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JOHNNIE BYRD  
SPEAKER



September 17, 2003

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RECEIVED FPSC  
SEP 17 PM 4:25  
COMMISSION  
CLERK

RE: Docket No. 030868-TL

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket is the original and 1 copy of the Notice of Service of Citizens' first Motion to Compel Answers to Interrogatories from Sprint-Florida, Inc.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office

Sincerely,

H F. Rick Mann  
Associate Public Counsel

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP    HFM/pwd  
COM \_\_\_\_\_ Enclosures  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

08863 SEP 17 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Sprint-Florida, Inc. ) Docket No. 030868-TL  
To Reduce Its Network Access Charges )  
Applicable To Intrastate Long Distance ) Filed: September 17, 2003  
In A Revenue-Neutral Manner )

**CITIZENS' FIRST MOTION TO COMPEL ANSWERS TO  
INTERROGATORIES FROM SPRINT-FLORIDA, INC**

The Citizens of Florida (Citizens), through the Office of Public Counsel, pursuant to Rule 28-106.204, Florida Administrative Code, and Rules 1.280, 1.340, 1.350, and 1.380, Florida Rules of Civil Procedure, request that the Prehearing Officer issue an order compelling Sprint-Florida, Inc. ("Sprint" or "Company") to immediately answer all interrogatories described in the following paragraphs.

1. On September 10, 2003, Sprint served its General and Specific Objections to Citizens' First Set of Interrogatories (Nos. 1-26), dated September 3, 2003.

2. Sprint lists eleven "General Objections" to Citizens' discovery, asserting that every one of these "general objections" applies "to each of the individual requests, respectively . . ." This is asserted despite the fact that the Company does not list each and every one of Citizens' interrogatories as being specifically objected to, as well as that it is obvious that every one of the Company's general objections cannot possibly apply to "each of the individual requests."

3. Accordingly, Citizens assert emphatically that Sprint's "General Objections" are wholly inapplicable to Citizens' discovery requests and

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improperly asserted. The following are what the Company avers are appropriate discovery objections, all of which apply to every one of Citizens' interrogatories, made pursuant to the Florida Rules of Civil Procedure:

a) Sprint objects to each interrogatory to the extent that such interrogatory seeks information which is beyond the scope of discovery permitted in this proceeding as set forth at Section 364.164, subsections (3) and (4), Florida Statutes, or seeks information which is beyond the scope of those issues the Legislature has determined are to be considered by the Commission in this proceeding, or is beyond matters contained in Sprint's testimony and exhibits addressing those same issues.

b) Sprint objects to the interrogatories to the extent they seek to impose an obligation on Sprint to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such interrogatories are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

c) Sprint objects to the interrogatories to the extent that they are intended to apply to matters other than Sprint's Florida intrastate operations subject to the jurisdiction of the Commission. Sprint objects to such interrogatories as being irrelevant, overly broad, unduly burdensome, and oppressive.

d) Sprint objects to each and every interrogatory and related instructions to the extent that an interrogatory or instruction calls for information

that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

e) Sprint objects to each and every interrogatory insofar as the interrogatories are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these interrogatories. Any answers provided by Sprint in response to the interrogatories will be provided subject to, and without waiver of, the foregoing objection.

f) Sprint object to each and every interrogatory insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. Sprint will attempt to note in its responses each instance where this objection applies.

g) Sprint objects to providing information to the extent that such information is already in the public record before the Commission.

h) Sprint objects to Citizens' interrogatories, instructions and definitions, insofar as they seek to impose obligations on Sprint that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

i) Sprint objects to each and every interrogatory insofar as any of them are unduly burdensome, expensive, oppressive, or excessively time consuming as written.

j) Sprint objects to each and every interrogatory to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that Citizens request

proprietary confidential business information which is not subject to the "trade secrets" privilege, Sprint will make such information available in accordance with the Protective Order sought by Sprint in this docket, subject to any other general or specific objections contained herein.

k) Sprint is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Sprint 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. Sprint will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the interrogatories purport to require more, Sprint objects on the grounds that compliance would impose an undue burden or expense.

4. The Prehearing Officer, Commissioner Bradley, in his Order Establishing Procedure, No. PSC-03—0994-PCO-TL, instructed the parties regarding discovery, that "Any objection to . . . discovery requests shall be made within five business day of service of the discovery request."

