

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising
From Federal Communications Commission
Triennial 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

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COMMISSION
CLERK

**OBJECTIONS OF ICG TELECOM GROUP, INC. TO
BELLSOUTH'S SECOND SET OF INTERROGATORIES
AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 ("*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, ICG Telecom Group, Inc. ("ICG") submits its preliminary objections to BellSouth Telecommunications, Inc.'s ("BellSouth") Second Set of Interrogatories to ICG and BellSouth's First Request for Production of Documents to ICG.

ICG files these objections to comply with the seven (7) day requirement set forth in the *Procedural Order*. These objections are preliminary in nature. Should additional grounds for objection be discovered as ICG prepares its responses to any item of discovery contained within the Second Set of Interrogatories or the First Request for Production of Documents, ICG reserves the right to supplement these objections.

Further, at the time of the filing of these objections, the issues to be addressed in this proceeding have not yet been established. Should additional grounds for objections develop as the Commission identifies the issues to be addressed in this proceeding, ICG reserves the right to supplement these objections.

PRELIMINARY OBJECTIONS

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC 7
- OTH _____

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ICG makes the following preliminary objections to the Second Set of Interrogatories and the First Request for Production of Documents. ICG will incorporate the objections within the individual responses to the interrogatories and requests as appropriate.

1. ICG objects to the “Definitions” section, the “General Instructions,” and the individual items of BellSouth’s Second Set of Interrogatories and First Requests for Documents to ICG to the extent that they are overly broad, unduly burdensome, oppressive, and/or excessively time consuming.

2. ICG objects to the “Definitions,” the “General Instructions,” and the individual interrogatories and requests to the extent they seek irrelevant information and are not reasonably calculated to lead to the discovery of admissible evidence. By way of illustration and not limitation, ICG objects to interrogatories and requests that seek information that is unrelated to or inconsistent with the methodology and parameters of the analysis of impairment prescribed by the FCC in its Triennial Review Order.

3. ICG objects to the “Definitions,” the “General Instructions,” and the individual interrogatories and requests for documents to the extent they are vague, ambiguous, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these Requests.

4. ICG objects to the “General Instructions” and the items of BellSouth’s Second Set of Interrogatories and First Requests for Documents to ICG to the extent that they purport to impose discovery obligations on ICG that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure.

5. ICG objects to BellSouth’s Second Set of Interrogatories and First Requests for Documents to ICG to the extent that the interrogatories and requests seek discovery of materials

and/or information protected by the attorney/client privilege, the work product doctrine, the accountant/client privilege, or any other applicable privilege.

6. ICG objects to BellSouth's Second Set of Interrogatories First Requests for Documents to the extent that the interrogatories and requests would require disclosure of information that constitutes trade secrets and/or confidential, proprietary business information, which either should not be disclosed at all or should be disclosed (provided the information is otherwise discoverable) only pursuant to the terms of a mutually acceptable confidentiality agreement and use of the Commission's rules and procedures relating to confidential and proprietary information.

7. ICG objects to all interrogatories and requests which would require ICG to provide information which is already in BellSouth's possession or is in the public record before the Commission. To require ICG to duplicate information that BellSouth already has or that is readily available to BellSouth would be unduly burdensome and oppressive.

8. ICG objects to BellSouth's Second Set of Interrogatories and First Requests for Documents to the extent BellSouth seeks to impose an obligation on ICG to respond on behalf of affiliates and/or former officers, employees, agents, and directors on the grounds that such requests for production are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

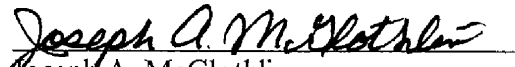
9. To the extent any interrogatories or requests for documents are not intended to relate to Florida intrastate operations within BellSouth's Florida service area, ICG objects to such interrogatories as overbroad, unduly burdensome, irrelevant to the issues before the Commission, and not reasonably calculated to lead to the discovery of admissible evidence. ← ICG will ✓

interpret each interrogatory and each request for documents as relating to intrastate Florida operations within BellSouth's service area.

10. ICG objects to any interrogatories or requests for documents that are not limited in time or are not limited to a time period that is relevant to the issues before the Commission and/or reasonably related to BellSouth's legitimate discovery needs on the grounds such interrogatories are overbroad and unduly burdensome.

11. ICG objects to the use of the terms "qualifying service" and "nonqualifying service" on the grounds the terms are subject (with the exception of services specifically mentioned in the FCC's rule) to differing interpretations.

12. ICG objects to requests for "all," "every," and "any" documents as overbroad and unduly burdensome.


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections of ICG Telecom Group, Inc. to BellSouth's Second Set of Interrogatories and First Request for Production of Documents has been provided by (*) hand delivery, (**) email and U.S. Mail this 6th day of November 2003, to the following:

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