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LAW OFFICES  
**Messer, Caparello & Self**  
A Professional Association

Post Office Box 1876  
Tallahassee, Florida 32302-1876  
Internet: www.lawfla.com

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

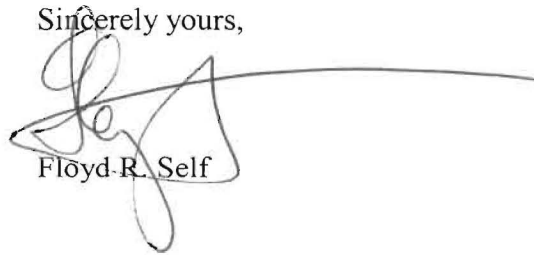
Dear Ms. Bayó:

Enclosed for filing on behalf of ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom and BTI Corporation are an original and fifteen copies of ITC^DeltaCom and BTI'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: Nanette Edwards, Esq.  
Parties of Record

AUS  
CAF  
CMP  
COM  
CTR  
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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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**ITC^DELTACOM AND BTI's PRELIMINARY OBJECTIONS TO BELLSOUTH'S  
FIRST SET OF INTERROGATORIES (NOS. 1-13)**

ITC^DELTACOM COMMUNICATIONS, INC., d/b/a ITC^DeltaCom and BTI Corporation ("ITC and BTI"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-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, 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**

ITC and BTI make 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 such responses are served on BellSouth.

1. ITC and BTI object to the BellSouth discovery to the extent that such discovery seeks to impose an obligation on ITC and BTI 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. ITC and BTI further object to any and all BellSouth discovery that seeks to obtain information from ITC and BTI for ITC and BTI subsidiaries, affiliates, or other related ITC and BTI entities that are not certificated by the Commission.

2. ITC and BTI have interpreted the BellSouth discovery to apply to their 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, ITC and BTI object to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. ITC and BTI object 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. ITC and BTI object 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 ITC and BTI in response to the BellSouth discovery will be provided subject to, and without waiver of, the foregoing objection.

5. ITC and BTI object 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. ITC and BTI object to the BellSouth discovery insofar as it seeks information or documents, or seeks to impose obligations on ITC and BTI which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. ITC and BTI object 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. ITC and BTI object to the BellSouth discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. ITC and BTI object 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, ITC and BTI 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. ITC and BTI are large corporations with employees located in many different locations in Florida and in other states. In the course of its business, ITC and BTI create 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. ITC and BTI 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, ITC and BTI object on the grounds that compliance would impose an undue burden or expense.

11. ITC and BTI object 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 burdensome. Any answers that ITC and BTI may provide in response to the BellSouth discovery will be provided subject to, and without waiver or, this objection.

12. ITC and BTI object to the BellSouth discovery to the extent such discovery seeks to have ITC create documents not in existence at the time of the request.

13. ITC and BTI object 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 ITC and BTI have been afforded to respond to the BellSouth discovery, the development of the ITC and BTI 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 and ITC and BTI reserve the right to supplement, revise, or modify its objections at the time that

they serves their actual responses to the BellSouth discovery. However, ITC and BTI do not assume an affirmative obligation to supplement answers on an ongoing basis, contrary to the BellSouth General Instruction.

#### B. Specific Objections

ITC and BTI make 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 ITC's responses are served on BellSouth.

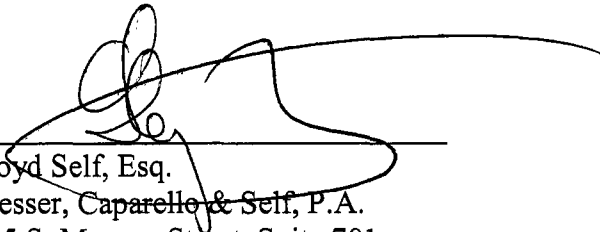
15. ITC and BTI object to each and every interrogatory that seeks information regarding their operations in ILEC service areas other than the BellSouth ILEC service area within the state of Florida as such information is irrelevant to BellSouth's case in this docket and such discovery is overly broad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

16. ITC and BTI object 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 [ITC and BTI]" as such information is not within the control of ITC and BTI, and it would be overly burdensome to attempt to obtain and is likely irrelevant.

