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February 17, 2004

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

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COMMISSION
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Re: Docket No. 030852-TP

Dear Ms. Bayo:

On behalf of Network Telephone Corporation, enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Objections of Network Telephone Corporation to Verizon's First Set of Interrogatories, Verizon's First Request for Production of Documents, and Verizon's First Requests for Admissions.

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

Yours truly,

Joseph A. McGlothlin

AUS _____
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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEEN, 02246 FEB 17

FPSC-COMMISSION CLERK

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: February 17, 2004

**OBJECTIONS OF NETWORK TELEPHONE CORPORATION TO
VERIZON'S FIRST SET OF INTERROGATORIES,
VERIZON'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS,
VERIZON'S FIRST REQUESTS FOR ADMISSIONS**

Network Telephone Corporation ("Network Telephone"), through its undersigned counsel, submits its preliminary objections to Verizon Florida, Inc.'s ("Verizon") First Set of Interrogatories, First Request for Production of Documents, and First Requests for Admissions to Network Telephone.

Other than the first objection regarding Verizon's failure to adhere to the established time frame for initiating discovery, which is dispositive of the matter, these objections are preliminary in nature. Should additional grounds for objection be discovered as Network Telephone prepares its responses to any discovery, Network Telephone reserves the right to supplement these objections.

GENERAL OBJECTIONS

Network Telephone makes the following general objections to Verizon's First Set of Interrogatories, First Request for Production of Documents, and First requests for Admissions (together, "Verizon's First Discovery Requests"):

1. Network Telephone objects to Verizon's First Discovery Requests in their entirety because they were not timely served. Order On Procedure No. PSC-03-1265-PCO-TP required

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FPSC-COMMISSION CLERK

all discovery to be served such that responses would be due no later than February 25, 2004. Verizon served its First Discovery Requests on Network Telephone on February 10, 2004. The applicable response period of 20 days impermissibly would fall outside the established discovery cutoff date. Verizon failed to adhere to the time frame for discovery established for this proceeding. Accordingly, Network Telephone is not required to respond to Verizon's First Discovery Requests.

While the first objection is dispositive of the matter, in addition Network Telephone will state its preliminary objections to Verizon's First Discovery Requests.

2. Network Telephone objects to the "Instructions" and "Definitions" sections and the individual items of Verizon's First Discovery Requests to Network Telephone to the extent that they are overly broad, unduly burdensome and oppressive, and/or excessively time consuming and expensive.

3. Network Telephone objects to Verizon's 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, Network Telephone 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.

4. Network Telephone objects to Verizon'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.

5. Network Telephone objects to Verizon's First Discovery Requests to Network Telephone to the extent that they purport to impose discovery obligations on Network Telephone

that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure. By way of illustration and not limitation, Network Telephone objects to interrogatories and requests for documents that would require Network Telephone to create information or a document that does not exist or prepare information in a manner in which Network Telephone does not maintain it.

6. Network Telephone objects to Verizon's First Discovery Requests to the extent that they 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.

7. Network Telephone objects to Verizon'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.

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

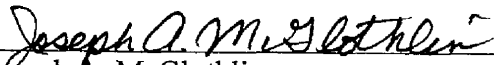
9. Network Telephone will interpret each interrogatory and the request for documents as relating to intrastate Florida operations. To the extent any interrogatories are not intended to relate to Florida intrastate operations, Network Telephone objects to such

interrogatories as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

10. Network Telephone objects to interrogatories, requests for admissions, 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. Network Telephone 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 Verizon’s legitimate discovery needs.

The undersigned has provided the above objections.


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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Objections of Network Telephone Corporation to Verizon's First Set of Interrogatories, Verizon's First Request for Production of Documents, and Verizon's First Requests for Admissions has been provided by (*) hand delivery, (**) email and U.S. Mail this 17th day of February, 2004, to the following:

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