# BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

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| In re: | ) | Docket No. 991854-TP |
| | ) | |
| Petition for Arbitration of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Intermedia Communications, Inc. Pursuant to Section 252(b) of the Telecommunications Act of 1996 | ) | Filed: March 23, 2000 |

## INTERMEDIA COMMUNICATIONS INC.'S OBJECTIONS TO BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF INTERROGATORIES

**INTERMEDIA COMMUNICATIONS INC.** ("Intermedia"), pursuant to the Florida Rules of Civil Procedure, hereby submits its objections to BellSouth Telecommunications, Inc.'s ("BellSouth's") First Set of Interrogatories.

## GENERAL OBJECTIONS

Intermedia asserts the following objections with respect to each and every interrogatory served by BellSouth:

1. Intermedia objects to each interrogatory to the extent that any response would require the inclusion of information protected by the attorney-client privilege, the work product doctrine, the joint defense privilege or any other discovery privilege recognized under the Florida Rules of Civil Procedure or other applicable Florida law.

2. Intermedia objects to each interrogatory to the extent it seeks disclosure of trade secrets, confidential, or competitively confidential information pursuant to Section 364.183, Florida Statutes. Intermedia will only produce such information upon the execution of a Confidentiality Agreement and/or Protective Order providing, among other things, that such information shall be used solely for purposes of this proceeding, and that access to and





Done 3/27/00

distribution of such information within BellSouth will be strictly limited to those needing it for the purposes of this proceeding.

3. Intermedia objects to the BellSouth's instruction (b) as unduly burdensome and overly broad because it requests an identification of each time the privilege applies to an interrogatory and a description of the basis for the assertion of privilege. In the context of interrogatories (as opposed to document production), this is not reasonable. There is no way realistically to perform such a task in response to interrogatories without identifying the privileged information itself, which would make the assertion of the privilege worthless. Intermedia will perform only those obligations required under Florida law related to the identification of privileged information.

4. Intermedia objects to the Instructions and Definitions in the Interrogatories to the extent that they exceed the obligations imposed on Intermedia by the Florida Rules of Civil Procedure and by the rules of the Commission. For example, Intermedia objects to BellSouth's instruction (e) demanding that Intermedia supplement its discovery responses; that is not required by the Florida Rules of Civil Procedure.

5. Intermedia objects to each and every interrogatory to the extent it seeks to impose an obligation on Intermedia 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 the applicable discovery rules.

6. Intermedia objects to each and every interrogatory to the extent it is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. Intermedia objects to such interrogatories as being irrelevant, overly broad, unduly burdensome, and oppressive.

7. Intermedia objects to each and every interrogatory to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations not properly defined or explained for these purposes. Any answers provided by Intermedia to these interrogatories will be provided subject to, and without waiver of, the objection.

8. Intermedia objects to each and every interrogatory to the extent it is not reasonably calculated to lead to admissible evidence and is not relevant to the subject matter of this proceeding. Intermedia will note in its responses where this objection applies.

9. Intermedia objects to providing information in response to these interrogatories to the extent it is already in the public record before the Commission.

**SPECIFIC OBJECTIONS**

In addition, Intermedia asserts the following specific objections to BellSouth's First Set of Interrogatories. Notwithstanding that, Intermedia intends to provide responses to these interrogatories consistent with and subject to each and every objection stated herein.

6. Please state the total number of end user customers that Intermedia serves within the state of Florida.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

7. Please state the total number of end user customers that Intermedia serves off of its own network ("on-net" customers) within Florida.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that

it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

8. Please state the percentage of Intermedia's on-net customers in Florida that are Internet Service Providers("ISPs").

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

9. State the percentage of Intermedia's customers in Florida that are residential customers.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

10. Please state on a monthly basis the total amount of revenue that Intermedia has received from providing services within Florida to its end-user customers.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

11. Please state on a monthly basis the total amount of revenue that Intermedia has received from providing services within Florida to its "on-net" end-user customers.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

12. For the Florida ISP customers identified in response to Interrogatory No. 8, please state, on an annual basis, (a) the total amount billed by Intermedia for service to those customers from inception of service to present, (b) the amounts of any credits, rebate, or adjustments given to such customers, and (c) the total amount of revenue collected from such customers, from inception of service to present.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

13. Please provide Intermedia's total dollar investment in Florida, including total dollar investment in switches, outside plant, and support assets.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

14. Provide the total number of switches Intermedia has deployed in Florida, and the location of each such switch.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

15. Identify any cost study or other data or documents in Intermedia's possession or relied upon by Intermedia in this proceeding concerning the actual cost to Intermedia to transport ISP traffic from the point of interconnection with BellSouth to the ISP server being served by an Intermedia switch.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence.

17. Identify all studies, evaluations, reports, or analyses prepared by or for Intermedia since January 1, 1996 that refer to or relate to the cost to BellSouth or any other Incumbent Local Exchange Carrier of providing any of the unbundled network elements or other services requested by Intermedia in its Arbitration Petition.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it is overly broad.

18. Identify all states in which Intermedia is providing local exchange service and identify the number of access lines being served by Intermedia in each such state.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

19. Identify all agreements between Intermedia and all incumbent Local Exchange Carrier under Section 252 of the Act, whether the agreement was entered into through voluntary negotiation or compulsory arbitration. In answering this request:

(a) identify the Incumbent Local Exchange Carrier that is party to each such agreement:

(b) state the effective date of each such agreement; and

(c) state the expiration date of each such agreement.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it is overly broad and burdensome.

22. Does Intermedia deliver traffic to ISPs located outside the rate center in which the call to the ISP originated.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it is overly broad.

23. If the answer to Request No. 23 is in the affirmative, describe the network architecture

used by Intermedia to deliver traffic to ISPs located outside the rate center in which the call to the ISP originated.

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it is overly broad.

24. If the answer to Request No. 23 is in the affirmative, state whether or not Intermedia collects reciprocal compensation for traffic delivered to ISPs located outside the rate center which the call to the ISP originated.

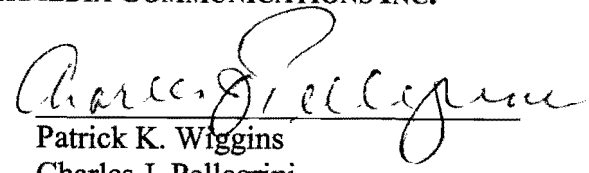
**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it is overly broad.

26. Identify the location of each of Intermedia's end users in relation to Intermedia's switch(es).

**RESPONSE:** OBJECTION. Intermedia objects to this interrogatory on the grounds that it seeks information which is not relevant or will not lead to the discovery of admissible evidence. Intermedia further objects to this interrogatory on the grounds that it is overly broad. Likewise, Intermedia objects to this interrogatory on the grounds that it seeks proprietary and competitively sensitive information.

Respectfully submitted,

**INTERMEDIA COMMUNICATIONS INC.**

By: 

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**ITS ATTORNEYS**

Dated: March 23, 2000

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Hand Delivery(*) or Federal Express(**) this 23rd day of March, 2000 to the following:

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