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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 03085-113
COMMISSION
CLERK
Filed: January 15, 2004

**PRELIMINARY OBJECTIONS OF
THE FLORIDA COMPETITIVE CARRIER ASSOCIATION
TO STAFF'S FOURTH SET OF INTERROGATORIES AND
STAFF'S FOURTH 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, the Florida Competitive Carriers Association ("FCCA"), submits its Preliminary Objections to the Commission Staff's Fourth Set of Interrogatories and Fourth Request for Production of Documents to FCCA (together, "Discovery Requests").

FCCA 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 FCCA prepares its responses to any discovery, FCCA reserves the right to supplement these objections.

PRELIMINARY OBJECTIONS

FCCA makes the following general objections to the Discovery Requests:

- 1. FCCA objects to the "Definitions" section and the individual items of Staff's Discovery Requests to the extent that they are overly broad, unduly burdensome, and/or oppressive.

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2. FCCA objects to the “Definitions,” and the individual items within the discovery 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, FCCA objects to interrogatories and document requests that seek information that is unrelated to or inconsistent with the parameters and methodology of the impairment analysis prescribed by the FCC in its Triennial Review Order.

3. FCCA objects to the “Definitions,” and the individual Discovery 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.

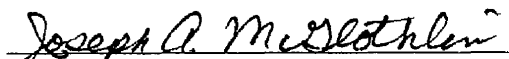
4. FCCA objects to the items of Staff’s Discovery Requests to the extent that they purport to impose discovery obligations on FCCA that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure.

5. FCCA objects to Staff’s Discovery 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. FCCA objects to Staff’s Discovery 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. FCCA objects to all Discovery Requests which would require FCCA to provide information which is already in Staff’s possession or is in the public record before the Commission. To duplicate information that Staff already has or is readily available to Staff would be unduly burdensome and oppressive.

8. FCCA objects to any item of the Discovery Requests that requires the identification or production 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 the Florida Competitive Carriers Association to Staff's Fourth Set of Interrogatories and Fourth Request for Production of Documents has been provided by (*) hand delivery, (**) email and U.S. Mail this 15th day of January 2004, to the following:

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