17. Outside of the discovery requests 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, ITC and BTI reserve their rights to object to providing responsive information for states other than Florida. Further, in the event ITC and BTI do provide responsive information for states other than Florida pursuant to

the October 15, 2003, discovery in this Florida docket, ITC and BTI reserve their rights to not provide such non-Florida information in the Florida FPSC case. Finally, in the event ITC and BTI do provide information for states other than Florida pursuant to the October 15, 2003, discovery in this Florida docket, ITC and BTI reserve their 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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Floyd Self, Esq.  
Messer, Caparello & Self, P.A.  
215 S. Monroe Street, Suite 701  
Tallahassee, FL 32302  
(850) 222-0720

and

Nanette Edwards, Esq.  
ITC^DeltaCom Communications, Inc.  
4092 S. Memorial Parkway  
Huntsville, AL 35802

Attorneys for ITC^DeltaCom Communications, Inc. and  
BTI Corporation

## 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.

Jason Rojas, Esq.\*  
Office of General Counsel, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Nancy B. White  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

Susan S. Masterton, Esq.  
Sprint-Florida, Incorporated  
Sprint Communications Company Limited  
Partnership  
P.O. Box 2214  
Tallahassee, FL 32316-2214

Richard A. Chapkis, Esq.  
Verizon Florida Inc.  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110

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

Mr. James White  
ALLTEL  
601 Riverside Avenue  
Jacksonville FL 32204-2987

Ms. Laurie A. Maffett  
Frontier Telephone Group  
180 South Clinton Avenue  
Rochester NY 14646-0700

Mr. R. Mark Ellmer  
GT Com  
P. O. Box 220  
Port St. Joe FL 32457-0220

Mr. Robert M. Post, Jr.  
ITS Telecommunications Systems, Inc.  
P. O. Box 277  
Indiantown FL 34956-0277

Ms. Harriet Eudy  
NEFCOM  
11791 110th Street  
Live Oak FL 32060-6703

Ms. Lynn B. Hall  
Smart City Telecom  
P. O. Box 22555  
Lake Buena Vista FL 32830-2555

Michael A. Gross  
Vice President, Regulatory Affairs  
& Regulatory Counsel  
Florida Cable Telecommunications Assoc., Inc.  
246 E. 6<sup>th</sup> Avenue  
Tallahassee, FL 32301

Tracy W. Hatch, Esq.  
AT&T Communications of the Southern States, LLC  
101 N. Monroe Street, Suite 701  
Tallahassee, FL 32301

Donna McNulty, Esq.  
MCI WorldCom Communications, Inc.  
1203 Governors Square Blvd, Suite 201  
Tallahassee, FL 32301-2960

De O'Roark, Esq.  
MCI WorldCom Communications, Inc.  
6 Concourse Parkway, Suite 3200  
Atlanta, GA 30328

Vicki Kaufman, Esq.  
Joe McGlothlin, Esq.  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 S. Gadsden Street  
Tallahassee, FL. 32301

Marva Brown Johnson, Esq.  
KMC Telecom III, LLC  
1755 North Brown Road  
Lawrenceville, GA 30034-8119

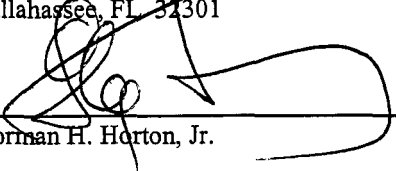
James C. Falvey, Esq.  
Senior Vice president, Regulatory Affairs  
Xspedius Communications, LLC  
7125 Columbia Gateway Drive, Suite 200  
Columbia, MD 21046

Norman H. Horton, Jr.  
Messer, Caparello & Self, P.A.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

Mr. Jake E. Jennings  
NewSouth Communications Corp.  
Two N. Main Center  
Greenville, SC 29601



Jon C. Moyle, Jr., Esq.  
Moyle, Flanigan, Katz, Raymond & Sheehan, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301



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Norman H. Horton, Jr.