

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Digital Network, Inc., for Expedited Review and Cancellation of BellSouth's Telecommunications, Inc.'s Key Customer Promotional Tariffs and For an Investigation of BellSouth Telecommunications, Inc.'s Promotional Pricing and Marketing Practices.)	
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)	Docket No. 020119-TP
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In re: Petition of the Florida Competitive Carriers Association for Expedited Review and Cancellation of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs.)	
)	
)	Docket No. 020578-TP
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)	
)	Filed: October 28, 2002

**TIME WARNER TELECOM OF FLORIDA, L.P.'S
OBJECTIONS TO
BELLSOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES**

Pursuant to Order No. PSC-02-1295-PCO-TP, issued September 23, 2002, Time Warner Telecom of Florida, L.P. ("Time Warner") submits these Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories.

GENERAL OBJECTIONS

Time Warner makes these General Objections to the Interrogatories and incorporates each of the General Objections into its specific objections to each Interrogatory.

1. Time Warner objects to the Interrogatories to the extent they seek information that is privileged or otherwise exempt from discovery, including but not limited to documents or information protected by the attorney-client privilege, the work-product doctrine, or the trade-secrets doctrine.

2. BellSouth asserts in its First Set of Interrogatories to Time Warner that "these interrogatories are continuing in nature and require supplemental responses should information

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unknown to you at the time you serve your responses to these interrogatories subsequently become known or should your initial response be incorrect or untrue. Pursuant to Florida Rule of Civil Procedure 1.280(e), Time Warner objects to BellSouth's request to require supplemental responses. Fla.R.Civ.P. 1.280(e) states that:

a party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement the response to include information thereafter acquired.

3. Time Warner will make a reasonable effort to respond to the Interrogatories as Time Warner understands and interprets them. If BellSouth should assert an interpretation of any Request that differs from Time Warner's, Time Warner reserves the right to supplement or amend its objections. Time Warner further reserves the right to produce responsive documents or information received after the date of its Response.

4. Time Warner expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the responses produced pursuant to the Requests.

5. BellSouth's Requests for Production of Documents ask only for documents that are identified or supporting Time Warner's responses to Interrogatories. Therefore, Time Warner incorporates all of its objections to BellSouth's Interrogatories in all of its objections to BellSouth's corresponding Requests for Production of Documents.

OBJECTIONS TO BELLSOUTH'S REQUESTS

Many of the specific objections that Time Warner makes are applicable to several of BellSouth's Requests. For this reason, Time Warner provides the following definitions of those objections and, where applicable, repeats only the defined term in stating its specific objections.

1. Relevance: the request is not relevant to any specific claims, defenses, issues or questions presented in this proceeding and is not reasonably calculated to lead to the discovery of information relevant to resolution of the issues.

2. Unduly Burdensome: the request is unduly burdensome in that providing the requested data (i) would require an unreasonable expenditure of time and resources to search for documents or information; (ii) is cumulative and/or has only a limited likelihood of leading to the discovery of data relevant to resolution of the specific issue; and (iii) either (a) the value of providing the data is outweighed by the burden of production or (b) BellSouth can obtain the data through publicly available information.

3. Overly Broad: the request seeks a general category of information within which only certain portions of the information are reasonably related to the subject matter of this proceeding.

4. Vague and Ambiguous: the request is vague and ambiguous in that it does not describe the data sought with particularity or fails to convey with reasonable clarity what is being requested and, as such, Time Warner cannot reasonably determine the intended meaning, scope or limits of BellSouth's Request.

5. Commercially Sensitive, Proprietary, and Confidential: the requested data relates to issues, matters, or materials that contain proprietary, confidential, and/or trade secret information which would cause competitive harm to Time Warner if disclosed.

6. Calls for a legal conclusion: the request calls for a conclusion of law.

SPECIFIC OBJECTIONS TO REQUESTS

Interrogatory No. 1: Please identify all documents (including without limitation meeting minutes, e-mails, memos, and letters) that discuss or that are related to: (a) the FDN Petition; (b) the

FCCA Petition; (c) the January Key Customer offering; (d) the June Key Customer Offering; or (e) any matter that is at issue in this proceeding.

