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December 3, 2002

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COMMISSION
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Mrs. Blanca S. Bayó
Director, Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 020119-TP
**Petition of Florida Digital Network, Inc. for Expedited Review and
Cancellation of BellSouth Telecommunications, Inc.'s Key Customer
Promotional Tariffs and For an Investigation of BellSouth
Telecommunications, Inc.'s Promotional Pricing and Marketing Practices**

Docket No.: 020578-TP
**Petition for Expedited Review and Cancellation of BellSouth
Telecommunications, Inc's Key Customer Promotional Tariffs**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications,
Inc.'s Motion to Compel, which we ask that you file in the captioned dockets.

A copy of this letter is enclosed. Please mark it to indicate that the original was
filed and return a copy to me. Copies have been served to the parties shown on the
attached certificate of service.

Sincerely,

Meredith E. Mays

Meredith E. Mays (KA)

Enclosures

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

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**CERTIFICATE OF SERVICE
DOCKET NO. 020119-TP and 020578-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and U.S. Mail this 3rd day of December 2002 to the following:

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Attys. for FCCA


Meredith E. Mays (ICA)

(+) Signed Protective Agreement

000987

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited review)	
And Cancellation of BellSouth Telecommunications,)	
Inc.'s Key Customer Promotional Tariffs and)	
For an Investigation of BellSouth's Promotional)	Docket No. 020119-TP
Pricing and Marketing Practices by)	
Florida Digital Network, Inc.)	

In re: Petition for expedited review and)	
Cancellation of BellSouth Telecommunications, Inc.'s)	Docket No.020578-TP
Key Customer Promotional Tariffs by)	
Florida Competitive Carriers Association)	
)	Filed: December 3, 2002

BELLSOUTH TELECOMMUNICATIONS, INC.'S
MOTION TO COMPEL

I. INTRODUCTION

BellSouth Telecommunications, Inc. ("BellSouth") files this motion seeking an order from the Florida Public Service Commission ("Commission") compelling the Florida Competitive Carriers Association ("FCCA") to respond fully and completely to BellSouth's First Set of Interrogatories and BellSouth's First Requests for Production of Documents (collectively "discovery"). On October 17, 2002, BellSouth served interrogatories and requests for production on FCCA seeking to discover information concerning limited service offerings (Interrogatory 6, Document Request 6), and resale of promotions (Interrogatory 16, Document Request 17). Although directly relevant to the issues that the Commission will hear during this proceeding, which is scheduled to begin on Wednesday, January 8, 2002, FCCA objected to BellSouth's discovery.

In order to avoid having to involve the Commission in discovery issues, BellSouth attempted to resolve this discovery dispute informally. BellSouth emailed counsel for FCCA

DOCUMENT NUMBER-DATE

13201 DEC-3 2002

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FPSC-COMMISSION CLERK

seeking responses to BellSouth's discovery requests. See Exhibit 1. To date, FCCA has not responded to BellSouth's email. This Commission, therefore, should grant BellSouth's motion to compel and order FCCA to prepare complete responses to BellSouth's discovery requests as more fully discussed below.

II. DISCUSSION

On October 17, 2002 BellSouth served comprehensive interrogatories and requests for production on various parties in this proceeding that generally were designed to discover information relevant to BellSouth's defense in this case, to rebut ALECs' contentions concerning BellSouth's promotional offerings, and to test the sufficiency of the allegations upon which the FCCA bases its claims of standing. Included in these interrogatories and requests for production were the following:

6. Please state whether you and/or any of your members have made any local exchange offerings available to Florida end users for a limited time only (i.e. in order to avail itself of the offer, the end user was required to sign up for or otherwise accept the offer before a given date or within a given amount of time after the offer was extended). (b) If your response to (a) is anything other than an unqualified "no," please describe each such limited-time offer in detail and identify any and all documents associated with each such limited-time offer (including without limitation tariffs, documents sent to or filed with the Commission and/or its Staff; contracts, etc.).

