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RECORDS AND REPORTING

Blanca S. Bayó  
Director, Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: UNE Docket No. 990649-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Rhythms Links Inc. are the original and fifteen copies of its Objections to BellSouth's First Set Of Interrogatories and First Request For Production of Documents.

By copy of this letter, this document has been furnished to the parties on the attached service list.

Very truly yours,

*Richard D. Melson*

Richard D. Melson

RDM/kcg  
Enclosures  
cc: Parties of Record

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into pricing of )  
unbundled network elements )  
\_\_\_\_\_ )

Docket No. 990649-TP  
Filed: June 28, 2000

**RHYTHM'S OBJECTIONS TO  
BELLSOUTH'S FIRST SET OF INTERROGATORIES  
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Rhythms Links Inc. ("Rhythms"), pursuant to Rule 28-106.206, Florida Administrative Code and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, hereby makes the following objections to BellSouth Telecommunications Inc.'s (BellSouth's) First Set of Interrogatories and First Request for Production of Documents to Rhythms.

These objections are preliminary in nature and are made at this time for the purpose of complying with the five-day requirement set forth in the June 8, 2000 procedural order issued by the Commission in this docket. Should additional objections be discovered as Rhythms prepares its responses, Rhythms reserves the right to supplement, revise or modify its objections at the time it serves its responses on BellSouth.

**General Objections**

Rhythms makes the following general objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents (the "requests") which will be incorporated by reference into Rhythms' specific responses when they are served on BellSouth.

1. Rhythms objects to the requests to the extent that such requests seek to impose an obligation on Rhythms to respond on behalf of it parent, subsidiaries and affiliates or other persons

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that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome and not permitted by applicable discovery rules.

2. Rhythms has interpreted BellSouth's requests to apply to Rhythms' 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, Rhythms objects to such request as irrelevant, overly broad and unduly burdensome..

3. Rhythms objects to BellSouth's definitions and instructions insofar as they seek to impose obligations on Rhythms that exceed the requirements of the Florida Rules of Civil Procedure or Florida law, including the obligation to supplement its responses.

4. Rhythms objects to BellSouth's definitions of "telephone exchange service," "switch," "cable," "digital circuit equipment," and "interLATA service" insofar as the use of such definitions would bring within the scope of the requests information that is not relevant to the subject matter of this proceeding or is not reasonably calculated to lead to the discovery of admissible evidence.

5. To the extent that any request calls for confidential, proprietary business information of Rhythms, Rhythms will provide such information only subject to the protective agreement between the parties.

### **Objections to Specific Interrogatories**

Subject to, and without waiver of, the foregoing general objections, Rhythms makes the following specific objections with respect to BellSouth's interrogatories:

**Interrogatory No. 4:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 5:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 6:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 7:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

**Interrogatory No. 8:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 9:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 10:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, the lives that

an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting are irrelevant.

**Interrogatory No. 11:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 12:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 13:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting are irrelevant.

**Interrogatory No. 16:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 17:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 18:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 19:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

**Interrogatory No. 20:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 21:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 22:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

**Interrogatory No. 23:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 24:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 25:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

**Interrogatory No. 26:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 27:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

**Interrogatory No. 28:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

**Interrogatory No. 29:** Rhythms objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject

matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

### **Objections to Specific Requests for Production**

**Request No. 1:** Rhythms objects to this request on the grounds that the is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, documents identified in response to interrogatories calling for information on the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

**Request No. 2:** Rhythms objects to this request on the grounds that the request (1) is overly broad and unduly burdensome, (2) is not reasonably calculated to lead to the discovery of admissible evidence, and (3) is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, documents reflecting the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

**Request No. 3:** Rhythms objects to this request on the grounds that the request (1) is overly broad and unduly burdensome, (2) is not reasonably calculated to lead to the discovery of admissible evidence, and (3) is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, documents reflecting the lives that an ALEC such as Rhythms

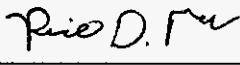


uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

**Request No. 4:** Rhythms objects to this request on the grounds that the request (1) is overly broad and unduly burdensome, (2) is not reasonably calculated to lead to the discovery of admissible evidence, and (3) is not relevant to the subject matter of this proceeding. FCC Rule 51.505 states that the total element long-run incremental cost (TELRIC) of an element should be based on the ILEC's forward-looking costs. Thus, documents reflecting the lives that an ALEC such as Rhythms uses to depreciate its plant and equipment for internal use or financial reporting purposes are irrelevant.

RESPECTFULLY SUBMITTED this 28th day of June, 2000.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U.S. Mail or hand delivery (\*) this 28th day of June, 2000.

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