

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

December 17, 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
CLERK

Re: Docket No.: 030852-TP

Dear Ms. Bayo:

On behalf of ICG Telecom Group, Inc. (ICG), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ ICG Telecom Group, Inc.'s Objections to Staff's First Set of Interrogatories and Staff's First Request for Production of Documents.

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

RECEIVED & FILED

Jh

FPSC-BUREAU OF RECORDS

Sincerely,

Joe McGlothlin

Joseph A. McGlothlin

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OPC _____
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SEC _____ I
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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: December 17, 2003

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

ICG Telecom Group, Inc. ("ICG"), through its undersigned counsel, submits its preliminary objections to the Florida Public Service Commission Staff's ("Staff") First Set of Interrogatories and First Request for Production of Documents to ICG.

These objections are preliminary in nature. Should additional grounds for objection be discovered as ICG prepares its responses to any discovery, ICG reserves the right to supplement these objections.

GENERAL OBJECTIONS

ICG makes the following general objections to Staff's First Set of Interrogatories and First Request for Production of Documents (together, "Staff's First Discovery Requests"):

1. ICG objects to the "Definitions" section and the individual items of Staff's First Discovery Requests to ICG to the extent that they are overly broad, unduly burdensome and oppressive, and/or excessively time consuming and expensive.

2. ICG objects to the "Definitions" and the individual items of the First Discovery Requests to the extent they seek irrelevant information and are not reasonably calculated to lead to the discovery of admissible evidence. In that regard, ICG objects, among other things, to any

discovery request that seeks 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” and the individual items of Staff’s First Discovery Requests to the extent they are vague, ambiguous, imprecise, and utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these items.

4. ICG objects to Staff’s First Discovery Requests 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. By way of illustration and not limitation, ICG objects to interrogatories and requests for documents that would require ICG to create information or a document that does not exist or prepare information in a manner in which ICG does not maintain it.

5. ICG objects to Staff’s First Discovery Requests to the extent that the interrogatories and the request for production of documents seek discovery of materials and/or information protected by the attorney/client privilege, the work product doctrine, the accountant/client privilege, and any other applicable privilege.

6. ICG objects to Staff’s First Discovery Requests to the extent that the items 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 Staff's First Discovery Requests to the extent that the items would require ICG to provide information which is already in Staff's possession or is in the public record before the Commission. To require ICG to duplicate information that Staff already has or is readily available to Staff would be unduly burdensome and oppressive.

8. ICG will interpret each interrogatory and the request for documents as relating to intrastate Florida operations. To the extent any interrogatories are not intended to relate to Florida intrastate operations, ICG objects to such interrogatories as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

9. ICG objects to interrogatories and/or requests for documents that require the identification or production of "all," "every," or "any" information or documents as overbroad and unduly burdensome.

11. ICG objects to any discovery request that is not limited in time or is not limited to a period of time that is relevant to the issues before the Commission and/or reasonably related to Staff's legitimate discovery needs.

SPECIFIC OBJECTIONS AND REQUESTS FOR CLARIFICATION


1. ICG incorporates its General Objections by reference. In addition, ICG interposes the following objections and requests for clarification:

2. In Interrogatory 1(a), Staff asks ICG to identify all points within Florida at which ICG connects its local network facilities to the networks of carriers other than the incumbent LEC, including, among other things, "internet service providers." ICG objects to 1(a) on the grounds that its arrangements with internet service providers, who are ICG's customers, are

irrelevant to any issue before the Commission in this docket and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Alternatively, ICG requests clarification of 1(a), inasmuch as the reason why Staff included internet service providers, who are ICG's customers, in an interrogatory that appears related—not to customer information—but to alternative network arrangements is not clear to ICG.

3. Interrogatory 1(b) asks ICG to identify the cost of “transport facilities” identified in 1(a). ICG objects to 1(b) on the grounds it is vague, ambiguous, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Alternatively, ICG requests clarification of 1(b). Inasmuch as I(b) assumes the respondent has identified a “transport facility” in 1(a), and 1(a) asked only for points of connection, the meaning of “transport facility” in 1(b) is unclear in context. Again, 1(b) appears to regard an internet service provider as a source of transport rather than as a customer.

The undersigned has provided the above objections.



Joseph A. McGlothlin
McWhirter, Reeves, McGlothlin, Davidson,
Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525
(850) 222-5606 (fax)
jmcglothline@mac-law.com

Attorneys for ICG Telecom Group, Inc.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Objections of ICG Telecom Group, Inc. to Staff's First Set of Interrogatories and Staff's First Request for Production of Documents has been provided by (*) hand delivery, (**) email and U.S. Mail this 17th day of December 2003, to the following:

(*) (**) Adam Teitzman, Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

(**) Nancy White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

(**) Richard Chapkis
Verizon Florida, Inc.
201 North Franklin Street
MC: FLTC0717
Tampa, Florida 33602

(**) Susan Masterton
Sprint Communications Company
1313 Blairstone Road
Post Office Box 2214
MC: FLTLHO0107
Tallahassee, Florida 32301

(**) Donna Canzano McNulty
MCI WorldCom
1203 Governors Square Boulevard
Suite 201
Tallahassee, Florida 32301

(**) Norman H. Horton, Jr.
215 South Mornoe Street
Tallahassee, Florida 32302-1876

(**) Tracy Hatch
AT&T Communications of the
Southern States, LLC
101 North Monroe Street
Suite 700
Tallahassee, Florida 32301

(**) Michael Gross
Florida Cable Telecommunications
246 East 6th Avenue
Tallahassee, Florida 32302

(**) Matthew Feil
Florida Digital Network, Inc.
390 North Orange Avenue, Suite 2000
Orlando, Florida 32801

(**) Jeffrey J. Binder
Allegiance Telecom, Inc.
1919 M Street, NW
Washington, DC 20037

(**) Floyd R. Self
Messer, Caparello & Self
215 South Monroe Street, Suite 701
Tallahassee, FL 32301

(**) Nanette Edwards
ITC^DeltaCom
4092 S. Memorial Parkway
Huntsville, Alabama 35802

(**) Jake E. Jennings
Senior Vice-President
Regulatory Affairs & Carrier Relations
NewSouth Communications Corp.
NewSouth Center
Two N. Main Center
Greenville, SC 29601

(**) Jon C. Moyle, Jr.
Moyle, Flanigan, Katz, Raymond
& Sheehan, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

(**) Rand Currier
Geoff Cookman
Granite Telecommunications, LLC
234 Copeland Street
Quincy, MA

(**) Andrew O. Isar
Miller Isar, Inc.
2901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335

(**) Scott A. Kassman
FDN Communications
390 North Orange Avenue
Suite 2000
Orlando, FL 32801

(**) Bo Russell
Vice-President
Regulatory and legal Affairs
NuVox Communications, Inc.
301 North Main Street
Greenville, SC 29601


Joseph A. McGlothlin