16. If any member of FCCA has ever had any contact with BellSouth regarding the resale of any BellSouth promotional tariff offering in the state of Florida, please: (a) State the date, time, and manner (i.e. e-mail, letter, face-to-face conversation, telephone conversation, etc.) of each such contact; (b) identify with specificity the BellSouth promotional tariff offering that was the subject of the contact; (c) Identify with specificity (including without limitation name, address, and telephone number) the BellSouth representative that you or your members contacted regarding such contact; (d) Identify with specificity (including without limitation name, address, and telephone number) the person who made the contact on you or your member's behalf; (e) Describe in detail each and every communication between you or your members and BellSouth's representatives with regard to the resale of the BellSouth promotional tariff offering; and (f) Produce all documents associated with each such contact.

Requests for Production Numbers 6, [and 17]: Please produce all documents that are identified in or that support your response to BellSouth's First Set of Interrogatories, Item[s] No. 6, [and 16].

FCCA lodged various objections to providing the requested information, asserting generally that: (1) BellSouth seeks information about the FCCA's member companies that it does not have; (2) that the discovery is an impermissible attempt to seek discovery from members who are not parties to the case; and (3) that the discovery is not relevant. *See* Exhibit 2, FCCA's Objections to BellSouth's First Interrogatories and First Request for Production of Documents.

Rule 1.280 of the Florida Rules of Civil Procedure applies to the use of discovery before this Commission and provides that "[p]arties may obtain discovery regarding *any matter*, not privileged, that is relevant to the subject matter of the pending action, *whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party*, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." *See* F.S.A. § 366.093(2); *also* Rule 1.280, Florida Rules of Civil Procedure. Moreover, "[t]he discovery rules are to be liberally construed so as to permit any form of discovery within the scope of the rules." *Weyant v. Rawlings*, 389 So.2d 710, 711 (Fla. Dist. Ct. App. 1980); *see also Jones v. Seaboard Coast Line Railroad Co.*, 297 So. 2d 861, 863 (Fla. Dist. Ct. App. 1974) ("discovery rules are to be liberally construed to accomplish their purpose. In other words, litigation should no longer proceed as a game of 'blind man's bluff.'").

FCCA cannot realistically contend that BellSouth's discovery is not relevant since BellSouth is fully entitled to request information relating to *defenses* and relating to information that *may lead to the discovery of admissible evidence*. Moreover, FCCA's Petition claims "FCCA members provide competitive local telecommunications services in BellSouth's territory. As such, their substantial interests are affected significantly by BellSouth's . . . behavior." See Petition, "Substantial Interests." Rather than demonstrate the validity of its "substantial interests" however, FCCA failed to present BellSouth with information responsive to its discovery requests. BellSouth should not be forced to request assistance from the Commission based upon FCCA's failure to take seriously its discovery obligations, and the Commission should reject the FCCA's attempt to hide behind unfounded discovery objections.

The relevance of BellSouth's discovery is readily apparent by briefly reviewing the pre-filed direct testimony of FCCA's witness, Ms. Danyelle Kennedy. Ms. Kennedy claims that "Network Telephone, and likely other ALECs, would never be able to match the promotional pricing being offered by BellSouth and stay in business." She also testified "BellSouth's promotions seriously hampered NTC's ability to compete in the marketplace. It was necessary for NTC to counter with promotions" (Direct testimony, pp. 4, 7). Interrogatory 6 is directly relevant to these claims. Interrogatory 6 requests information concerning offers available for limited times. If FCCA members offer limited promotions, then BellSouth is entitled to such information to demonstrate the reasonableness of its offerings, which offerings resulted from the pressures of the competitive marketplace.

Resale is the topic of Interrogatory 16. Once again, the direct testimony of Ms. Kennedy illustrates the relevance of this information, as she dedicates pages 14-16 of her direct testimony to the topic of resale. BellSouth is entitled to ascertain from FCCA members specific facts

concerning resale, including whether any FCCA members have had any substantive discussions with BellSouth about the resale of the promotional offerings at issue in this case. Thus, this information is relevant, notwithstanding FCCA's arguments to the contrary.