Objection:

Time Warner objects to this request on grounds that it is unduly burdensome, vague and ambiguous, and seeks discovery of work product and commercially sensitive, proprietary and confidential information.

Interrogatory No. 2: Please explain in detail how you contend Section 364.01, Florida Statutes, should be interpreted in evaluation of each of the following items for compliance with Chapter 364, Florida Statutes: (a) a BellSouth promotional tariff; (b) an ALEC promotional tariff; (c) a BellSouth tariff that is not a promotional tariff; and (d) an ALEC tariff that is not a promotional tariff.

Objection:

Time Warner objects to this request as it calls for a legal conclusion. Fla.R.Civ.P. 1.280(b)(3) specifically prohibits disclosure of the information requested and states, in pertinent part:

In ordering discovery of the materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusion, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

Time Warner's contentions regarding how BellSouth's tariffs violate Section 364.01, Florida Statutes, are "mental impressions, conclusions, opinions and legal theories" and are therefore protected from disclosure in response to discovery requests. Time Warner's contentions regarding how BellSouth's tariffs violate Section 364.01, Florida Statutes will be addressed pursuant to Order No. PSC-02-1295-PCO-TP, issued September 23, 2002, in Time Warner's prehearing statement and

posthearing brief.

Also, Fla. R.Civ.P. 1.280(b)(1) limits the scope of discovery and states, in pertinent part: “Parties may obtain discovery regarding any *matter*, not privileged, that is relevant to the subject matter of the pending action....” Black’s Law Dictionary defines *matter*, in pertinent part, as “substantial facts forming [the] basis of claim or defense; facts material to issue...” It is evident that the term “matter”, as used in Rule 1.280(b), does not contemplate unwarranted inquiries into the mental processes of counsel regarding opinions or conclusions as to the law and theory applicable to the case. Such information is merely counsel’s impression and legal opinion and does not constitute facts germane to the cause upon which the issues are drawn between the parties. Fla.R.Civ.P. 1.280 limits discovery to *facts* as opposed to *law or opinion*. Florida courts have consistently and uniformly held that the term *matter* as used in Rule 1.280 is specifically limited to facts; distinguished from law or opinion. See *Boucher v. Pure Oil Company*, 101 So.2d 408 (Fla. 1st DCA 1958), *Hurley v. Werly*, 203 So.2d 530 (Fla. 2nd DCA 1967).

Interrogatory No. 3: (a) Describe in detail all criteria you contend should be established to determine whether the pricing of a BellSouth promotional tariff offering is unfair, anticompetitive, or discriminatory.

(b) Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

(c) Please apply each of the criteria identified in your response to (a) to the January Key Customer offering, explaining in detail whether and why the January Key Customer offering meets or fails to meet each of the criteria.

(d) Please apply each of the criteria identified in your response to (a) to the June Key Customer offering, explaining in detail whether and why the June Key Customer offering meets or fails to meet each of the criteria.

Objection:

Time Warner objects to this request on the grounds that it is vague and ambiguous, unduly burdensome, seeks discovery of mental impressions, conclusions, opinions or legal theories of an attorney or a party concerning litigation. Time Warner also incorporates in full its objection to Interrogatory No. 2.

Interrogatory No. 4:

(a) Please describe in detail all criteria you contend should be established to determine whether the termination liability terms and conditions of a BellSouth promotional tariff offering are unfair, anticompetitive, or discriminatory.

(b) Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

(c) Please apply each of the criteria identified in your response to (a) to the termination liability terms and conditions of the January Key Customer offering, explaining in detail whether and why the January Key Customer offering meets or fails to meet each of the criteria.

(d) Please state whether, in light of your response to (c), the termination liability terms and conditions of the January Key Customer offering are unfair, uncompetitive, or discriminatory and explain your answer in detail.

(e) Please apply each of the criteria identified in your response to (a) to the termination

liability terms and conditions of the June Key Customer offering, explaining in detail whether and why the June Key Customer offering meets or fails to meet each of the criteria.

(f) Please state whether, in light of your response to (e), the termination liability terms and conditions of the June Key Customer offering are unfair, anticompetitive, or discriminatory and explain your answer in detail.

