

950

SWIDLER  
&  
BERLIN  
CHARTERED

JAMES C. FALVEY  
ATTORNEY-AT-LAW

DIRECT DIAL  
(202)424-7706

December 22, 1995

**Via Federal Express**

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

Re: Resolution of Petition(s) to establish nondiscriminatory rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, Florida Statutes (Docket No. 950985B-TP)

Dear Mrs. Bayo:

Enclosed for filing are an original and one copy of Metropolitan Fiber Systems of Florida, Inc.'s Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and First Request for Production of Documents in the above-captioned docket.

Also enclosed is an extra copy. Please date stamp the extra copy and return it in the enclosed self-addressed envelope.

Thank you for your attention to this matter.

Sincerely,

*James C. Falvey*  
James C. Falvey

cc: All parties of record

✓  
Chase  
151219.1  
RE  
SI  
WA

*mas*

3000 K STREET, N.W. ■ SUITE 300  
WASHINGTON, D.C. 20007-5116  
(202)424-7500 ■ TELEX 701131 ■ FACSIMILE (202)424-7645

DOCUMENT NUMBER-DATE

12995 DEC 26 85

FPSC-RECORDS/REPORTING

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

**Resolution of Petition(s) to establish nondiscriminatory rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, Florida Statutes** )  
 ) Docket No. 950985B-TP  
 )  
 ) Dated: December 22, 1995  
 )  
 )  
 )

**METROPOLITAN FIBER SYSTEMS OF FLORIDA, INC.'S OBJECTIONS TO  
BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF  
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES NOW, Metropolitan Fiber Systems of Florida, Inc. ("MFS-FL"), and pursuant to Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, Rules 25-22.034 and 25-22.035, Florida Administrative Code, and Order No. PSC-95-1421-PCO-TP, hereby submits the following objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and First Request for Production of Documents. MFS-FL reserves the right to supplement these objections at the time that it serves its answers to these discovery requests on BellSouth Telecommunications, Inc. ("BellSouth"). MFS-FL also reserves the right to request confidential treatment of any or all of the requested information and documents, and accordingly reserves the right to file a motion with the Commission seeking a protective order at the time that it serves its responses on BellSouth.

**General Objections to BellSouth Interrogatories and Document Requests**

MFS makes the following general objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents ("Discovery Requests"):

DOCUMENT NUMBER-DATE  
12995 DEC 26 1995 891  
FPSC-RECORDS/REPORTING

1. MFS-FL objects to the Discovery Requests to the extent that they seek privileged or confidential information or documents, including information encompassed by the attorney-client privilege, the work product doctrine, or trade secrets protected pursuant to Section 90.506, Florida Statutes.

2. MFS-FL objects to these Discovery Requests to the extent that they seek information or documents beyond the scope of discovery as described by Rule 1.280, Florida Rules of Civil Procedure, or otherwise not permitted by the Florida Rules of Civil Procedure.

3. MFS-FL objects to these Discovery Requests to the extent that they seek information or documents which are duplicative, oppressive, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

4. MFS-FL objects to these Discovery Requests to the extent that they are vague, ambiguous, or overbroad.

5. As used herein, all objections as to relevancy shall mean that the information or documents requested are irrelevant to the subject matter involved in the pending action and are not reasonably calculated to lead to the discovery of admissible evidence.

6. MFS-FL objects to the Discovery Requests to the extent that they seek information or documents not in the possession, custody, or control of MFS-FL, or to which BellSouth has equal access.

7. MFS-FL objects to the Discovery Requests as burdensome to the extent that they seek information or documents that are publicly available.

8. By responding to these Discovery Requests, MFS-FL neither admits nor concedes the appropriateness or accuracy of the words or definitions in the Discovery

Requests. MFS-FL will respond to the Discovery Requests to the extent it does not object thereto, in accordance with relevant provisions of law and according to its understanding of the fair and reasonable meaning of the Discovery Requests where possible.

#### Specific Objections to Interrogatories

Interrogatory No. 3: MFS-FL objects to the extent that this interrogatory seeks information which is duplicative, oppressive, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. MFS-FL further objects to the extent that this interrogatory seeks information or documents not in the possession, custody, or control of MFS-FL, or to which BellSouth has equal access. MFS-FL also objects to this interrogatory as burdensome to the extent that it seeks information or documents that are publicly available.

Interrogatory No. 4: MFS-FL objects to this interrogatory to the extent that it seeks privileged or confidential information, including information encompassed by the attorney-client privilege, the work product doctrine, or trade secrets protected pursuant to Section 90.506, Florida Statutes.