The FCCA also objected to BellSouth's discovery to the extent information was sought from member companies. This objection is without basis. This Commission addressed a similar situation in Docket No. 910980-TL, Order No. PSC-92-0112-TL. There, discovery requests were served upon the Florida Cable Television Association ("FCTA"). The discovery requests included information related to the nature of the services provided by the members of the FCTA. This Commission found that "[w]ith respect to the information sought . . . pertaining to the services provided by the members of the FCTA that may be in competition with planned or future video services provided by United, such information is relevant to the allegations of competitive standing and the scope of the FCTA's participation in the proceeding." *See* Exhibit 1 (a copy of the Commission's Order was attached to the email to counsel for FCCA). The Commission should disallow the FCCA's attempt to shield its member companies from responding to legitimate discovery requests, just as it did in Order No. PSC-92-0112-TL, and require full and complete responses.

The FCCA also objected to Interrogatory 16 on grounds that it was "unduly burdensome." This unsubstantiated claim that responding to BellSouth's discovery requests would be "unduly burdensome" cannot be sustained because such claims "have little meaning without substantive support." *First City Development of Florida, Inc. v. The Hallmark of Hollywood Condominium Association, Inc.*, 545 So. 2d 502 (Fla. Dist. Ct. App. 1989) (a party objecting to discovery on grounds that a request is unduly burdensome "must be able to show the volume of documents, or the number of man-hours required in their production, or some other

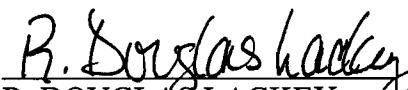
quantitative factor that would make it so"). Here, the FCCA has not made any quantitative showing to support its claims of "undue burden" and the Commission should reject it.

III. CONCLUSION

BellSouth respectfully requests that the Commission grant its Motion To Compel and order FCCA to fully and complete respond to its First Interrogatories 6, and 16 and related document requests. BellSouth further requests that the Commission require responses in advance of the hearing in this case so that BellSouth may utilize the discovery responses in presenting its defense to the Commission.

Respectfully submitted this 3rd day of December 2002.


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COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.

**BellSouth's Motion to Compel
Exhibit 1**


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e-mail to: Joseph McGlothlin

BellSouth has served you with its First Set of Interrogatories and its First Requests for Production of Documents. BellSouth has received objections to the following two Interrogatories and the corresponding Requests for Production of Documents, which are particularly relevant to this proceeding:

6. Please state whether you and/or any of your members have made any local exchange offerings available to Florida end users for a limited time only (i.e. in order to avail itself of the offer, the end user was required to sign up for or otherwise accept the offer before a given date or within a given amount of time after the offer was extended). (b) If your response to (a) is anything other than an unqualified "no," please identify the entity and describe each such limited-time offer in detail and produce any and all documents associated with each such limited-time offer (including without limitation tariffs, documents sent to or filed with the Commission and/or its Staff; contracts, etc.).

16. If any member of FCCA has ever had any contact with BellSouth regarding the resale of any BellSouth promotional tariff offering in the state of Florida, please: (a) State the date, time, and manner (i.e. e-mail, letter, face-to-face conversation, telephone conversation, etc.) of each such contact; (b) identify with specificity the BellSouth promotional tariff offering that was the subject of the contact; (c) Identify with specificity (including without limitation name, address, and telephone number) the BellSouth representative that you or your members contacted regarding such contact; (d) Identify with specificity (including without limitation name, address, and telephone number) the person who made the contact on you or your member's behalf; (e) Describe in detail each and every communication between you or your members and BellSouth's representatives with regard to the resale of the BellSouth promotional tariff offering; and (f) Produce all documents associated with each such contact.

 You objected to these requests claiming, in relevant part, that it "requests information about the FCCA's member companies that is not in its possession or control." This objection is without basis. In Docket No. 910980-TL, Order NO. PSC-92-0112-TL, the Florida Commission granted in part a motion to compel against the Florida Cable Television Association ("FCTA") that sought information relating to certain FCTA members. I have attached for your information a copy of this order. Accordingly, BellSouth requests your full responses to interrogatories 6 and 16 as well as to the related document requests by or before noon on Wednesday, November 20, 2002. If your client does not intend to respond to the discovery listed above then BellSouth will have no alternative than to file the appropriate motion with the Florida Commission. If you would like to discuss this matter, please call me at 404-335-0750 or send me an e-mail.

