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COMMISSION CLERK

February 13, 2004

Ms. Blanca S. Bayó
Director, Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 030852-TP Implementation of Requirements Arising from FCC
Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber
Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport

Dear Ms. Bayó:

Enclosed please find an original and seven (7) copies of FDN Communications
Objections to Staff's Second Set of Interrogatories (Nos. 15-37) and Second Request for
Production of Documents (Nos. 8-9).

If you have any questions regarding the enclosed, please call me at 407-447-6636.

Sincerely,

Handwritten signature of Scott Kassman

Scott Kassman
FDN Communications
Assistant General Counsel

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission) Docket No. 030852-TP
Triennial UNE review: Location Specific-Review)
For DS1, DS3, and Dark Fiber Loops and)
Route-Specific Review for DS1, DS3, and Dark)
Fiber Transport)
_____)

**FDN COMMUNICATIONS' OBJECTIONS TO
STAFF'S SECOND SET OF INTERROGATORIES (NOS. 15 - 37) AND SECOND
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 8 - 9)**

Florida Digital Network, Inc., d/b/a FDN Communications ("FDN"), pursuant to Rule 28-106.206, Florida Administrative Code and Rules 1.340 and 1.280, Florida Rules of Civil Procedure, hereby submits the following Objections to Staff's Second Set of Interrogatories (Nos. 15-37) and Second Request for Production of Documents (Nos. 8-9) dated February 6, 2003 and served electronically after 5:00 pm on February 5.

The objections stated herein are preliminary in nature and are made at this time to comply with the 7-calendar day requirement set forth in Order No. PSC-03-1054-PCO-TP issued on September 22, 2003, by the Florida Public Service Commission ("Commission"). Should additional grounds for objection be discovered as FDN prepares its answers to the above-referenced discovery requests, FDN reserves the right to supplement, revise, or modify its objections at the time it serves its responses.

GENERAL OBJECTIONS

1. FDN objects to each discovery request to the extent that it seeks to impose an obligation on FDN to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such request is

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overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. FDN objects to each discovery request to the extent that it is intended to apply to matters other than those directly at issue in this proceeding. FDN objects to each such request as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. FDN objects to each discovery request to the extent that it requests information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. FDN objects to each discovery request to the extent that it is vague, ambiguous, overly broad, imprecise, or to the extent that it utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Answers, if any, provided by FDN in response these requests will be provided subject to, and without waiver of, the foregoing objection.

5. FDN objects to each discovery request to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FDN will attempt to note in here and/or in its responses each instance where this objection applies.

6. FDN objects to providing information to the extent that such information is already in the public record before the Commission or in the possession of the party propounding the discovery.

7. FDN objects to each discovery request to the extent that it seeks to impose obligations on FDN that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

8. FDN objects to each discovery request to the extent that responding to it would be unduly burdensome, expensive, oppressive, or excessively time consuming.

9. FDN objects to each discovery request to the extent that it is not limited to any stated period of time and, therefore is overly broad and unduly burdensome.

10. FDN is a small corporation with employees located in different locations in Florida. In the course of its business, FDN creates documents that are not subject to Commission or FCC retention of records requirements. These documents may be kept in different locations and may be moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document will be identified in response to these requests.

To the extent a request is not otherwise objectionable, FDN will conduct a search of the files that are reasonably expected to contain the requested information. To the extent that the requests purport to require more, FDN objects on the grounds that compliance would impose an undue burden or expense.

11. In certain circumstances, FDN may determine upon investigation and analysis that information responsive to certain discovery requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information in response to such a discovery request, FDN is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FDN hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal requirements.

12. FDN objects to any discovery requests to the extent any definitions or instructions purport to expand FDN's obligations under applicable law. FDN will comply with applicable law.

13. FDN objects to the discovery requests to the extent they purport to require FDN to conduct any analysis or create information not prepared by FDN

or its consultants in preparation for this case. FDN will only comply with its obligations under applicable law.

14. FDN objects to the discovery requests to the extent the requests require information for operations outside the State of Florida.

15. For each specific objection FDN may pose to the discovery here or hereafter, FDN incorporates all of the foregoing general objections.

