

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 28, 2002

FLORIDA COMPETITIVE CARRIERS ASSOCIATIONS
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 25)
TO FLORIDA COMPETITIVE CARRIERS ASSOCIATION

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Partnership Competitive Carriers Association ("FCCA") Objects to BellSouth Telecommunications, Inc.'s ("BellSouth") First Requests for Production of Documents 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

DOCUMENT NUMBER-DATE

11822 OCT 28 02

FPSC-COMMISSION CLERK

be produced only under an appropriate confidentiality agreement and protective order. By agreeing to produce documents 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 can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found.

7. FCCA incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though pleaded therein.

Specific Objections

8. Request for Production No. 2 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the attorney-client and work product privileges.

9. Request for Production No. 3 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

10. Request for Production No. 4 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

11. Request for Production No. 5 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

12. Request for Production No. 6 states:

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

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

13. Request for Production No. 9 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

14. Request for Production No. 10 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

15. Request for Production No. 11 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

16. Request for Production No. 12 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

17. Request for Production No. 13 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

18. Request for Production No. 14 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

19. Request for Production No. 15 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

20. Request for Production No. 16 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

23. Request for Production No. 17 states:

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

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

25. Request for Production No. 19 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of "all documents."

25. Request for Production No. 20 states:

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

The FCCA has objected to this Interrogatory. The FCCA objects to this request as it seeks information protected by the work product privilege. The FCCA further objects to this request as unduly burdensome in that it requires the production of “all documents.”

26. Request for Production No. 22 states:

Please produce any documents in your possession which discuss, address, or relate to the use of special contracts, contract service arrangements and/or special promotions by your members or by ALECs generally.

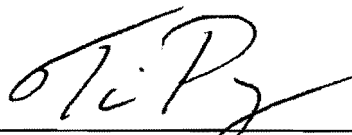
The FCCA objects to this request as it seeks information about the FCCA’s member companies that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from its members who are not parties to the case. In addition, the FCCA objects on the basis that this request is unduly burdensome and oppressive, and that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

27. Request for Production No. 23 states:

Please produce a copy of all documents by which you and/or your members market any local 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).

The FCCA objects to this request as it seeks information about the FCCA’s member companies that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from its members who are not parties to the case. FCCA objects on the basis that this request is unduly burdensome and

oppressive, and that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.



Joseph A. McGlothlin
Vicki Gordon Kaufman
Timothy J. Perry
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman & Arnold, PA
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525 Telephone
(850) 222-5606 Telefax

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 BellSouth's First Requests for Production of Documents (Nos. 1-25) to Florida Competitive Carriers Association has been furnished by (*) hand delivery, (**) e-mail or by U.S. Mail on this 28th day of October 2002 to the following:

(*)(**) Felicia Banks
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
fbanks@psc.state.fl.us

(**) Matthew Feil
Florida Digital Network
390 North Orange Avenue, Suite 2000
Orlando, Florida 32801
mfeil@floridadigital.net

(*)(**) Nancy B. White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301
nancy.sims@bellsouth.com

(**) Karen Camechis
Pennington Law Firm
215 S. Monroe Street
Post Office Box 10095
Tallahassee, Florida 32302-2095
Karen@penningtonlawfirm.com

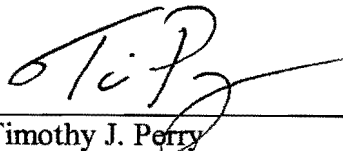
(**) Carolyn Marek
Time Warner Telecom of Florida, L.P.
233 Bramerton Court
Franklin, Tennessee 37069
Carolyn.Marek@twtelecom.com

(**) Dana Shaffer
XO Florida, Inc.
105 Molly Street, Suite 300
Nashville, Tennessee 37201-2315
dana.shaffer@xo.com

(**) Ken Hoffman
Martin McDonnell
Marsha Rule
Rutledge, Ecenia, Purnell & Hoffman
215 S. Monroe Street, Suite 420
Tallahassee, Florida 32301
Ken@Reuphlaw.com

(**) Greg Lunsford
6801 Morrison Blvd.
Charlotte, NC 28211-3599
glunsford@uslec.com

(**) Nanette Edwards
Director of Regulatory Advocacy
& Sr. Attorney
ITC^Deltacom
4092 S. Memorial Parkway
Huntsville, AL 35802



Timothy J. Perry