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4TH CASE of Level 1 printed in FULL format.

In re: Application for a rate increase by UNITED TELEPHONE
COMPANY OF FLORIDA

DOCKET NO. 910980-TL; ORDER NO. PSC-92-0112-PCO-TL

Florida Public Service Commission

1992 Fla. PUC LEXIS 665

92 FPSC 3:443

March 27, 1992

CORE TERMS: interrogatory, discovery, motion to compel, planned, video, production of documents, services provided, objected, discovery of admissible evidence, reasonably calculated to lead, seek information, service area, competitors, responding, customer

OPINION: [*1]

ORDER GRANTING IN PART AND DENYING IN PART UNITED TELEPHONE COMPANY OF FLORIDA'S MOTION TO COMPEL DISCOVERY

On December 23, 1991, United Telephone Company of Florida (United) its first set of interrogatories and request for production of documents on the Florida Cable Television Association (FCTA). The FCTA served its responses on January 22, 1992. In its response, the FCTA objected to responding to Interrogatories Nos. 4 through 7 and 10 through 14. Additionally, FCTA objected to responding to Production of Documents Nos. 1, 3 through 5, and 7. United filed a Motion to Compel Discovery on February 5, 1992, asking the Prehearing Officer to compel the FCTA to respond to United's discovery requests. FCTA filed a response to United's motion to compel on February 25, 1992. Oral argument by the parties on the motion to compel was heard on March 20, 1992.

Interrogatory No. 4 seeks a list of services that the FCTA or each of its members obtains from United. Interrogatories 5 through 7 seek information on the corporate structure, state of incorporation and the names of individuals responsible for various internal operations of each member of the FCTA. Interrogatories [*2] 10 through 14 seek information related to the nature of the services provided by the members of the FCTA as well as the rates for such services.

Production of Documents (POD) No. 1 seeks all documents which discuss intervention in telephone company regulatory proceedings or in this rate case. POD Nos. 3 and 5 seek to discover documents that discuss planned or future video services and two-way voice, data or broadband services by cable companies. POD No. 4 asks for documents that discuss cross-subsidization by United of planned or future video services. POD No. 7 seeks a copy of the corporate organizational structure of the FCTA members operating in United's service area.

FCTA objected and refused to respond to Interrogatory No. 4 on the grounds that this information is already possessed by United in its customer records and is not an appropriate matter for discovery. FCTA objected and refused to respond to the remainder of the interrogatories and the PODs at issue on the grounds that the information sought is not relevant and not reasonably calculated to

lead to the discovery of admissible evidence.

In its Motion to Compel, United argues that its discovery efforts were [*3] narrowly drawn to seek information on matters that the FCTA and its members asserted as facts supporting its petition to intervene. Specifically, United seeks information regarding FCTA's assertion that its substantial interests were affected because some of its members were consumers of services and that its members are or will be competitors of United's for planned or future video services. In support of its motion, United argues that it is entitled to discovery to test the sufficiency of the allegations upon which the FCTA bases its claims of standing.

The FCTA's response restates its argument that the information sought in the interrogatories and PODs not responded to is not relevant to the issues to be addressed and not reasonably calculated to lead to the discovery of admissible evidence. FCTA further argues that such discovery serves only to harass FCTA and its members as well as seek to prevent FCTA and its members from expressing their opinions. FCTA also asserts that its standing is clearly established by Sections 364.01, 364.338 and 364.3381, Florida Statutes, and the Commission's decisions in Orders Nos. 24877 and 23474. FCTA closes by stating that it and its members [*4] are entitled to participate in the construction and application of the revised provisions of Chapter 364, Florida Statutes, both as ratepayers and potential competitors without being subjected to redundant and unnecessary discovery efforts.

Upon review of the discovery requests at issue here and consideration of the arguments and pleadings of the parties, United's motion to compel should be granted in part and denied in part as described in more detail below. Generally, United is entitled to discovery to obtain information to test the sufficiency of allegations of a party's claim of standing. Such information is relevant to determine whether a party has standing to participate in a proceeding as well as the scope of a party's participation in such proceeding. FCTA and its members are not immune from discovery simply because the services it provides are not directly at issue in this proceeding. However, the scope of the discovery is not unlimited and discovery will not be allowed as a vehicle for harassment.