SPECIFIC OBJECTIONS TO INTERROGATORIES

16. What is your interpretation of §51.319(e)(1)(ii)(C), §51.319(e)(2)(i)(A)(2), §51.319(e)(2)(i)(B)(3), 51.319(e)(3)(i)(A)(2) and §51.319(e)(3)(i)(B)(3)?

(a) Do these rules require a finding that the competing providers facilities terminate at a collocation or similar arrangement for both the following scenarios along a specific route: (1) at each end of the transport route that is located at an incumbent LEC premises; and (2) in a similar arrangement at each end of the transport route that is not located at an incumbent LEC premises?

(b) If the response to (a) is affirmative, why is it necessary to reach a finding on both scenarios?

(c) Explain what the FCC means by “a similar arrangement at each end of the transport route that is not located at an incumbent LEC premises.”

17. For purposes of the following request, please refer to the rebuttal testimony of AT&T witness Bradbury, page 17, lines 10-16. Do you agree with the assertion that a “transport circuit that requires the intervention of a switch between 2 locations is, by definition, not a dedicated transport route as described in the TRO.” Fully explain your response using cites from the TRO.

18. If the FCC allows dedicated transport to include switching, explain the rationale for the FCC doing so.

19. For purposes of the following request, please refer to the rebuttal testimony of AT&T witness Bradbury, page 14, lines 5-8. Please discuss and justify, using specific cites from the TRO, whether or not you agree with AT&T that if a competitive provider's loop(s) at a particular location were provisioned to carry in excess of 2 DS3s, then the provider's loop(s) at that location could not count toward the self-provisioning trigger.
20. For purposes of the following request, please refer to Bradbury rebuttal, page 16, lines 4-10. Please discuss and justify, using specific cites from the TRO, whether or not you agree with AT&T that the FCC made a "national finding that CLECs are impaired for transport below 13 DS3s per CLEC and per route." Where in the TRO did the FCC state specifically that it made a national finding of no impairment for transport below 13 DS3s per CLEC and per route?
30. Provide a diagram that includes the facilities of the ILEC and competing providers along a hypothetical route that meets the definition of "route" in §51.319(e), and specifically satisfies the requirements of §51.319(e)(1)(ii)(C), §51.319(e)(2)(i)(A)(2), §51.319(e)(2)(i)(B)(3) and §51.319(e)(3)(i)(A)(2) and §51.319(e)(3)(i)(B)(3) in support of your response to Staff Interrogatory No. 16.

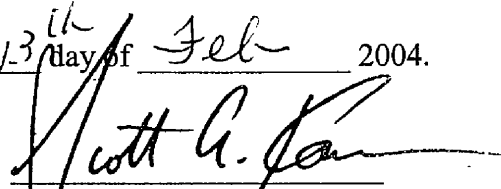
OBJECTION: FDN incorporates by reference as if fully stated herein its General Objections: 7. FDN's witness, Mr. Hand, is not offered as a legal expert and as such Mr. Hand cannot offer an expert legal opinion on the foregoing interrogatories. Moreover, FDN has not arrived at its final legal position on the questions posed in the foregoing interrogatories.

DOCUMENT REQUESTS

8. Provide maps and diagrams of your network in BellSouth's Florida Territory. Include all points of collocation/interconnection with the incumbent and other carriers and internet service providers and all your nodes and switch locations.

OBJECTION: FDN incorporates by reference as if fully stated herein its General Objections: 2, 5, 6, 8, 11.

Respectfully submitted, this 13th day of Feb 2004.



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CERTIFICATE OF SERVICE

Docket 030852-TP

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (*) who have been sent a copy via overnight mail, this 13th day of Feb, 2004.

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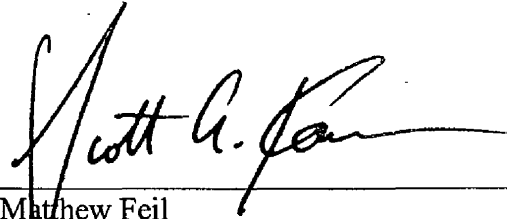
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A handwritten signature in black ink, appearing to read "Scott A. Kassman". The signature is written in a cursive style with a long horizontal flourish extending to the right. A horizontal line is drawn across the page just below the signature.

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