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April 19, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

APR 19 2002
COMMISSION
CLERK
FPSC

Re: Docket No.: 011119-TP

Dear Ms. Bayo:

On behalf of XO Florida, Inc., enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ XO Florida, Inc.'s Objections to Staff's First Request for Production of Documents (Nos. 1-3) to XO Florida, Inc.; and
- ▶ XO Florida, Inc.'s Objections to Staff's First Set of Interrogatories (Nos. 1-9) to XO Florida, Inc.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman

Vicki Gordon Kaufman

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____

VGK/bae

Enclosure

RECEIVED & FILED

Richard
FPSC-BUREAU OF RECORDS

Objects to Anderson
DOCUMENT NUMBER-DATE

04376 APR 19 02

FPSC-COMMISSION CLERK

objects to req. produc. DN's
DOCUMENT NUMBER DATE

04375- APR 19 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida,
Inc. for arbitration of
Unresolved issues with BellSouth
Telecommunications, Inc.

Docket No.: 011119-TP
Filed: April 19, 2002

**XO FLORIDA, INC.'S OBJECTIONS TO STAFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS (Nos. 1-3) TO XO FLORIDA, INC.**

Pursuant to Rule 28-106.206, Florida Administrative Code and Rule 1.350, Florida Rules of Civil Procedure, XO Florida, Inc. (XO) Objects to Staff's First Request For Production of Documents (Nos. 1-3) to XO and states as follows:

General Objections

1. XO objects to any request that calls for the production of documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these requests or is later determined to be applicable based on the discovery of documents, investigation or analysis. XO in no way intends to waive any such privilege or protection.

2. In certain circumstances, XO may determine upon investigation and analysis that documents that respond to certain requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to produce documents in response to this request, XO is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. XO hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

DOCUMENT NUMBER-DATE

04375 APR 19 02

FPSC-COMMISSION CLERK

3. XO objects to the definitions and instructions to the extent they purport to require XO to provide documents or other information on diskette. XO will entertain specific request to product electric copies of documents that so exist in the normal course of business in a format designed to preserve the integrity of these documents.

4. XO objects to those requests to the extent they purport to require XO to prepare information or documents or perform calculations that XO has not prepared or performed in the normal course of business as an attempt to expand XO's obligations under applicable law. XO will comply with applicable law.

5. XO further objects to these requests and any definitions or instructions that purport to expand XO's obligations under applicable law. XO will comply with applicable law.

6. XO objects to any request that requires the production of "all" or "each" responsive document. It may well be impossible to assure compliance with this request with the exercise of reasonable diligence.

7. XO objects to each and every request insofar as it 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 such request. Any answers provided by XO in response to these Answers will be provided subject to, and without waiver of, the foregoing objection.

8. XO objects to each and every request insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and are not relevant to the subject matter of this action.

9. XO objects to each request insofar as any of them is unduly burdensome, expensive, oppressive or excessively time consuming as written.

10. For each specific objection made below, XO incorporates by reference all of the

foregoing general objections into each of its specific objections as though pleaded therein.

Specific Objections

11. Staff's Request for Production No. 1 asks that XO, "provide all documents identified in response to Interrogatory No. 5(b)." XO objects to this request to the extent that requires the production of "all" responsive documents. It may well be impossible to assure compliance with this request with the exercise of reasonable diligence. Subject to and without waiving the foregoing objections, XO will provide documents responsive to this request.

12. Staff's Request for Production No. 2 asks that XO, "provide all documents identified in response to Interrogatory No. 5(d)." XO objects to this request to the extent that requires the production of "all" responsive documents. It may well be impossible to assure compliance with this request with the exercise of reasonable diligence. Subject to and without waiving the foregoing objections, XO will provide documents responsive to this request.

13. Staff's Request for Production No. 3 asks that XO, "provide all documents identified in response to Interrogatory No. 5(f)." XO objects to this request to the extent that requires the production of "all" responsive documents. It may well be impossible to assure compliance with this request with the exercise of reasonable diligence. Subject to and without waiving the foregoing objections, XO will provide documents responsive to this request.

Willi Gordon Kaufman

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Attorneys for XO Florida, Inc.


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing XO Florida, Inc.'s Objections to Staff's First Request for Production of Documents (Nos. 1-3) To XO Florida, Inc. has been furnished by (*) hand delivery or by U. S. Mail on this 19th day of April 2002 to the following:

(*) Jason Fudge
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) James Meza
BellSouth Telecommunications, Inc.
c/o Nancy Sims
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301

Patrick Turner
BellSouth Telecommunications, Inc.
675 West Peachtree Street, Suite 430
Atlanta, Georgia 30375



Vicki Gordon Kaufman