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October 28, 2002

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**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
The Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

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

Dear Ms. Bayó:

Enclosed for filing on behalf of ITC^DeltaCom Communications, Inc. are an original and fifteen copies of ITC^DeltaCom's Objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents in the above referenced dockets.

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

Thank you for your assistance with this filing.

Sincerely yours,

  
Floyd R. Self

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Enclosure

cc: Nanette Edwards, Esq.  
Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review and	)	
cancellation of BellSouth Telecommunications,	)	
Inc.'s Key Customer promotional tariffs	)	Docket No. 020119-TP
and for investigation of BellSouth's	)	
promotional pricing and marketing	)	
practices, by Florida Digital Network, Inc.	)	

In re: Petition for expedited review and	)	
cancellation of BellSouth Telecommunications,	)	Docket No. 020578-TP
Inc.'s Key Customer promotional tariffs by	)	Filed: October 28, 2002
Florida Competitive Carriers Association.	)	

**ITC^DELTA COM COMMUNICATIONS, INC.'S  
 OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S  
 FIRST SET OF INTERROGATORIES AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom (hereinafter "DeltaCom"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code and Rules 1.350 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following Objections to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") First Set of Interrogatories and First Request for Production of Documents to ITC^DeltaCom Communications, Inc.

**The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. PSC-02-1295-PCO-TP issued by the Florida Public Service Commission (hereinafter the "Commission") in the above-referenced dockets. Should additional grounds for objection be discovered as DeltaCom's prepares its Responses to the above-referenced set of interrogatories and request for production of documents, DeltaCom reserves the right to supplement, revise, or modify its**

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**objections at the time that it serves its Responses on BellSouth. Moreover, should DeltaCom determine that a Protective Order is necessary with respect to any of the material requested by BellSouth, DeltaCom reserves the right to file a motion with the Commission seeking such an order at the time that it serves its Responses on BellSouth.**

General Objections

DeltaCom makes the following General Objections to BellSouth's First Set of Interrogatories Numbers 1-30, and First Request for Production of Documents, Numbers 1-31, which will be incorporated by reference into DeltaCom's specific responses when its Responses are served on BellSouth.

1. DeltaCom objects to BellSouth's First Set of Interrogatories and First Request for Production of Documents to the extent that they are overly broad, unduly burdensome, oppressive, not permitted by applicable discovery rules, and would require DeltaCom to disclose information which is privileged.

2. DeltaCom has interpreted BellSouth's discovery requests to apply to DeltaCom's regulated local operations in Florida and will limit its Responses accordingly. To the extent that any discovery request is intended to apply to matters other than Florida intrastate local service operations subject to the jurisdiction of the Commission, DeltaCom objects to such discovery request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. DeltaCom objects to each and every discovery request and instruction to the extent that such discovery request or instruction calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege.

4. DeltaCom objects to each and every discovery request insofar as the discovery request 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 these discovery requests. Any Responses provided by DeltaCom in response to BellSouth's discovery requests will be provided subject to, and without waiver of, the foregoing objection.

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

6. DeltaCom objects to BellSouth's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on DeltaCom which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. DeltaCom objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission.

8. DeltaCom objects to each and every discovery request, general instruction, or definition insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. DeltaCom objects to each and every discovery request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that BellSouth's discovery requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, DeltaCom will make such information available to counsel for BellSouth pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. DeltaCom has employees located in many different locations in Florida and in other states. In the course of its business, DeltaCom creates countless documents that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Accordingly, when responding DeltaCom will provide all of the information obtained by DeltaCom after a reasonable and diligent search conducted in connection with this discovery request. DeltaCom will comply with BellSouth's discovery requests that a search be conducted of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more, DeltaCom objects on the grounds that compliance would impose an undue burden or expense.

11. DeltaCom objects to the definition of "DeltaCom" to the extent that such definition seeks to impose an obligation on ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Without waiver of its general objection, and subject to other general and specific objections, Answers will be provided on behalf of ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom which is the ALEC entity certificated to provide regulated local telecommunications services in Florida and which is a party to this docket. All references to "DeltaCom" in responding to BellSouth's discovery requests should be taken to mean ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom.

12. DeltaCom objects to the definitions of "you" and "your" to the extent that such definitions seek to impose an obligation on ITC^DeltaCom Communications, Inc., d/b/a

ITC^DeltaCom to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Without waiver of its general objection, and subject to other general and specific objections, Answers will be provided on behalf of ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom which is the ALEC entity certificated to provide local regulated telecommunications services in Florida and which is a party to this docket. All references to "DeltaCom" in responding to BellSouth's discovery requests should be taken to mean ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom.

Respectfully submitted,



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Attorneys for ITC^DeltaCom Communications, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of ITC^DeltaCom Communications, Inc.'s Objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents in Docket Nos. 020119-TP and 020578-TP have been served upon the following parties by Hand Delivery (\*) and/or U. S. Mail this 28<sup>th</sup> day of October, 2002.

Felicia Banks, Esq.\*  
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