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December 29, 2003

VIA HAND DELIVERY

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

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 Verizon Florida Inc.'s First Request for Admissions (Nos. 1 - 2), First Set of Interrogatories (Nos. 1 - 22) and First Request for Production of Documents (Nos. 1 - 11).

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

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*Jh*

FPSC-BUREAU OF RECORDS

Sincerely,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

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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 29, 2003

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**DIECA COMMUNICATIONS, INC., D/B/A COVAD COMMUNICATIONS  
COMPANY'S OBJECTIONS TO VERIZON FLORIDA INC.'S FIRST REQUEST FOR  
ADMISSIONS (NOS. 1-2), FIRST SET OF INTERROGATORIES (NOS. 1-22) AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-11)**

DIECA Communications, Inc., d/b/a Covad Communications Company (Covad), pursuant to Rule 28.106-206, Florida Administrative Code, and Rules 1.280, 1.340, 1.350 and 1.370, Florida Rules of Civil Procedure, hereby files the following Preliminary Objections to Verizon Florida Inc.'s First Request for Admissions (Nos. 1-2), First Set of Interrogatories (Nos. 1-22) and First Request for Production of Documents (Nos. 1-11) to Covad.

**GENERAL OBJECTIONS**

1. Covad objects to the interrogatories, requests for documents and requests for admissions 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, Verizon defines "your company" to include, in relevant part, "subsidiaries, and affiliates. . ." Covad will not be responding to discovery that seeks information from affiliate companies.

2. Covad objects to the interrogatories, requests for documents and requests for admissions to the extent they are intended to apply to matters other than those subject to the

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jurisdiction of the Commission. Covad object to such discovery as irrelevant, overly broad, unduly burdensome, and oppressive.

3. Covad objects to each and every interrogatory, request for documents, request for admission and instruction to the extent that such discovery 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, request for documents, request for admission and instruction insofar as the interrogatories, requests for documents, requests for admissions or instructions 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 this discovery. Any answers provided by Covad in response to the interrogatories, requests for documents and requests for admissions will be provided subject to, and without waiver, of the foregoing objection.

5. Covad objects to each and every interrogatory, request for documents, and request for admission 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 or documents to the extent that such information or documents are already in the public record before the Commission or in Verizon's possession.

7. Covad objects to Verizon'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, request for documents, request for admission and instruction, 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, request for documents, request for admission and instruction to the extent that the information requested constitutes “trade secrets” pursuant to Section 90.506, Florida Statutes. To the extent that Verizon 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 any state outside of Florida. Covad will respond, to the extent a request is not otherwise

objectionable, when applicable to Florida. Discovery seeking information as to states other than Florida is 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.

13. Covad objects to Verizon's definition of "transport services" or "transport facilities" as overly broad. Covad objects to any discovery using these terms as overly broad and seeking information not reasonably calculated to lead to the discovery of admissible information. Specifically, Verizon defines transport in a manner that includes indirect connections between its wire centers. This definition potentially includes "daisy chained" sets of transport through intermediate carrier locations. "Daisy-chaining" of transport was specifically rejected as a trigger by the FCC. TRO ¶ 402 ("We consider, but decline to adopt, a test based on each link between two incumbent LEC central offices . . .").

#### **SPECIFIC OBJECTIONS TO REQUESTS FOR ADMISSIONS**

**REQUEST FOR ADMISSION NO 2:** Covad objects to Verizon's Request for Admission No. 2 on the ground that it is ambiguous and irrelevant, in that it asks Covad to "admit" to a double negative – that it does not state, "in words or substance", that it does not offer transport. Whatever trickery is afoot, Covad's counsel cannot fathom how it would be relevant if a company admitted or denied that they do not state – in words or otherwise – that they do not offer transport. If admitted, they would be admitting that their web page says nothing. However, if denied, then what result – the company *does* state on its website that it does *not* offer transport (presumably establishing that the carrier in question has the spare space on its web page to identify all of the services that it does *not* offer)? Whatever Verizon's purpose, Covad will endeavor to accurately respond to this request for admission.

## SPECIFIC OBJECTIONS TO INTERROGATORIES

**INTERROGATORY NO. 21:** Covad objects to this interrogatory on the basis that 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)*.

**INTERROGATORY NO. 22:** Covad objects to this interrogatory because it seeks the identification of: (1) all of central offices in which Covad is collocated across the United States, (2) all of the competitors currently terminating fiber in those central offices, and (3) the basis for Covad's 2001 statistical representation to the FCC. Such information is overly broad and is irrelevant to the issues in this docket.

## SPECIFIC OBJECTIONS TO PRODUCTION REQUESTS

**PRODUCTION REQUEST NO. 2:** Covad objects to this request on the basis that the portion of this request which is relevant seeks information which is equally available to Verizon as it is to Covad.

**PRODUCTION REQUEST NO. 5, 6, 9 and 10:** Covad objects to these requests on the basis that they are overly broad and seek information not reasonably calculated to lead to the discovery of admissible evidence.

*Vicki Gordon Kaufman*

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Attorneys for DIECA Communications, Inc.  
d/b/a Covad Communications, Company

**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 Verizon Florida Inc.'s First Request for Admissions (Nos. 1 – 2), First Set of Interrogatories (Nos. 1 – 22) and First Request for Production of Documents (Nos. 1 – 11) has been provided by (\*) hand delivery, (\*\*) email and U.S. Mail this 29th day of December 2003, to the following:

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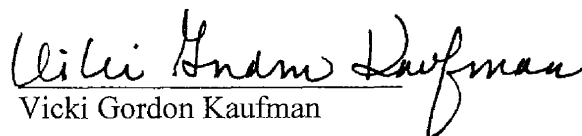
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