Objection:

Time Warner objects to this request on the grounds of relevance, that it is vague and ambiguous, and unduly burdensome. Also Fla.R.Civ.P. 1.280(b)(3) specifically protects against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party concerning the litigation. Time Warner incorporates in full its objection to Interrogatory No. 2.

Interrogatory No. 5: Please identify (a) each section of your Florida tariffs that has been in effect at any time after January 1, 2001 that sets forth termination liability terms and conditions; and (b) any contract for telecommunications services between you and any Florida end user for telecommunications services that has been in effect at any time after January 1, 2001 and that sets forth termination liability terms and conditions.

Objection:

Time Warner objects on the grounds of relevance. BellSouth has not filed any answer or counterclaim regarding any Time Warner tariffed product, and therefore Time Warner's tariffed products are not at issue in this proceeding. The petitions filed in the instant docket assert that BellSouth's Key Customer promotional tariffs violate Section 364.3381, Florida Statutes. Section 364.3381 specifically prohibits the anticompetitive and predatory pricing behaviors of incumbent local exchange carriers. Time Warner's promotional tariffs are irrelevant to the Commission's

determination of the issues presented in the petition. Also, Time Warner's Florida tariffs are public records available to BellSouth.

Interrogatory No. 6: (a) Please describe in detail all criteria you contend should be established to determine whether the duration (term of individual contracts, length and succession of promotions) of a BellSouth promotional tariff offering is unfair, anticompetitive, or discriminatory.

(b) Please identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

(c) Please apply each of the criteria identified in your response (a) to the duration (term of individual contracts, length and succession of promotions) of the January Key Customer offering, explaining in detail whether and why the January Key Customer offering meets or fails to meet each of the criteria.

(d) Please state whether, in light of your response to (c), the duration (term of individual contracts, length and succession of promotions) the January Key Customer offering is unfair, anticompetitive, or discriminatory and explain your answer in detail.

(e) Please apply each of the criteria identified in your response to (a) to the duration (term of individual contracts, length and succession of promotions) of the June Key Customer offering, explaining in detail whether and why the June Key Customer offering meets or fails to meet each of the criteria.

(f) Please state whether, in light of your response to (e), the duration (term of individual contracts, length and succession of promotions) of the June Key Customer offering is unfair,

anticompetitive, or discriminatory and explain your answer in detail.

Objection:

Time Warner objects on the grounds of relevance, that it is vague and ambiguous, and unduly burdensome. Pursuant to Florida Rule of Civil Procedure 1.280(b)(3) Time Warner is under no obligation to detail any criteria Time Warner contends should be established to determine whether BellSouth's tariff is unfair, anticompetitive or discriminatory. Such information constitutes "mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation" and is explicitly protected from disclosure pursuant to Rule 1.280(b)(3).

Time Warner incorporates in full its objection to Interrogatory No. 2.

Interrogatory No. 7: (a) Please state whether you have made any telecommunications service offerings available to Florida end users for a limited time only (i.e. in order to avail itself of the offer, the end user was required to sign up for or otherwise accept the offer before a given date or within a given amount of time after the offer was extended).

(b) If your response to (a) is anything other than an unqualified "no," please describe each such limited-time offer in detail and identify any and all documents associated with each such limited-time offer (including without limitation tariffs, documents sent to or filed with the Commission and/or its Staff; contracts, etc.).

Objection:

Time Warner objects on the grounds of relevance, and incorporates herein Time Warner's objection to BellSouth Interrogatory No. 5.

Interrogatory No. 8: (a) Please describe in detail all criteria you contend should be established to determine whether the billing conditions or restrictions of a BellSouth promotional

tariff are unfair, anticompetitive, or discriminatory.

(b) Please identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

(c) Please identify with specificity each and every provision of the January Key Customer offering that you contend constitutes “billing conditions or restrictions.”

(d) Please apply each of the criteria identified in your response to (a) to each of the “billing conditions or restrictions” identified in your response to (c), explaining in detail whether and why each of the “billing conditions or restrictions” meets or fails to meet each of the criteria.

(e) With regard to each of the “billing conditions or restrictions” identified in (c), please state whether you contend the “billing condition or restriction” is unfair, anticompetitive, or discriminatory and explain your answer in detail.

