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October 22, 2003

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**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 030852-TP

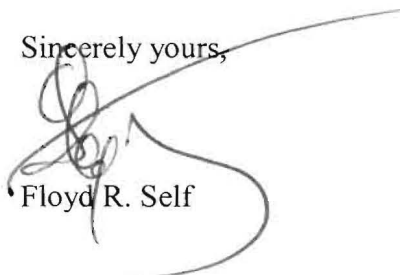
Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III, LLC are an original and fifteen copies of KMC's Preliminary Objections to BellSouth's First Set of Interrogatories (Nos. 1-13) in the above referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,



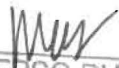
Floyd R. Self

FRS/amb  
Enclosures

cc: Marva Johnson, Esq.  
Parties of Record

AUS  
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CMP  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Implementation of Requirements	)	
Arising From Federal Communications	)	Docket No.: 030852-TP
Commission Triennial UNE Review:	)	
Local Circuit Switching for Mass	)	Filed: October 23, 2003
Market Customers	)	
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**KMC's PRELIMINARY OBJECTIONS TO BELLSOUTH'S  
FIRST SET OF INTERROGATORIES (NOS. 1-13)**

KMC Telecom III LLC (hereinafter "KMC"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1055-PCO-TP, issued September 22, 2003 (hereinafter "*Procedural Order*"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, hereby generally and specifically objects to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") First Set of Interrogatories to KMC, served on October 15, 2003. The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the seven-day requirement set forth in Order No. PSC-03-1055-PCO-TP, by the Florida Public Service Commission (hereinafter the "Commission") in the above-referenced docket.

**A. General Objections**

KMC makes the following General Objections to BellSouth's First Set of Interrogatories, including the applicable definitions and general instructions therein ("BellSouth discovery"), which as appropriate will be incorporated into each relevant response when KMC's responses are served on BellSouth.

1. KMC objects to the BellSouth discovery to the extent that such discovery seeks to impose an obligation on KMC to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly

burdensome, oppressive, and not permitted by applicable discovery rules. KMC further objects to any and all BellSouth discovery that seeks to obtain information from KMC for KMC subsidiaries, affiliates, or other related KMC entities that are not certificated by the Commission.

2. KMC has interpreted the BellSouth discovery to apply to KMC's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any BellSouth discovery is intended to apply to matters that take place outside the state of Florida and which are not related to Florida intrastate operations subject to the jurisdiction of the Commission, KMC objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. KMC objects to the BellSouth discovery to the extent that such discovery calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. KMC objects to the BellSouth discovery insofar as such discovery 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 responses provided by KMC in response to the BellSouth discovery will be provided subject to, and without waiver of, the foregoing objection.

5. KMC objects to the BellSouth discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. KMC objects to the BellSouth discovery insofar as it seeks information or documents, or seeks to impose obligations on KMC which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. KMC objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission or which is already in the possession, custody, or control of BellSouth.

8. KMC objects to the BellSouth discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. KMC objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that BellSouth's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, KMC will make such information available to counsel for BellSouth pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

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

11. KMC objects to the BellSouth discovery that seeks to obtain "all," "each," or "every" document, item, customer, or other such piece of information to the extent that such

discovery is overly broad and unduly burdensome. Any answers that KMC may provide in response to the BellSouth discovery will be provided subject to, and without waiver or, this objection.

12. KMC objects to the BellSouth discovery to the extent such discovery seeks to have KMC create documents not in existence at the time of the request.

13. KMC objects to the BellSouth discovery to the extent that such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. In light of the short period of time KMC has been afforded to respond to the BellSouth discovery, the development of KMC's positions and potentially responsive information to the BellSouth requests is necessarily ongoing and continuing. This process is further complicated since at this point in time, the actual issues to be set forth for hearing in this docket have not yet been established by order of the Commission. Accordingly, these are preliminary objections to comply with the Commission's September 22, 2003, order KMC reserves the right to supplement, revise, or modify its objections at the time that it serves its actual responses to the BellSouth discovery. However, KMC does not assume an affirmative obligation to supplement its answers on an ongoing basis, contrary to the BellSouth General Instruction.

#### B. Specific Objections

KMC makes the following Specific Objections to BellSouth's First Set of Interrogatories, including the applicable definitions and general instructions expressed therein ("BellSouth discovery"), which as appropriate will be incorporated into each relevant response when KMC's responses are served on BellSouth.

15. KMC objects to each and every interrogatory that seeks information regarding KMC's operations in ILEC service areas other than the BellSouth ILEC service area within the state of Florida as such information is irrelevant to BellSouth's case in this docket and such discovery is overly broad and unduly burdensome.

16. KMC objects to each and every interrogatory that seeks to obtain information regarding "former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of KMC" as such information is not within KMC's control, it would be unduly burdensome to attempt to obtain, and it is likely irrelevant.

17. Outside of the discovery request served by BellSouth on October 15, 2003, there have been discussions between BellSouth and some of the CLECs that this discovery is "regional" in nature and that BellSouth would prefer that the CLECs respond on a regional basis without additional service in these other states. At this point in time, without necessarily agreeing or disagreeing with BellSouth's request for regional answers, KMC reserves its rights to object to providing responsive information for states other than Florida. Further, in the event KMC does provide responsive information for states other than Florida pursuant to the October 15, 2003, discovery in this Florida docket, KMC reserves its rights to not provide such non-Florida information in the Florida FPSC case. Finally, in the event KMC does provide information for states other than Florida pursuant to the October 15, 2003, discovery in this Florida docket, KMC reserves its rights to provide such non-Florida information on a schedule other than that which is specified in the Florida PSC Procedural Order.

Respectfully submitted this 23<sup>rd</sup> day of October, 2003.



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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and U. S. Mail this 22<sup>nd</sup> day of October, 2003.

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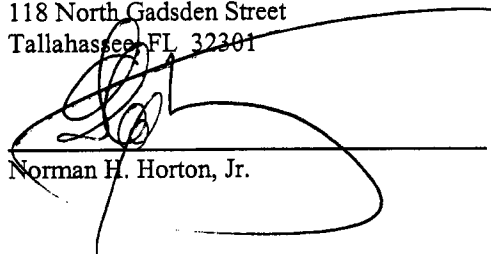
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