5. Citizens do not believe that that instruction envisioned a blanket listing of any and all objections available to a party in the event that some specific discovery request was made of that party to which one or more of those available objections could be claimed and argued.

6. Citizens have served not a single interrogatory to Sprint to which every one of these eleven “General Objections” could possibly apply. Therefore, these objections are wholly inappropriate and irrelevant to Citizens’ discovery requests and should be dispatched accordingly.

7. After listing the above eleven “General Objections” to any and all of Citizens’ discovery as each of the objections may or may not apply, Sprint identifies some specific objections to particular discovery requests, as required by the Florida Rules of Civil Procedure. These discovery requests, followed by the Company’s objections, and then the Citizens’ response to the objections, follow below.

8. Citizens’ Interrogatory No. 6:

Provide Sprint PCS’s intrastate access rates and associated terms and condition for each wireless carrier and interexchange carrier with which sprint PCS interconnects within the state of Florida.

SPRINT OBJECTION:

Sprint-Florida objects to Interrogatory No. 1 on the grounds that this interrogatory seeks discovery of matters that are beyond the scope of the issues to be considered by the Commission in this proceeding and are directed to an entity that is beyond the jurisdiction of this Commission.

**CITIZENS' RESPONSE:**

See Citizens' Response to Sprint Objection to Citizens' Production of Document Request No. 8, in Citizens' First Motion To Compel Production of Documents by Sprint, filed September 17, 2003.

9. Citizens' Interrogatory No. 5:

Explain how Sprint calculates the costs of SS7 signaling costs required for vertical services.

**SPRINT OBJECTION:**

Sprint-Florida objects to Interrogatory No. 5 on the grounds that, as written, this interrogatory cannot be answered without clarification as to what precise information Citizens are seeking. To the extent Citizens clarify their request, Sprint-Florida will attempt to provide the requested information.

**CITIZENS' RESPONSE:** To clarify our request in the hope that Sprint will provide the answers Citizens seek pursuant to this interrogatory: The testimony of witness Felz, exhibit JMF-10 show's \$0 cost for signaling. Exhibit JMF-3 shows the forward looking cost of residential service and witness Dickerson's Exhibit KWD-2 shows the breakdown of those residential costs. Citizens have reason to believe that the company's residential cost studies include the entire cost related to the provision of SS7 signaling. Citizens maintain that SS7, just like the local loop, is a joint and common cost that is essential for the operation of multiple products offered by the company, including all of its advanced services, caller i.d., access to 911 and access to the long distance network, to name a few.

In response to this interrogatory, Sprint should provide information relating to the process of cost recovery of its entire SS7 investment, and explain specifically how those costs are recovered from all of the products and services that utilize the capabilities of the SS7 signaling system, including supporting data that will demonstrate the process. The company should specifically identify SS7 signaling costs are included in witness Dickerson's cost study, the amount of those costs and specifically explain whether this cost represents a portion of the SS7 costs or all of the SS7 costs.

10. Citizens' Interrogatory No.6:

Explain how Sprint calculates the costs of SS7 signaling costs required by CLECs in its UNE pricing.

SPRINT OBJECTION:

Sprint-Florida objects to Interrogatory No. 6 on the grounds that, as written, this interrogatory cannot be answered without clarification as to what precise information Citizens are seeking. To the extent Citizens clarify their request, Sprint-Florida will attempt to provide the requested information.

CITIZENS' RESPONSE:

See Citizens' Response to Sprint Objection to Interrogatory No. 5.

11. Citizens Interrogatory No. 19:

Referring to the testimony of witness Felz, page 26, lines 3-10, please state whether Sprint has calculated any price elasticity or repression analysis based on the increases proposed in this docket and



the title and dates of such studies, and the amount of repression for residence and business services stated separately.

**SPRINT OBJECTION:**

Sprint-Florida objects to Citizens' Interrogatory No. 19 on the grounds that this interrogatory seeks discovery of matters for which discovery is not permitted by the Florida Statutes governing this proceeding. Additionally, this discovery request is beyond the scope of the issues to be considered by the Commission in this proceeding. Subject to this objection, Sprint-Florida will attempt to provide such information to the extent such information exists.