(f) Please identify with specificity each and every provision of the June Key Customer offering that you contend constitutes “billing conditions or restrictions.”

(g) Please apply each of the criteria identified in your response to (a) to each of the “billing conditions or restrictions” identified in your response to (f), explaining in detail whether and why each of the “billing conditions or restrictions” meets or fails to meet each of the criteria.

(h) With regard to each of the “billing conditions or restrictions” identified in (g), please state whether you contend the “billing condition or restriction” is unfair, anticompetitive, or discriminatory and explain your answer in detail.

Objection:

Time Warner objects on the grounds that the requested information is protected against

disclosure pursuant to Florida Rule of Civil Procedure 1.280(b)(3), and incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 9: (a) Please describe in detail all criteria you contend should be established to determine whether geographic targeting in a BellSouth promotional tariff offering is unfair, anticompetitive, or discriminatory.

(b) Please identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

(c) Please apply each of the criteria identified in your response to (a) the geographic targeting in the January Key Customer offering, explaining in detail whether and why the geographic targeting in the January Key Customer offering meets or fails to meet each of the criteria.

(d) Please state whether, in light of the your response to (c), the geographic targeting in the January Key Customer offerings unfair, anticompetitive, or discriminatory and explain your answer in detail.

(e) Please apply each of the criteria identified in your response to (a) to the geographic targeting in the June Key Customer offering, explaining in detail whether and why the geographic targeting in the June Key Customer offering meets or fails to meet each of the criteria.

(f) Please state whether, in light of the your response to (e), the geographic targeting in the June Key Customer offering is unfair, anticompetitive, or discriminatory and explain your answer in detail.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 10: (a) Please describe in detail all criteria you contend should be established to determine whether any other terms or conditions of a BellSouth promotional tariff offering are unfair, anticompetitive, or discriminatory.

(b) Please identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state case law) that supports each of the criteria set forth in your response to (a).

(c) Please apply each of the criteria identified in your response to (a) to the other terms or conditions of the January Key Customer offering, explaining in detail whether and why the other terms and conditions of the January Key Customer offering meets or fails to meet each of the criteria.

(d) Please state whether, in light of the your response to (c), any other terms and conditions of the January Key Customer offering are unfair, anticompetitive, or discriminatory and explain your answer in detail.

(e) Please apply each of the criteria identified in your response to (a) to the other terms or conditions of the June Key Customer offering, explaining in detail whether and why the other terms and conditions of the June Key Customer offering meets or fails to meet each of the criteria.

(f) Please state whether, in light of the your response to (e), any other terms and conditions of the June Key Customer offering are unfair, anticompetitive, or discriminatory and explain your answer in detail.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 11: (a) Please set forth in detail each and every term and condition

under which BellSouth promotional tariff offerings should be made available for ALEC resale.

(b) Please identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state case law) that supports your response to (a).

(c) For each term and condition set forth in your response to (a), please state whether the January Key Customer offering complies with such term and/or condition, explaining your answer in detail.

(d) For each term and condition set forth in your response to (a), please state whether the June Key Customer offering complies with such term and/or condition, explaining your answer in detail.

Objection:

Time Warner objects on the grounds of relevance, that is vague and ambiguous, unduly burdensome. Time Warner also incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 12: If you or any of your representatives have ever had any contact with BellSouth regarding the resale of any BellSouth promotional tariff offering in the state of Florida, please:

(a) State the date, time, and manner (i.e. e-mail, letter, face-to-face conversation, telephone conversation, etc.) of each such contact;

(b) Identify with specificity the BellSouth promotional tariff offering that was the subject of the contact;

(c) Identify with specificity (including without limitation name, address, and telephone number) the BellSouth representative that you contacted;

(d) Identify with specificity (including without limitation name, address, and telephone

number) the person who made the contact on your behalf;

(e) Describe in detail each and every communication between you or your representatives and BellSouth's representatives with regard to the resale of the BellSouth promotional tariff offering; and

(f) Identify all documents associated with each such contact.

Objection:

Time Warner objects on the grounds of relevance, that the request is vague and ambiguous, and that BellSouth already has access to the requested information.

