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October 28, 2002

Ms. Blanca Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 110
Betty Easley Conference Center
Tallahassee, FL 32399-0850

VIA HAND DELIVERY

02 OCT 28 PM 4:05
COMMISSION CLERK
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Re: Docket Nos. 020119-TP and 020578-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of US LEC of Florida Inc. ("US LEC") are the following documents:

- 1. Original and fifteen copies of US LEC's Objections to BellSouth Telecommunications, Inc.'s First Requests for Production of Documents; and 11813-02
2. Original and fifteen copies of US LEC's Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories. 11814-02

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

Martin P. McDonnell (handwritten signature)

Martin P. McDonnell

AUS
CAF
CMP
COM
CTR
ECR
GCL
OPC
MMS
SEC
OTH

MPM/tl

Enclosures

cc: All Parties of Record

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RECEIVED & FILED

RdM
FPSC-BUREAU OF RECORDS

**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 ) Docket No. 020119-TP  
Key Customer Promotional Tariffs )  
and For an Investigation of BellSouth )  
Telecommunications, Inc.'s Promotional )  
Pricing and Marketing Practices. )

\_\_\_\_\_ )  
In re: Petition of the Florida Competitive Carriers )  
Association for Expedited Review and Cancellation ) Docket No. 020578-TP  
of BellSouth Telecommunications, Inc.'s Key )  
Customer Promotional Tariffs. )

\_\_\_\_\_ )  
Filed: October 28, 2002

**US LEC OF FLORIDA INC.'S OBJECTIONS TO  
BELLSOUTH TELECOMMUNICATIONS, INC.'S  
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Order No. PSC-02-1295-PCO-TP, issued September 23, 2002, US LEC of Florida Inc. ("US LEC") submits these Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Requests for Production of Documents.

**GENERAL OBJECTIONS**

US LEC makes these General Objections to the Requests and incorporates each of the General Objections into its specific objections to each Request.

1. US LEC objects to the Requests 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 US LEC that "these interrogatories are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these interrogatories subsequently become

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known or should your initial response be incorrect or untrue. Pursuant to Florida Rule of Civil Procedure 1.280(e), US LEC 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. US LEC will make a reasonable effort to respond to a Request as US LEC understands and interprets such Request. If BellSouth should assert an interpretation of any Request that differs from US LEC's, US LEC reserves the right to supplement or amend its objections. US LEC further reserves the right to produce responsive documents or information received after the date of its Response.

4. US LEC 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 US LEC's responses to Interrogatories. Therefore, US LEC 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 US LEC makes are applicable to several of BellSouth's Requests. For this reason, US LEC 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, US LEC 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 US LEC if disclosed.

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

### **SPECIFIC OBJECTIONS TO REQUESTS**

1. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 1.

#### **Objection:**

US LEC incorporates herein its objection to Interrogatory No. 1.

2. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 2.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 2.

3. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 3.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 3.

4. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 4.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 4.

5. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 5.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 5.

6. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 6.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 6.

7. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 7.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 7.

8. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 8.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 8.

9. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 9.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 9.

10. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 10.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 10.

11. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 11.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 11.

12. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 12.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 12.

13. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 13.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 13.

14. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 14.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 14.

15. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 15.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 15.

16. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 16.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 16.

17. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 17.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 17.

18. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 18.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 18.

19. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 19.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 19.

20. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 20.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 20.

21. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 21.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 21.

22. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 22.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 22.

23. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 23.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 23.



24. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 24.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 24.

25. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 25.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 25.

26. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 26.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 26.

27. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 27.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 27.

28. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 28.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 28.

29. Please produce all documents that are identified in or that support you response to BellSouth's First Set of Interrogatories, Item No. 29.

**Objection:**

US LEC incorporates herein its objection to Interrogatory No. 29.

30. Please produce all documents that are identified in or that support your response to BellSouth's First Set of Interrogatories, Item No. 30.

**Objection:**

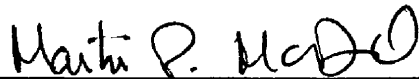
US LEC incorporates herein its objection to Interrogatory No. 30.

31. Please produce a full and complete copy of your responses (including any attachments thereto) to the "Year 2001 Local Competition Report Data Request" and the "Year 2002 Local Competition Report Data Request" served by the Florida Public Service Commission.

**Objection:**

US LEC objections to the extent the information requested is confidential or otherwise filed with the Commission and available to BellSouth.

Respectfully submitted,



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Counsel for US LEC of Florida, Inc.

**CERTIFICATE OF SERVICE**

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

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By:   
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USLEC\production.response