**CITIZENS' RESPONSE:**

Sprint witnesses Gordon, Felz and Stahir testify extensively regarding the impact upon customers, repression and elasticity of demand. The supporting data that Sprint has in its possession relating to the change in customer demand resulting in a change of price is what the Citizens are requesting in this interrogatory.

12. **Citizens Interrogatory No. 20:**

Please state the company names and states where Sprint has affiliates that provide competitive local exchange services.

**SPRINT OBJECTION:**

Sprint-Florida objects to Citizens' Interrogatory No. 20 on the grounds that this interrogatory seeks discovery of matters that are outside the jurisdiction of this Commission. Additionally, the discovery seeks

information about matters that are beyond the scope of the issues to be considered by the Commission in this proceeding.

**CITIZENS' RESPONSE:**

Sprint's expert testimony relates to CLEC lines in Florida and competitive entry (Stahir, page 12, line 1-16), competitive choice (Stahir, page 15, line 17-24), the FCC competitive activity report (Stahir Exhibit BKS-2), and enhanced market entry (Gordon Section III, pages 17-31). Citizens' request seeks to identify which affiliated CLECs of Sprint that will benefit from the company proposals. That is an issue that is relevant to company's testimony.

13. Citizens Interrogatory No. 21:

Please state the originating and terminating switched access rates that are charged by each of Sprint's affiliated CLECs.

**SPRINT OBJECTION:**

Sprint-Florida objects to Citizens' Interrogatory No. 21 on the grounds that this interrogatory seeks discovery of matters that are outside the jurisdiction of this Commission. Additionally, the discovery seeks information about matters that are beyond the scope of the issues to be considered by the Commission in this proceeding.

**CITIZENS' RESPONSE:**

See Citizens' Response to Sprint's Objection to Citizens' Production of Document Request No. 8, in Citizens' First Motion To Compel Production of Documents from Sprint-Florida, Inc., filed September 17, 2003.

14. Citizens Interrogatory No. 22:

Referring to the testimony of witness Stahir, page 12, lines 18-23, please provide the comparable percentage of CLEC entry in the three states served by Sprint that have the highest rates.

SPRINT OBJECTION:

Sprint-Florida objects to Citizens' Interrogatory No. 22 on the grounds that, as written, this interrogatory is unclear and requires Sprint-Florida to speculate as to the precise information Citizens are seeking. To the extent Citizens clarify their request, Sprint-Florida will attempt to provide such information to the extent such information exists.

CITIZENS' RESPONSE:

In an attempt to clarify: Rather than to ask for the percentage of CLEC lines versus ILEC lines in all of the states in which Sprint operates, Citizens chose to ask the company to, first, identify the three states that have Sprint's highest rates for basic residential local exchange service and to provide the percentage of CLEC lines as compared to the percentage of Sprint lines in the operating territories of those individual states. When selecting the state with the highest rates, please refer to the specific exchange rates that apply in the states, and consider the prices that apply in the highest rated exchanges, ignoring all other rates that may apply in the states for smaller exchanges, or exchanges with lower rates.

15. Citizens Interrogatory No. 23:

Please state the basic residential rates that are charged in the three states served by Sprint that have the highest rates.

SPRINT OBJECTION:

Sprint-Florida objects to Citizens' Interrogatory No. 23 on the grounds that, as written, this interrogatory is unclear and requires Sprint-Florida to speculate as to the precise information Citizens are seeking. To the extent Citizens clarify their request, Sprint-Florida will attempt to provide such information to the extent such information exists.

**CITIZENS' RESPONSE:** In an attempt to clarify our request, Citizens request that Sprint identify the three states within Sprint's operating territories that have the highest rates for basic residential local exchange service and to provide such rates in response to this interrogatory. If unable to determine which rates for basic residential local exchange service are the highest, then please provide the rates that apply for all exchanges for basic residential local exchange service that are served by Sprint. See also Citizens' response in paragraph 14, above.

Respectfully submitted,

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Attorney for Florida's Citizens

Respectfully submitted,

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Florida Bar No. 217821

A handwritten signature in black ink, appearing to read "H F. Rick Mann", with a long horizontal flourish extending to the right.

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(850) 488-9330

Attorney for Florida's Citizens

DOCKET NO. 030868-TL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 17th day of September, 2003.



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