Interrogatory No. 13: Please set forth in detail what you contend is the competitive impact, if any, of the resale of BellSouth's promotional tariff offerings.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 14: (a) In the context of promotional tariffs, please set forth in detail all waiting periods or other restrictions that you contend should be applicable to BellSouth and explain in detail why such waiting periods or other restrictions should apply.

(b) Please identify all authority (including without limitation federal or state statutes, federal or state agency decisions, and federal and state case law) that supports your response to (a).

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 15: (a) In the context of marketing promotional tariffs, what restrictions do you contend should be placed on the sharing of information between BellSouth's wholesale and retail divisions?

(b) Please identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state case law) that supports your response to (a).

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 16: (a) Do you contend that with regard to the January Key Customer offering, any inappropriate sharing of information between BellSouth's wholesale and retail divisions has occurred?

(b) If your response to (a) is anything other than an unqualified "no," please describe in as much detail as possible each and every occurrence of such inappropriate sharing of information.

(c) Please identify all documents and describe in detail the source(s) of all information you relied upon in providing your response to (b).

(d) Do you contend that with regard to the June Key Customer offering, any inappropriate sharing of information between BellSouth's wholesale and retail divisions has occurred?

(e) If your response to (d) is anything other than an unqualified "no," please describe in as much detail as possible each and every occurrence of such inappropriate sharing of information.

(f) Please identify all documents and describe in detail the source(s) of all information you relied upon in providing your response to (b).

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 17: (a) Do you contend that the January Key Customer offering has or will cause substantial and irreparable harm to Florida's ALECs?

(b) If the answer to (b) is anything other than an unqualified no, please identify with specificity each and every aspect “substantial and irreparable harm” that you contend Florida’s ALECs have or will suffer as a result of the January Key Customer offering or the June Key Customer Offering .

(c) For each aspect of “substantial and irreparable harm” identified in (b), please describe in detail how you have suffered that aspect of “substantial and irreparable harm” as a result of the January Key Customer offering.

(d) Do you contend that the June Key Customer offering has or will cause substantial and irreparable harm to Florida’s ALECs?

(e) If the answer to (d) is anything other than an unqualified no, please identify with specificity each and every aspect “substantial and irreparable harm” that you contend Florida’s ALECs have or will suffer as a result of the June Key Customer offering or the June Key Customer Offering .

(f) For each aspect of “substantial and irreparable harm” identified in (e), please describe in detail how you have suffered that aspect of “substantial and irreparable harm” as a result of the June Key Customer offering.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 2.

Interrogatory No. 18: (a) Do you offer telecommunications services to any business end users in Florida at rates, terms, and/or conditions that vary from the rates, terms, and/or conditions set forth in the tariffs you have filed with the Florida Public Service Commission?

(b) If your answer to (a) is anything other than an unqualified “no,” please describe in

detail the rates, terms, and conditions under which you provide service to business end users in Florida that vary in any way from the rates, terms, and conditions set forth in the tariffs you have filed with the Florida Public Service Commission.

(c) If your answer to (a) is anything other than an unqualified “no,” please identify all contracts or other documents related to your provision of rates, terms, and conditions under which you provide service to business end users in Florida that vary in any way from the rates, terms, and conditions set forth in the tariffs you have filed with the Florida Public Service Commission.

Objection:

Time Warner objects to Interrogatory No. 18 on the grounds of relevance, that it is vague and ambiguous, unduly burdensome, and seeks discovery of commercially sensitive, proprietary and confidential information. Further, to the extent that information is available in Time Warner’s filed Florida tariffs, BellSouth already has access to the requested information.

Interrogatory No. 19: Please identify all documents (including without limitation training materials and documents given or intended to be given to actual or prospective customers) that compare the rates or prices available for any of your telecommunications products and/or services to the rates or prices available for any telecommunications products and/or services offered by BellSouth, any other ILEC, any ALEC, or any other telecommunications service provider.

Objection:

Time Warner objects as the request is vague and ambiguous, unduly burdensome and seeks discovery of commercially sensitive, proprietary and confidential information. Also, to the extent BellSouth seeks information relating to “any of your [Time Warner’s] telecommunications products and/or services” that information is irrelevant to any issue to be determined by the Commission in

this docket, and not reasonably calculated to lead to the discovery of relevant information.

