ORIGINAL

Timolyn Henry

From: Whitt, Chrystal [CC] [Chrystal.Whitt@mail.sprint.com]
Sent: Monday, June 27, 2005 4:29 PM
To: Filings@psc.state.fl.us
Subject: RE: 041144-TP Sprint's Objections to KMC's 4th Rogs and 5th POD's
Attachments: 041144-TP Objections to KMC's 4th Int.and 5th PODs.pdf

We made a slight correction to this filing, please use this one instead of the one previously sent, thanks.

Chrystal Whitt
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-----Original Message-----
From: Whitt, Chrystal [CC]
Sent: Monday, June 27, 2005 3:43 PM
To: 'filings@psc.state.fl.us'
Subject: 041144-TP Sprint's Objections to KMC's 4th Rogs and 5th POD's

CMP _____
COM _____
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ECR _____
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OPC _____
MMS _____
RCA _____
SCR _____
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OTH _____

Filed on behalf of:

Susan S. Masterton

Attorney

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Docket No. 041144

Title of filing: Sprint's Objections to KMC's 4th Rogs and 5th POD's

Filed on behalf of: Sprint

No. of pages: 8

Description: Sprint's Objections to KMC's 4th Rogs and 5th POD's

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June 27, 2005

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

Re: Docket No. 041144-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint-Florida, Incorporated are Sprint's Objections to KMC's 4th Interrogatories and 5th POD's.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

Please acknowledge receipt of this filing by stamping and initialing a copy of this letter and returning same to my assistant. If you have any questions, please do not hesitate to call me at 850/599-1560.

Sincerely,

Susan S. Masterton

Susan S. Masterton

Enclosure

CERTIFICATE OF SERVICE
DOCKET NO. 041144-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic and U.S. mail this 27th day of June, 2005 to the following:

Division of Legal Services
Lee Fordham/ Beth Keating
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Nancy Pruitt/Ann Marsh
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

KMC Data LLC/KMC Telecom III LLC/KMC Telecom V, Inc.
Marva B. Johnson/Mike Duke
1755 North Brown Road
Lawrenceville, GA 30043-8119

Kelley Drye & Warren LLP
Chip Yorkgitis / Barbara Miller
1200 19th Street, N.W.,
Fifth Floor
Washington, DC 20036

Messer Law Firm
Floyd R. Self, Esq.
P.O. Box 1876
Tallahassee, FL 32302-1876

Susan S. Masterton
Susan S. Masterton

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Sprint-Florida, Incorporated Against KMC Telecom III LLC, KMC Telecom V, Inc. and KMC Data LLC, for failure to pay intrastate Access charges pursuant to its interconnection Agreement and Sprint's tariffs and for violation of Section 364.16(3)(a), Florida Statutes.	)	Docket No. 041144-TP (CORRECTED) Filed: June 27, 2005

SPRINT'S GENERAL AND SPECIFIC OBJECTIONS TO KMC'S FOURTH SET OF INTERROGATORIES AND FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340, 1.350 and 1.280(b), Florida Rules of Civil Procedure, Sprint-Florida, Incorporated (hereinafter "Sprint") hereby submits the following General and Specific Objections to KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC's (KMC's) Fifth Set of Interrogatories and Fourth Request for Production of Documents, which were served on Sprint via e-mail on June15, 2005.

INTRODUCTION

The objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. PSC-05-0125-PCO-TP ("Procedural Order") issued by the Florida Public Service Commission ("Commission") in the above-referenced docket. Should additional grounds for objection be discovered as Sprint prepares its responses to the above-referenced requests, Sprint reserves the right to supplement, revise, or modify its objections at the time that it serves its responses on KMC. Moreover, should Sprint determine that a Protective Order is necessary with respect to any of the material requested by KMC, Sprint reserves the right to file a motion with the Commission seeking such a order at the time that it serves its answers and responses on KMC.

GENERAL OBJECTIONS

Sprint makes the following General Objections to KMC's Fifth Set of Interrogatories and Fourth Request for Production of Documents ("PODs"). These general objections apply to instructions and definitions and to each of the individual requests and interrogatories in the Fifth Set of Interrogatories and Fourth Request for PODs, respectively, and will be incorporated by reference into Sprint's answers when they are served on KMC.

