

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Implementation of requirements  
Arising from Federal Communications  
Commission Triennial UNE review: Local  
Circuit Switching For Mass Market Customers

Docket No. 030851-TP

Filed: December 24, 2003

**PRELIMINARY OBJECTIONS OF ICG TELECOM GROUP, INC. TO BELL SOUTH'S  
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 23-24)**

ICG Telecom Group, Inc. ("ICG"), 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 1.350 of the Florida Rules of Civil Procedure, submits its Preliminary Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") Third Request for Production of Documents (Nos. 23-24) ("Document Requests").

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 discovery, ICG reserves the right to supplement these objections.

**GENERAL OBJECTIONS**

ICG makes the following general objections to the Document Requests:

1. ICG objects to the "Definitions" section, the "General Instructions," and the individual items of BellSouth's Document Requests to the extent that they are overly broad, unduly burdensome, and/or oppressive.

2. ICG objects to the "Definitions," the "General Instructions," and the individual items within the Document Requests to the extent they are irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence. By way of illustration and not limitation, ICG objects to document requests that seek information that is

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unrelated to or inconsistent with the parameters and methodology of the impairment analysis prescribed by the FCC in its Triennial Review Order.

3. ICG objects to the “Definitions,” the “General Instructions,” and the individual Document Requests 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 Document Requests 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 example and not of limitation, ICG objects to instructions that purport to require ICG to update or supplement its answers and responses.

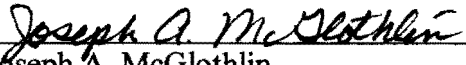
5. ICG objects to BellSouth’s Document Requests to the extent that the requests seek discovery of materials and/or information protected by the attorney/client privilege, the work product doctrine, the accountant/client privilege, or any other applicable privilege.

6. ICG objects to BellSouth’s Document Requests to the extent that the requests would require disclosure of trade secrets and/or proprietary confidential information that either should not be disclosed at all or should be disclosed only pursuant to the terms of a mutually acceptable confidentiality agreement and the rules and orders of the Commission governing confidentiality.

7. ICG objects to the Document 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 duplicate information that BellSouth already has or is readily available to BellSouth would be unduly burdensome and oppressive.

8. ICG objects to BellSouth's Document Requests to the extent BellSouth seeks to impose an obligation on ICG to respond on behalf of subsidiaries 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. ICG objects to any of the Document Requests that require the identification of "every," "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be identified.

  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Preliminary Objections of ICG Telecom Group, Inc. to BellSouth's Third Request for Production of Documents (Nos. 23-24) has been provided by (\*) hand delivery, (\*\*) email and U.S. Mail this 24th day of December 2003, to the following:

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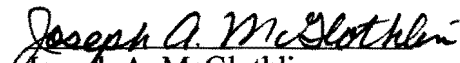
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