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October 10, 2002

**VIA HAND DELIVERY**

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

RECEIVED-FPSC  
02 OCT 10 PM 3:43  
COMMISSION  
CLERK

Re: Docket Nos.: 020119-TP and 020578-TP

Dear Ms. Bayo:

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

- ▶ Florida Competitive Carriers Association, Inc.'s Objections to Staff's Second Set of Interrogatories (Nos. 10-18)
- ▶ Florida Competitive Carriers Association, Inc.'s Objections to Staff's First Request for Production of Documents (Nos. 1-2)

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

Sincerely,

Joseph A. McGlothlin

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11023 OCT 10 2002

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs and for investigation of BellSouth's promotional pricing and marketing practices, by Florida Digital Network, Inc.

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Docket No.: 020119-TP

In Re: Petition for expedited review and cancellation Of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs by Florida Competitive Carriers Association.

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Docket No.: 020578-TP

Filed: October 10, 2002

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S OBJECTIONS TO STAFF'S SECOND SET OF INTERROGATORIES (NOS. 10 - 18) TO THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association ("FCCA") Objects to the Florida Public Service Commission Staff's ("Staff") Second Set of Interrogatories (Nos. 10-18) and states as follows:

**General Objections**

1. The FCCA objects to any interrogatory that calls for information 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 interrogatories or is later determined to be applicable based on the discovery of documents, investigation or analysis. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, the FCCA may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to

provide such information in response to such interrogatory, the FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FCCA 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.

3. The FCCA objects to these interrogatories and any definitions and instructions that purport to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

4. Further, the FCCA objects to these interrogatories to the extent they purport to require FCCA to conduct an analysis or create information not prepared by FCCA's experts or consultants in their preparation for this case. The FCCA will comply with its obligations under the applicable rules of procedure.

5. For each specific objection made below, the FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.

#### **Specific Objections**

6. Staff's Interrogatory No. 14 states:

Is price discrimination a beneficial strategy for an ALEC? Please explain your answer.

The FCCA objects to this interrogatory as vague because Staff's use of the phrase "price discrimination" in the interrogatory is unclear. The FCCA requests that Staff clarify this interrogatory.

7. Staff's Interrogatory No. 15 states:

What factors prevent your company from responding to or competing with BellSouth's promotional offerings in the Hot Wire Centers identified in the dockets of this proceeding? Please explain your answer.

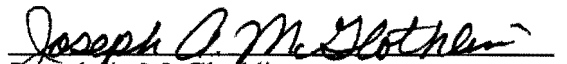
In this interrogatory, Staff uses the phrase "your company." The FCCA is an association of telecommunications providers. The FCCA interprets the interrogatory to mean "an ALEC", and

will answer accordingly. In the event this interpretation is incorrect, FCCA objects to the interrogatory as vague and reserves the right to object after it has been reworded.

8. Staff's Interrogatory No. 18 states:

What factors do FCCA members utilize or consider when setting the termination liability conditions in end user contracts? Please include in your response how these factors should be considered in the context of the Commission's consideration of the Key Customer Dockets of this proceeding.

The FCCA objects to this interrogatory as it requests information about the FCCA's member companies that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from its members who are not parties to the case. FCCA objects on the basis that the information sought is not relevant, and not reasonably calculated to the discovery of admissible evidence.

  
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Vicki Gordon Kaufman  
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Attorneys for the Florida Competitive  
Carriers Association

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the Florida Competitive Carriers Association's Objections to Staff's Second Set of Interrogatories (Nos. 10-18) to Florida Competitive Carriers Association has been furnished by (\*) hand delivery, (\*\*) e-mail or by U.S. Mail on this 10th day of October 2002 to the following:

(\*)(\*\*) Felicia Banks  
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Joseph A. McGlothlin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs and for investigation of BellSouth's promotional pricing and marketing practices, by Florida Digital Network, Inc.

Docket No.: 020119-TP

In Re: Petition for expedited review and cancellation Of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs by Florida Competitive Carriers Association.

Docket No.: 020578-TP

Filed: October 10, 2002

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S OBJECTIONS TO STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-2) TO THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association ("FCCA") Objects to the Florida Public Service Commission Staff's ("Staff") First Request for Production of Documents (Nos. 1-2) to Florida Competitive Carriers Association and states as follows:

**General Objections**

1. FCCA 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. FCCA in no way intends to waive any such privilege or protection.

2. In certain circumstances, FCCA 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 not be produced or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to produce documents

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in response to this request, FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FCCA 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.

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

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

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

6. FCCA objects to any request that requires the production of "all" or "each" responsive document, as it cannot guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found. Indeed, it may well be impossible to assure compliance with the exercise of reasonable diligence.



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Attorneys for the Florida Competitive

Carriers Association



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the Florida Competitive Carriers Association's Objections to Staff's First Request for Production of Documents (Nos. 1-2) to Florida Competitive Carriers Association has been furnished by (\*) hand delivery, (\*\*) e-mail or by U.S. Mail on this 10th day of October 2002 to the following:

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