Interrogatory No. 5: MFS-FL objects to the extent that this interrogatory seeks information which is duplicative, oppressive, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. MFS-FL further objects to the extent that this interrogatory seeks information or documents not in the possession, custody, or control of MFS-FL, or to

which BellSouth has equal access. MFS-FL also objects to this interrogatory as burdensome to the extent that it seeks information or documents that are publicly available.

Interrogatory No. 6: MFS-FL objects to the extent that this interrogatory seeks information which is duplicative, oppressive, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. MFS-FL further objects to the extent that this interrogatory seeks information or documents not in the possession, custody, or control of MFS-FL, or to which BellSouth has equal access. MFS-FL also objects to this interrogatory as burdensome to the extent that it seeks information or documents that are publicly available.

Interrogatory No. 7: MFS-FL objects to the extent that this interrogatory seeks information which is duplicative, oppressive, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. MFS-FL further objects to the extent that this interrogatory seeks information or documents not in the possession, custody, or control of MFS-FL, or to which BellSouth has equal access. MFS-FL also objects to this interrogatory as burdensome to the extent that it seeks information or documents that are publicly available.

Interrogatory No. 8: MFS-FL objects to the extent that this interrogatory seeks information which is duplicative, oppressive, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. MFS-FL further objects to the extent that this interrogatory seeks information or documents not in the possession, custody, or control of MFS-FL, or to

which BellSouth has equal access. MFS-FL also objects to this interrogatory as burdensome to the extent that it seeks information or documents that are publicly available.

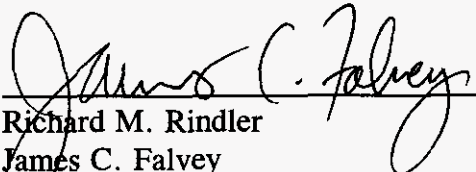
Interrogatory No. 9: MFS-FL objects to the extent that this interrogatory seeks information which is duplicative, oppressive, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. MFS-FL further objects to the extent that this interrogatory seeks information or documents not in the possession, custody, or control of MFS-FL, or to which BellSouth has equal access. MFS-FL also objects to this interrogatory as burdensome to the extent that it seeks information or documents that are publicly available.

#### Specific Objections to Document Requests

Document Request No. 3: MFS-FL objects to this document request to the extent that it is vague, ambiguous, or overbroad. MFS-FL also objects to the extent this document request seeks information which is duplicative, oppressive, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. MFS-FL further objects to the extent that this document request seeks information or documents not in the possession, custody, or control of MFS-FL, or to which BellSouth has equal access. MFS-FL also objects to this document request as burdensome to the extent that it seeks information or documents that are publicly available. MFS-FL also objects to this document request to the extent that it seeks privileged or confidential information, including information encompassed by the attorney-client privilege, the work product doctrine, or trade secrets protected pursuant to Section 90.506, Florida Statutes.

Respectfully submitted,

Timothy Devine  
MFS Communications Company, Inc.  
Six Concourse Parkway  
Ste. 2100  
Atlanta, Georgia 30328

  
Richard M. Rindler  
James C. Falvey  
SWIDLER & BERLIN, CHARTERED  
3000 K Street, N.W.  
Suite 300  
Washington, D.C. 20007

Attorneys for **Metropolitan Fiber Systems  
of Florida, Inc.**

Dated: December 22, 1995

## CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December, a copy of the foregoing document was served, by first class mail, postage prepaid, on the following parties:

Mr. Michael Tye  
AT&T Communications  
of the Southern States, Inc. (T1741)  
101 North Monroe Street, Ste. 700  
Tallahassee, Florida 32301-7733

Mr. Timothy Devine  
Metropolitan Fiber Systems  
of Florida, Inc.  
Six Concourse Parkway, Ste. 1200  
Atlanta, Georgia 30328

Laura L. Wilson, Esq.  
Florida Cable Telecommunications  
Associates, Inc.  
310 North Monroe Street  
Tallahassee, Florida 32302

Peter Dunbar, Esq.  
Charles W. Murphy, Esq.  
Pennington Law Firm  
215 South Monroe Street, Ste. 200  
P.O. Box 10095 (zip 32301)  
Tallahassee, Florida 32302

Richard Melson, Esq.  
Hopping Law Firm  
123 South Calhoun Street  
P.O. Box 6526 (zip 32314)  
Tallahassee, Florida 32301

Jodie Donovan-May, Esq.  
Teleport Communication Group -  
Washington, D.C.  
2 LaFayette Center  
1133 Twenty-First Street, N.W., Ste. 400  
Washington, D.C. 20036

Kenneth A. Hoffman, Esq.  
Rutledge, Ecenia, Underwood, Purnell &  
Hoffman  
P.O. Box 551  
215 South Monroe Street, Ste. 420  
Tallahassee, Florida 32302

Ms. Jill Butler  
Time Warner Communications  
2773 Red Maple Ridge, Ste. 301  
Tallahassee, Florida 32301

