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE
02740 FEB 28 01
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Cable Telecommunications Association's Motion for Protective Order and Response in Opposition to BellSouth's Emergency Global Motion to Compel in Docket 000075-TP has been served upon BellSouth by hand delivery, and the other parties by U.S. Mail this 28th day of February, 2001:

Kimberly Caswell, Esquire
GTE Florida Incorporated
P.O. Box 110, FLTC0007
Tampa, FL 33601

Peter M. Dunbar, Esquire
Marc W. Dunbar, Esquire
Pennington, Moore, Wilkinson, Bell &
Dunbar, P.A.
P.O. Box 10095
Tallahassee, FL 32302-2095

Carolyn Marek
Vice President of Regulatory Affairs
Southeast Region
Time Warner Communications
2333 Bramerton Court
Franklin, Tennessee 37069

Kenneth A. Hoffman, Esq.
Martin McDonnell, Esq.
Rutledge, Ecenia, Purnell & Hoffman,
P.A.
Allegiance Telecom of Florida, Inc.
MediaOne Florida Telecommunications
AT&T Communications of the Southern
States
P.O. Box 551
Tallahassee, FL 32302-0551

Messer Law Firm
Norman Horton, Jr.
215 S. Monroe Street, Suite 701
Tallahassee, FL 32301

Nancy H. Sims
BellSouth Telecommunications, Inc.
150 S. Monroe Street, Suite 400
Tallahassee, FL 32301-1556

Marsha Rule
AT&T Communications of the Southern
States, Inc.
101 N. Monroe St., Suite 700
Tallahassee, FL 32301-1549

Donna Canzano McNulty
MCI WorldCom
325 John Knox Road, Suite 105
Tallahassee, FL 32301

Intermedia Communications, Inc.
c/o Kelley Law Firm
Jonathan Canis
1200 19th Street NW, Fifth Floor
Washington, DC 20036

Nanette Edwards
ITC DeltaCom
4092 S. Memorial Parkway
Huntsville, Alabama 35802

Supra Telecom
Doris Franklin/Mark Buechele
1311 Executive Center Drive, Suite 200
Tallahassee, FL 32301

US LEC of Florida, Inc.
Wanda Montano
401 N. Tryon Street, Suite 1000
Charlotte, NC 28202

Wiggins Law Firm
Charlie Pellegrini/Patrick Wiggins
P.O. Drawer 1657
Tallahassee, FL 32302

e.spire Communications, Inc.
James C. Falvey, Esq.
133 National Business Parkway, Suite
200
Annapolis Junction, MD 20701

Global NAPS, Inc.
10 Merrymount Road
Quincy, MA 02169

Moyle Law Firm
Jon Moyle/Cathy Sellers
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

Sprint-Florida, Inc.
Charles J. Rehwinkel/Susan Masterton
P.O. Box 2214
MS: FLTLH00107
Tallahassee, FL 32316-2214

Mr. Woody/Traylor
Broadband Office
Communications, Inc.
2900 Telestar Court
Falls Church, VA 22042-1206

Jill Butler
Cox Communications
4585 Village Avenue
Norfolk, VA 23502-2035

Charles Hudak
Ronald V. Jackson
Gerry Law Firm
3 Ravinia Dr., #1450
Atlanta, GA 30346-2131

Scott Sapperstein
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, FL 33619-1309

Genevieve Morelli
Kelley Law Firm
1200 19th St., NW, Suite 500
Washington, DC 20036

Scheffel Wright
Landers Law Firm
P.O. Box 271
Tallahassee, FL 32302

John McLaughlin
KMC Telecom, Inc.
1755 North Brown Road
Lawrenceville, GA 33096

Michael R. Romano
Level 3 Communications, LLC
1025 Eldorado Blvd
Bloomfield, CO 80021-8869

Dana Shaffer
XO Communications, Inc.
105 Molly Street
Suite 300
Nashville, TN 37201-2315



Michael A. Gross

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into appropriate methods
to compensate carriers for exchange of)
traffic subject to Section 251 of the)
Telecommunications Act of 1996.)
_____)

Docket No. 000075-TP

Filed: February 28, 2001

**FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION'S MOTION FOR
PROTECTIVE ORDER AND RESPONSE IN OPPOSITION TO BELLSOUTH
TELECOMMUNICATIONS, INC.'S EMERGENCY GLOBAL MOTION TO COMPEL**

The Florida Cable Telecommunications Association, Inc. ("FCTA"), moves for a Protective Order under Florida Rule of Civil Procedure 1.280(c), and files its Response in Opposition to BellSouth Telecommunications, Inc.'s ("BellSouth") Emergency Global Motion to Compel pursuant to Florida Administrative Code Rule 28-106.204(1), and states:

1. A review of BellSouth's motion discloses that BellSouth is seeking to compel the FCTA to respond to only one discovery item, Interrogatory No. 4.
2. Interrogatory No. 4 and the FCTA's objection are set forth below:

INTERROGATORY NO. 4

Identify all documents which refer or relate to any issue raised in Phase I of the Generic ISP Proceeding.

ANSWER

The FCTA objects to this Interrogatory on the grounds that it is unduly broad, vague, unduly burdensome, unreasonably expensive, oppressive, and excessively time consuming. Essentially, this Interrogatory is so broad and vague that FCTA is unable to frame an answer.

3. Florida Rule of Civil Procedure 1.280(c) permits a party to seek protection from annoyance, embarrassment, oppression, or undue burden or expense that justice requires, and provides several remedies, including that the discovery not be had.

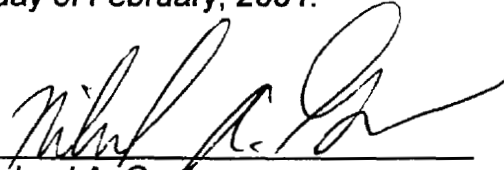
4. It should be noted that the FCTA has answered Interrogatory No. 3 identifying all documents which refer or relate to any issues raised in the generic ISP proceeding that were provided or made available to any expert sponsored by the FCTA. Second, the FCTA has answered Interrogatory No. 5 identifying all documents upon which the FCTA intends to rely or introduce into evidence at the hearing on this matter. Third, the FCTA has answered Interrogatory No. 17 and Interrogatory No. 19 identifying a substantial number of state and federal legal authorities that support the FCTA's contention that traffic to ISPs is local traffic.

5. Interrogatory No. 4 is simply so broad and vague that the FCTA is unable to frame an answer. In the absence of further specificity, the FCTA is unable to determine precisely what documents BellSouth is seeking the FCTA to identify which have not already been covered in Interrogatories Nos. 5, 17 and 19.

6. The FCTA objects to the extent that BellSouth is requesting internal memoranda and communications that are protected by the attorney client-privilege and the attorney work product privilege.

WHEREFORE, the FCTA respectfully requests the prehearing officer to enter an appropriate Protective Order pursuant to Florida Rule of Civil Procedure 1.280(c), and to deny BellSouth's Emergency Global Motion to Compel as to the FCTA, with prejudice.

Respectfully submitted this 28th day of February, 2001.

A handwritten signature in black ink, appearing to read "Michael A. Gross", written over a horizontal line.

Michael A. Gross
Vice President, Regulatory Affairs
& Regulatory Counsel
Florida Cable Telecommunications Association
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303
Tel: 850/681-1990
Fax: 850/681-9676
mgross@fcta.com