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November 6, 2003

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

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COMMISSION
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Re: Docket No.: 030852-TP

Dear Ms. Bayo:

On behalf of DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ DIECA Communications, Inc. d/b/a Covad Communications Company's Objections to BellSouth Telecommunications, Inc.'s Second Set of Interrogatories (Nos. 14 - 23) and First Set of Requests for Production of Documents (Nos. 1 - 5).

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

AUS _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising
From Federal Communications Commission's
Triennial UNE review; Location-Specific
Review for DS1, DS3 and Dark Fiber Loops,
And Route-Specific Review for DS1, DS3 and
Dark Fiber Transport.

Docket No. 030852-TP

Filed: November 6, 2003

**DIECA COMMUNICATIONS, INC., D/B/A COVAD COMMUNICATIONS
COMPANY'S OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
SECOND SET OF INTERROGATORIES (NOS. 14 - 23) AND FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 5)**

DIECA Communications, Inc., d/b/a Covad Communications Company (Covad), pursuant to Rule 28.106-206, Florida Administrative Code, and Rules 1.340 and 1.280, Florida Rules of Civil Procedure, hereby files the following Preliminary Objections to BellSouth Telecommunications, Inc.'s Second Set of Interrogatories (Nos. 14 - 23)¹ and First Request for Production of Documents (Nos. 1-5), dated October 30, 2003.

GENERAL OBJECTIONS

1. Covad objects to the interrogatories to the extent they seek to impose an obligation on Covad 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. Specifically, BellSouth defines Covad to include, in relevant part, "parent(s), subsidiaries, and affiliates. . ." Covad will not be responding to discovery that seeks information from parent and affiliate companies.

2. Covad objects to the interrogatories to the extent they are intended to apply to

¹ BellSouth's Second Set of Interrogatories actually contains 12 interrogatories and should therefore be labeled (Nos. 14-27). BellSouth includes 2 interrogatories numbered 18.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

matters other than those subject to the jurisdiction of the Commission. Covad object to such interrogatories as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. Covad objects to each and every interrogatory and instruction to the extent that such request or instruction calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. Covad 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 Covad in response to the interrogatories will be provided subject to, and without waiver, of the foregoing objection.

5. Covad objects 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. Covad will attempt to note in its responses each instance where this objection applies.

6. Covad objects to providing information to the extent that such information is already in the public record before the Commission or is in Bellsouth's possession.

7. Covad objects to BellSouth's discovery requests, instructions and definitions, insofar as they seek to impose obligations on Covad that exceed the requirements of the Florida Rules of Civil Procedure and Florida Law.

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

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

10. Covad objects to each and every interrogatory to the extent that the information requested constitutes “trade secrets” pursuant to Section 90.506, Florida Statutes. To the extent that BellSouth requests proprietary confidential business information, Covad will make such information available in accordance with a protective agreement, subject to other general or specific objections contained herein.

11. Covad objects to any discovery request that seeks to obtain “all” or particular documents, items, or information to the extent that such requests are overly broad and unduly burdensome. Any answers provided by Covad in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

12. Covad objects to any interrogatory that seeks to obtain information related to all states in BellSouth’s nine-state region. Covad will respond, to the extent a request is not otherwise objectionable, when applicable to Florida. Interrogatories seeking information as to states other than Florida are irrelevant, overly broad and unduly burdensome. Any answers provided by Covad in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

SPECIFIC OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 15(a)-(h),(j),(k): Covad objects to this interrogatory on the basis that BellSouth is already in possession of the information sought. Further, such information is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The information sought in subparts (b) and (c) of Interrogatory No. 15 is further irrelevant as to Covad because it assumes that Covad is a voice provider, which it is not. Finally, switch information and other information was previously provided in response to BellSouth's First Set of Interrogatories in this docket.

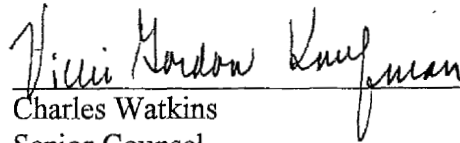
INTERROGATORY NOS. 18² – 20: Covad objects to these interrogatories because the information is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. *See* ¶ 402 of the *Triennial Review Order (TRO)*.

INTERROGATORY NOS. 21, 23: Covad objects to these interrogatories because the information sought is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. *See* ¶ 402 of the *Triennial Review Order (TRO)*. This is particularly the case if it is BellSouth's intent to seek information other than what Covad has already provided in response to BellSouth's First Set of Discovery in this docket.

² BellSouth has included two interrogatories labeled No. 18. This objection applies to the first No. 18.

SPECIFIC OBJECTIONS TO PRODUCTION REQUESTS

PRODUCTION REQUEST NO. 1: Covad objects to this request on the basis that it is ambiguous. Covad interprets "your" to mean high capacity transport or loop facilities which Covad owns.



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Attorneys for DIECA Communications, Inc.
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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing DIECA Communications, Inc., d/b/a Covad Communications Company's Objections to BellSouth Telecommunications, Inc.'s Second Set of Interrogatories (Nos. 14 – 23) and First Request for Production of Documents (Nos. 1-5) has been provided by (*) hand delivery, (**) email and U.S. Mail this 6th day of November 2003, to the following:

(**) Adam Teitzman, Staff Counsel
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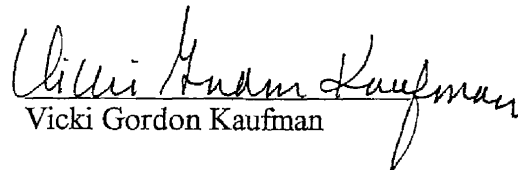
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