Mr. Michael J. Henry  
MCI Telecommunications Corporation  
(T1731)  
780 Johnson Ferry Road, Ste. 700  
Atlanta, Georgia 30342

Patrick Wiggins, Esq.  
Wiggins Law Firm  
501 East Tennessee Street, Ste. B  
P.O. Drawer 1657 (zip 32302)  
Tallahassee, Florida 32308

Floyd Self, Esq.  
Messer Law Firm  
215 South Monroe Street, Ste. 701  
P.O. Box 1876 (zip 32302)  
Tallahassee, Florida 32301

Lee L. Willis, Esq.  
J. Jeffrey Wahlen, Esq.  
McFarlane, Ausley, et al.  
227 South Calhoun Street  
Tallahassee, Florida 32301



Anthony P. Gillman, Esq.  
Kimberly Caswell, Esq.  
GTE Florida Incorporated, FLTC0007  
201 North Franklin Street  
Tampa, Florida 33602

Leslie Carter  
Digital Media Partners  
1 Prestige Place, Ste. 255  
Clearwater, Florida 34619-1098

Charles Beck, Esq.  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

Patricia Kurlin  
Intermedia Communications of Florida, Inc.  
9280 Bay Plaza Blvd., Ste. 720  
Tampa, Florida 33619-4453

Clay Phillips  
Utilities & Telecommunications  
House Office Building, Room 410  
Tallahassee, Florida 32399

David Erwin, Esq.  
Young Law Firm  
P.O. Box 1833  
225 South Adams Street  
Tallahassee, Florida 32302-1833

Nels Roseland  
Executive Office of the Governor  
Office of Planning and Budget  
The Capital, Room 1502  
Tallahassee, Florida 32399-0001

Graham A. Taylor  
TCG South Florida  
1001 West Cypress Creek Road  
Suite 209  
Ft. Lauderdale, Florida 33309-1949

Greg Krasovsky  
Commerce & Economic Opportunities  
Senate Office Building, Room 426  
Tallahassee, Florida 32399

John Murray  
Payphone Consultants, Inc.  
3431 N.W. 55th Street  
Ft. Lauderdale, Florida 33309-6308

H.W. Goodall  
Continental Fiber Technologies, Inc.  
4455 Bay Meadows Road  
Jacksonville, Florida 32217-4716

Richard A. Gerstemeier  
Time Warner AxS of Florida, L.P.  
2251 Lucien Way, Ste. 320  
Maitland, Florida 32751-7023

Steven D. Shannon  
MCI Metro Access Transmission Services,  
Inc.  
2250 Lakeside Boulevard  
Richardson, Texas 75082

Gary T. Lawrence  
City of Lakeland  
501 East Lemon Street  
Lakeland, Florida 33801-5079

Marsha Rule, Esq.  
Wiggins & Willacorta  
P.O. Drawer 1657  
501 East Tennessee  
Tallahassee, Florida 32302

Kimberly Caswell, Esq.  
c/o Richard M. Fletcher  
GTE Florida Incorporated  
106 East College Avenue, Ste. 1440  
Tallahassee, Florida 32301-7704

F. Ben Poag  
Sprint/United-Florida  
Sprint/Centel-Florida  
P.O. Box 165000 (M.C. #5326)  
555 Lake Border Drive  
Apopka, Florida 32703

J. Phillip Carver, Esq. \*  
c/o Nancy H. Sims  
Southern Bell Telephone & Telegraph  
Company  
150 South Monroe Street, Ste. 400  
Tallahassee, Florida 32301

Robin Dunsan, Esq.  
AT&T Communications  
1200 Peachtree Street, N.E.  
Promenade I, Room 4038  
Atlanta, Florida 30309

Donald L. Crosby, Esq.  
7800 Belfort Parkway  
Suite 270  
Jacksonville, Florida 32256-6825

Bill Tabor  
Utilities & Telecommunications  
Houst Office Building, Room 410  
Tallahassee, Florida 32399

Brian Sulmonetti  
LDDS Communications, Inc.  
1515 South Federal Highway, #400  
Boca Raton, Florida 33432-7404

Sue E. Weiske, Esq.  
Senior Counsel  
Law Department  
Time Warner Communications  
160 Inverness Drive West  
Englewood, Colorado 80112

C. Everett Boyd, Jr., Esq.  
Ervin, Varn, Jacobs, Odom & Ervin  
Post Office Drawer 1170  
Tallahassee, Florida 32302

Benjamin Fincher, Esq.  
Sprint Communications Company  
Limited Partnership  
3065 Cumberland Circle  
Atlanta, Georgia 30339

  
James C. Falvey

\* VIA FEDERAL EXPRESS