The information sought in Interrogatory No. 4 is business information belonging to United and already in United's possession. In its response to Interrogatory No. 3, [*5] FCTA provided the names and locations of all members within United's service area. If FCTA has provided that information appropriately, then United should be able to retrieve the requested information from its business records by checking its customer records under the names provided in answer to Interrogatory No. 3. Since United can get the information it requests from its own records, discovery is not necessary. Therefore, the motion to compel is denied on Interrogatory No. 4.

The request in Interrogatory No. 10, seeking the rates of the services provided by FCTA's members, does not appear relevant. The rates for such services are not at issue in this proceeding and are not related to the allegations that FCTA's substantial interests are affected by planned or future video services to be offered by United. Therefore, the motion to compel is denied regarding Interrogatory No. 10.

With respect to the information sought in Interrogatories 11 through 14, and PODs 3, 4 and 5, pertaining to the services provided by the members of the

FCTA that may be in competition with planned or future video services provided by United, such information is relevant to the allegations of competitive [*6] standing and the scope of the FCTA's participation in the proceeding. Accordingly, the motion to compel is granted for those interrogatories and production of documents requests.

During oral argument on March 20, 1992, Counsel for United essentially waived his request to compel responses to Interrogatories Nos. 5 through 7, and PODs 1 and 7. Therefore, I do not reach the question of the motion to compel regarding those issues. I further, note in passing that FCTA's response was not timely filed. Since that matter was not raised I do not reach that question.

In view of the short time remaining before the hearing, the FCTA is directed to respond to the interrogatories for which the motion to compel has been granted within 7 days of the date of this Order. The responses shall be provided to United by hand delivery or facsimile, to be received by United no later than 5:00 p.m., April 3, 1992.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that United Telephone Company of Florida's Motion to Compel is granted in part and denied in part as set forth in the body of this Order. It is further

ORDERED the Florida Cable Television [*7] Association shall respond to the discovery requests set forth in the body of this Order within the time limits and in the manner described in the body of this Order.

By ORDER of Commissioner Susan F., Clark, as Prehearing Officer, this 27th day of MARCH, 1992.

**BellSouth's Motion to Compel
Exhibit 2**

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs and for investigation of BellSouth's promotional pricing and marketing practices, by Florida Digital Network, Inc.

Docket No.: 020119-TP

In Re: Petition for expedited review and cancellation Of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs by Florida Competitive Carriers Association.

Docket No.: 020578-TP

Filed: October 28, 2002

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES (NOS. 1 - 20) TO
FLORIDA COMPETITIVE CARRIERS ASSOCIATION**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association ("FCCA") Objects to the BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories (Nos. 1-20) and states as follows:

General Objections

1. The FCCA objects to any interrogatory that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these interrogatories or is later determined to be applicable based on the discovery of documents, investigation or analysis. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, the FCCA may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced

only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information in response to such interrogatory, the FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FCCA hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. The FCCA objects to these interrogatories and any definitions and instructions that purport to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

4. Further, the FCCA objects to these interrogatories to the extent they purport to require FCCA to conduct an analysis or create information not prepared by FCCA's experts or consultants in their preparation for this case. The FCCA will comply with its obligations under the applicable rules of procedure.

6. Access objects to any interrogatory that requires the identification of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be identified.

7. For each specific objection made below, the FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.

Specific Objections

8. BellSouth's Interrogatory No. 2 states:

Please identify all documents (including without limitation meeting minutes, e-mail, memos, and letters that discuss or are related to: (a) the Petition you filed in this proceeding; (b) the January Key Customer Offering or the June Key Customer Offering; (c) any matter that is at issue in this proceeding.

The FCCA objects to this interrogatory as it seeks information protected by the attorney-client and work product privileges.

9. BellSouth's Interrogatory No. 3(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports your contention that the definition and methodology set forth in your response to (a) applies to the January Key Customer offering or the June Key Customer Offering.