1. Sprint objects to the requests to the extent that such requests seek to impose an obligation on Sprint to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. The party subject to this arbitration is Sprint-Florida, Incorporated and, without waiver of this objection and subject to any other applicable objection set forth herein, Sprint will respond accordingly.

2. Sprint has interpreted KMC's requests to apply to Sprint's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, Sprint objects to such request to produce as irrelevant, overly broad, unduly burdensome, and oppressive.

3. Sprint objects to each and every request and instruction to the extent that such request 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. Sprint objects to each and every request insofar as the request is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not

properly defined or explained for purposes of these requests. Any responses provided by Sprint to KMC's requests will be provided subject to, and without waiver of, the foregoing objection.

5. Sprint objects to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. Sprint will attempt to note in its responses each instance where this objection applies.

6. Sprint objects to KMC's discovery requests, instructions and definitions, insofar as they seek to impose obligation on Sprint that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

7. Sprint objects to providing information to the extent that such information is already in the public record before the Commission, or elsewhere.

8. Sprint objects to each and every request, insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. Sprint objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that KMC requests proprietary confidential business information which is not subject to the "trade secrets" privilege, Sprint will make such information available to counsel for KMC pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. Sprint is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Sprint 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 will be provided in response to these discovery requests. Rather, Sprint's responses will provide, subject to any applicable objections, all of the information obtained by Sprint after a reasonable and diligent search conducted in connection with these requests. Sprint shall conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the discovery requests purport to require more, Sprint objects on the grounds that compliance would impose an undue burden or expense.

SPECIFIC OBJECTIONS TO KMC'S FIFTH SET OF INTERROGATORIES AND FOURTH PODs

Interrogatory No. 83: In the rebuttal testimony of James Burt, (page 18), Mr. Burt refers to and attaches as Exhibit 2 to his testimony "sample Calls" for which Sprint-FL provides customer billing and SS7 information. With respect to those "sample calls" and the information provided for those calls, please answer the following:

(a) Why were these six calls selected to investigate and provide to the Commission and KMC during this proceeding?

(b) To the extent not explained in response to (a), how did Sprint-FL select these six calls to investigate and provide to the Commission and KMC?

(c) What steps did Sprint-FL take in order to obtain the call information and data for the six sample calls, including, but not limited to, entities contacted, software or technology used, and all methods used to obtain, pull and sort any information provided?

(d) Was any information or documentation concerning the six sample calls obtained during this investigation and analysis process but not provided in the attachments to Mr. Burt's testimony? If so please identify and describe this information and documentation.

(e) Did Sprint-FL investigate or attempt to investigate any individual calls other than the six calls provided with Mr. Burt's testimony? If the answer is yes, please identify every other call that was investigated in the same manner as the six sample calls and identify all documentation related to such investigation. Explain why the information regarding these phone calls was not included in the exhibits and what information was obtained regarding the phone calls not included in the exhibits.

Specific Objection: Sprint objects to this Interrogatory in that it requests materials that were prepared specifically for trial and requests information concerning the mental impressions, conclusions, opinions or legal theories of Sprint's attorneys or other representatives concerning this litigation. Specifically, the information requested relates to information gathered in researching and preparing Sprint's pre-filed testimony and testimony exhibits in this proceeding.

Interrogatory No. 88

(a) Please identify each carrier with whom Sprint-FL has had Feature Group D trunks in Tallahassee and Fort Myers at any time from the second calendar quarter 2002 through the present, identifying the time period in which each carrier had such trunks in each of the two markets.

(b) For each carrier identified in (a), please identify the number of trunks separately for each of the two markets and the volume of traffic associated with each trunk for each calendar quarter beginning with second quarter 2002.

Specific Objection: Sprint objects to this Interrogatory on the grounds that for Sprint (one of the three largest local exchange companies in Florida) to identify each and every entity with

which it had Feature Group D trunks since 2002 and to identify the number of trunks and volume of traffic for each of those entities would be unduly burdensome, expensive, and oppressive. In addition, the information requested is not relevant or likely to lead to the discovery of admissible evidence in this proceeding.

POD No. 74: Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 83.

Specific Objection: See objection to Interrogatory No. 83.

POD No. 79: Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 88.

Specific Objection: See objection to Interrogatory No. 88.

DATED this 27th day of June 2005.

Susan S. Masterton

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ATTORNEY FOR SPRINT-FLORIDA, INCORPORATED