Interrogatory No. 20: (a) Do you offer any telecommunications services to business customers under contract?

(b) If your answer to (a) is anything other than an unqualified “no,” please describe all services that you provide under contract, identify the contract term lengths available, describe in detail any charges, liability, or penalty that the contract requires the end user to pay if the end user terminates the contract prior to the expiration of its term.

Objection:

Time Warner objects as the request is vague and ambiguous, unduly burdensome and seeks discovery of commercially sensitive, proprietary and confidential information. To the extent BellSouth seeks information relating to products or services Time Warner provides to its customers, that information is irrelevant to any issue to be determined by the Commission in this docket, and not reasonably calculated to lead to the discovery of relevant information.

Interrogatory No. 21: Please identify any documents or other information in your possession regarding any offering by which you have made available (or are currently making available) rates, terms, conditions, discounts, rebates, checks, or other items only to persons and/or entities who were not your end user customers (either generally or with regard to any particular telecommunications service) as of the time of the offer.

Objection:

Time Warner objects on the grounds that the request is vague and ambiguous, unduly burdensome and seeks discovery of commercially sensitive, proprietary and confidential information. To the extent BellSouth seeks information relating to any offering Time Warner has

made available, that information is irrelevant to any issue to be determined by the Commission in this docket, and not reasonably calculated to lead to the discovery of relevant information.

Interrogatory No. 22: Please identify any documents in your possession which discuss, address, or relate to the use of special contracts, contract service arrangements and/or special promotions by BellSouth, by any other ILEC, by you, by any ALEC, or by ALECs generally.

Objection:

Time Warner objects to this request on the grounds that it is unduly burdensome, irrelevant, vague and ambiguous and seeks discovery of commercially sensitive proprietary and confidential information. To the extent BellSouth seeks documents that discuss, address, or relate to the use of special contracts, contract service arrangements and/or special promotions by any company other than BellSouth, those documents are proprietary, confidential and irrelevant to any issues in that the Commission is to determine in this docket, and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 23: Please identify all documents by which you market any telecommunications products and/or services in Florida (including without limitation: advertisements in newspapers, periodicals, and trade publications; copies of billboard advertisements; transcripts of radio or television advertisements; direct mailings, faxes, and e-mails; “leave-behind” materials; telemarketing scripts; web pages; marketing brochures; and comparable materials).

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 20.

Interrogatory No. 24: Please identify a copy of all materials that you have used between June 2001 and the present to train any person(s) who is or may be selling your telecommunications services to end users in BellSouth's operating territory in the state of Florida.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 20.

Interrogatory No. 25: Please describe the method(s) you are using to provide telecommunications services (e.g. resale, interconnection, unbundled network elements, facilities-based, etc.).

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 20.

Interrogatory No. 26: Please provide the number of business customers and/or access lines you served in the state of Florida as of the end of each month from January 2001 to the present.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 20.

Interrogatory No. 27: For each wire center listed in Section A2.10.2.B of BellSouth's Florida General Subscriber Service Tariff, a copy of which is attached to these Interrogatories, please provide: the total number of business customers and/or business access lines you served as of the end of each month from January 2001 to the present; and (b) the number of business customers and/or business access lines you served as of the end of each month from January 2001 to the present under contract.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 20.

Interrogatory No. 28: Please identify any documents in your possession that discuss, address, or relate to: (a) your share of the Florida local telecommunications market (or any segment thereof); (b) the ALECs' share of the Florida local telecommunications market (or any segment thereof); or (c) BellSouth's share of the Florida local telecommunications market (or any segment thereof).

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 20.

Interrogatory No. 29: (a) In the past twelve months, have you sought to fund your telecommunications operations in the state of Florida by borrowing money (including without limitation the issuance of bonds) or by selling equity?

(b) If the answer to (a) is anything other than an unqualified "no," please identify all documents associated with any such borrowing of money or sale of equity in which you have described in any manner whatsoever the anticipated results of you operations in Florida.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 20.

Interrogatory No. 30: Please state the total number of persons (including employees, vendors, independent contractors, etc.) who attempt to sell your telecommunications products and/or services to business customers in the state of Florida.

Objection:

Time Warner incorporates herein its objection to Interrogatory No. 20.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following this 28th day of October, 2002:

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