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

8. BellSouth's Interrogatory No. 4(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decision, and federal and state case law) that supports your contention that the definition and methodology set forth in your response to (a) applies to the January Key Customer Offering or the June Key Customer Offering.

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

9. BellSouth's Interrogatory No. 5(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decision, and federal and state case law) that supports your contention that the definition and methodology set forth in your response to (a) applies to the January Key Customer Offering or the June Key Customer Offering.

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

10. BellSouth's Interrogatory No. 6 states:

(a) Please state whether you and/or any of your members have made any local service offerings available to Florida end users for a limited time only (i.e. in order to avail itself of the offer, the end user was required to sign-up for or otherwise accept the offering before a

given date or within a given amount of time after the offer was extended).

(b) If your response to (a) is anything other than an unqualified "no," please identify the entity and describe each such limited-time offer in detail and produce a copy of any and all documents associated with each such limited-time offers (including without limitation tariffs, documents sent to or filed with the Commission and/or its Staff; contracts, etc.).

The FCCA objects to this interrogatory as it requests information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from its members who are not parties to the case. In addition, the FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA objects that subpart (b) impermissibly requires the FCCA to produce documents.

11. BellSouth's Interrogatory No. 8 states:

Please explain in detail how you contend Section 364.01, Florida Statutes, should be interpreted in evaluation of each of the following items for compliance with Chapter 364, Florida Statutes: (a) a BellSouth promotional tariff; (b) an ALEC promotional tariff; (c) a BellSouth tariff that is not a promotional tariff; and (d) an ALEC tariff that is not a promotional tariff.

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. Further, FCCA objects on the basis that the information sought is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence as it seeks information regarding ALEC tariffs, which are not at issue in this case.

12. BellSouth's Interrogatory No. 9(b) states:

(b) Identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

13. BellSouth's Interrogatory No. 10(b) states:

(b) Identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

14. BellSouth's Interrogatory No. 11(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

15. BellSouth's Interrogatory No. 12(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

16. BellSouth's Interrogatory No. 13(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

17. BellSouth's Interrogatory No. 14(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

18. BellSouth's Interrogatory No. 15(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

19. BellSouth's Interrogatory No. 16 states:

If any member of the FCCA has ever had any contact with BellSouth regarding the resale of any BellSouth promotional tariff offering in the state of Florida, please:

(a) State the date and nature (i.e. e-mail, letter, face-to-face conversation, telephone conversation, etc.) of each such contact;

(b) Identify with specificity the BellSouth promotional tariff offering that was the subject of the contact;

(c) Identify with specificity (including without limitation name address, and telephone number) the BellSouth representative that you or your members contacted regarding such contract;

(d) Identify with specificity (including without limitation name address, and telephone number) the person who made the contact on you or your member's behalf;

(e) Describe in detail each and every communication between you and your members and BellSouth's representatives with regard to the resale of the BellSouth promotional tariff offering; and

(f) Produce all documents associated with each such contact.

The FCCA objects to this interrogatory as it requests information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from its members who are not parties to the case. FCCA objects on the basis that this interrogatory is unduly burdensome and oppressive and that the information sought is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In addition, FCCA objects to subpart (f) as it impermissibly requests the production of documents.

20. BellSouth's Interrogatory No. 18(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

21. BellSouth's Interrogatory No. 19(b) states:

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports your response to (a).

FCCA objects to this interrogatory as it seeks information protected by the work product privilege. FCCA further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Florida Competitive Carriers Association's Objections to BellSouth's First Set of Interrogatories (Nos. 1-20) to Florida Competitive Carriers Association has been furnished by (*) hand delivery, (**) e-mail or by U.S. Mail on this 28th day of October 2002 to the following:

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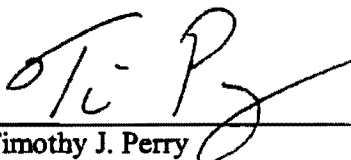
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Timothy J. Perry

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review and cancellation
of BellSouth Telecommunications, Inc.'s Key
Customer promotional tariffs and for investigation
of BellSouth's promotional pricing and marketing
practices, by Florida Digital Network, Inc.

