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Complex Litigation  
General Business Law

# The Helein Law Group, LLC

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# ORIGINAL

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July 9, 2004

### VIA OVERNIGHT MAIL

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

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**Re: New Century Telecom, Inc. – Docket No. 040062-TI**

Dear Ms. Bayo:

On behalf of New Century Telecom, Inc., enclosed please find the company's Objection to the Commission's July 6, 2004 Subpoena Duces Tecum Without Deposition in the above-referenced docket.

An extra copy of this filing is enclosed. Please return this copy to the undersigned in the provided postage-prepaid envelope.

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- SCR \_\_\_\_\_
- SEC   1
- OTH \_\_\_\_\_

Respectfully,

Loubna W. Haddad  
Regulatory Counsel

cc: Dale Buys (via facsimile)

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DOCUMENT NUMBER-DATE

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**IN RE:** Docket No. 040062-TI-Compliance )  
Investigation of New Century Telecom, Inc. for )  
Apparent violation of Rule 25-4.111, F.A.C., )  
Local, Local Toll, or Toll Provider Selection. )

**4**

**OBJECTION TO SUBPOENA DUCES TECUM  
WITHOUT DEPOSITION**

COMES NOW New Century Telecom, Inc. ("NCT"), by and through undersigned counsel, and files this Objection to the Florida Public Service Commission's ("Commission") July 6, 2004 Subpoena Duces Tecum Without Deposition ("Subpoena").

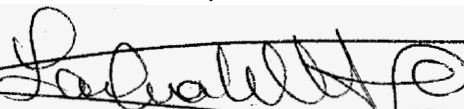
On or around 3:30 p.m. on Friday, July 9, 2004, The Helein Law Group, LLP, as counsel to NCT, was served with a Subpoena issued by the Commission on July 6, 2004. The Subpoena requires NCT to produce at the Commission's offices certain documents covering 1 ½ year on or before Monday, July 12, 2004. The timeframe allotted in the Subpoena for complying is fundamentally unreasonable, burdensome and impossible to satisfy. Therefore, NCT cannot and will not comply with the Subpoena in this allotted timeframe. NCT's Florida Of-counsel has contacted Commission Staff and telephonically relayed the company's position.

NCT is scheduled to meet with Commission Staff on July 13<sup>th</sup> for a settlement conference in the docket, as directed by the Commission itself, and will work with Staff at that time toward reaching a mutually agreed upon and reasonable time for NCT to respond to or otherwise comply with the Subpoena.

NCT reserves its right to object to the Subpoena on any other grounds that may be available and relevant and files this objection without waiving such right.

Respectfully submitted,  
New Century Telecom, Inc.

By



The Helein Law Group LLP

Its Counsel

8180 Greensboro Drive, Suite 700  
McLean, Virginia 22102

cc: Of Counsel:  
Deeno Kitchen  
Dobson, Kitchen & Smith  
610 N. Duval Street  
Tallahassee, Florida 32301