Docket No.: 020119-TP

In Re: Petition for expedited review and cancellation
Of BellSouth Telecommunications, Inc.'s Key
Customer promotional tariffs by Florida Competitive
Carriers Association.

Docket No.: 020578-TP

Filed: October 28, 2002

FLORIDA COMPETITIVE CARRIERS ASSOCIATIONS
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 25)
TO FLORIDA COMPETITIVE CARRIERS ASSOCIATION

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Partnership Competitive Carriers Association ("FCCA") Objects to BellSouth Telecommunications, Inc.'s ("BellSouth") First Requests for Production of Documents and states as follows:

General Objections

1. FCCA objects to any request that calls for the production of documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these requests or is later determined to be applicable based on the discovery of documents, investigation or analysis. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, FCCA may determine upon investigation and analysis that documents that respond to certain requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced or should

be produced only under an appropriate confidentiality agreement and protective order. By agreeing to produce documents in response to this request, FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FCCA hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. FCCA objects to these definitions and instructions to the extent they purport to require FCCA to provide documents or other information on diskette. FCCA will entertain specific request to product electronic copies of documents that so exist in the normal course of business in a format designed to preserve the integrity of these documents.

4. FCCA objects to these requests to the extent they purport to require FCCA to prepare information or documents or perform calculations that FCCA has not prepared or performed in the normal course of business as an attempt to expand FCCA's obligations under applicable law. FCCA will comply with applicable law.

5. FCCA further objects to these requests and any definitions or instructions that purport to expand FCCA's obligations under applicable law. FCCA will comply with applicable law.

6. FCCA objects to any request that requires the production of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found.

7. FCCA incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though pleaded therein.

Specific Objections

8. Request for Production No. 2 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 2.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the attorney-client and work product privileges.

9. Request for Production No. 3 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No.3.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

10. Request for Production No. 4 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 4.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

11. Request for Production No. 5 states:



Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 5.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

12. Request for Production No. 6 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 6.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from its members who are not parties to the case. In addition, the FCCA objects on the basis that the information sought is not relevant, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Request for Production No. 9 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 8.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

14. Request for Production No. 10 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 9.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

15. Request for Production No. 11 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 10.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

16. Request for Production No. 12 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 11.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

17. Request for Production No. 13 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 12.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

18. Request for Production No. 14 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 13.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

19. Request for Production No. 15 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 14.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

20. Request for Production No. 16 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 15.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

23. Request for Production No. 17 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No. 16.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from its members who are not parties to the case. FCCA objects on the basis that this request is unduly burdensome and oppressive, and that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

25. Request for Production No. 19 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No.18.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

25. Request for Production No. 20 states:

Please produce all documents that are identified in or support your response to BellSouth's First Set of Interrogatories, Item No.19.

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

26. Request for Production No. 22 states:

Please produce any documents in your possession which discuss, address, or relate to the use of special contracts, contract service arrangements and/or special promotions by your members or by ALECs generally.

The FCCA objects to this request as it seeks information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from its members who are not parties to the case. In addition, the FCCA objects on the basis that this request is unduly burdensome and oppressive, and that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

27. Request for Production No. 23 states:

Please produce a copy of all documents by which you and/or your members market any local telecommunications products and/or services in Florida (including without limitation: advertisements in newspapers, periodicals, and trade publications; copies of billboard advertisements; transcripts of radio or television advertisements; direct mailings, faxes, and e-mails; "leave-behind" materials; telemarketing scripts; web pages; marketing brochures; and comparable materials).

The FCCA objects to this request as it seeks information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from its members who are not parties to the case. FCCA objects on the basis that this request is unduly burdensome and

oppressive, and that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Florida Competitive Carriers Association's Objections to BellSouth's First Requests for Production of Documents (Nos. 1-25) to Florida Competitive Carriers Association has been furnished by (*) hand delivery, (**) e-mail or by U.S. Mail on this 28th day of October 2002 to the following:

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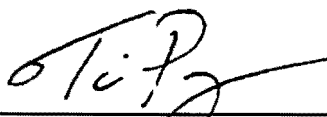
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