

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of the Florida
Competitive Carriers Association
Against BellSouth Telecommunications, Inc.
and Request for Expedited Relief

Docket No. 020507-TP

Filed: November 25, 2002

**FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S OBJECTIONS
TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 4)**

Pursuant to rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association (FCCA) Objects to BellSouth Telecommunications, Inc.'s First Request for Productions of Documents (Nos. 1 - 4). The objections stated herein are preliminary in nature and are made at this time to comply with the 10-day requirement set forth in Order No. PSC-02-1537-PCO-TL. Should additional grounds for objection be discovered as the FCCA prepares its answers, it reserves the right to supplement, revise or modify its objections at the time it serves its responses.

General Objections

1. The 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, the 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

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documents in response to this request, the FCCA is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. The 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 requests to the extent they purport to require the FCCA to prepare information or documents or perform calculations that the FCCA has not prepared or performed in the normal course of business as an attempt to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

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

5. The 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 and because such a request is burdensome and overbroad.

6. The FCCA objects to these requests to the extent that they seek documents from FCCA members that are not parties to this case, on the grounds that such request is overly broad, unduly burdensome, oppressive and not permitted by the applicable rules of discovery.

7. The FCCA objects to providing information to the extent it is in the public record or in the possession of BellSouth.

8. The FCCA objects to each request that is not limited in time as overly broad, unduly burdensome and vague.

9. The FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as well as the objections set forth in its Objections to BellSouth's First Set of Interrogatories as though pleaded therein.

Specific Objections

10. BellSouth's Request for Production No. 1 states:

Produce all documents identified in response to these Interrogatories.

The FCCA has objected to a number of questions in BellSouth's First Set of Interrogatories. The FCCA incorporates herein all objections made to BellSouth's First Set of Interrogatories as they relate to this request.

11. BellSouth's Request for Production No. 2 states:

Produce all documents that refer or relate to any Broadband Service and DSL service that FCCA or its members provide to its customers in Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, overbroad, oppressive, harassing, unduly burdensome, vague and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.

12. BellSouth's Request for Production No. 3 states:

Produce all documents that refer or relate to any Broadband Service and DSL service that FCCA or its members provide to its customers in states other than Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.

13. BellSouth's Request for Production No. 4 states:

Produce all documents that refer or relate to FCCA or its members' consideration or investigation or their ability to resell BellSouth's local exchange service in order to provide voice service as well as FastAccess to its customers in Florida.

The FCCA objects to this request on the basis that the information sought is irrelevant, vague, overbroad, oppressive, harassing, unduly burdensome and not calculated to lead to the discovery of admissible evidence. The FCCA objects to this request to the extent it seeks confidential proprietary business information or trade secret information. The FCCA objects to this request as an impermissible attempt to seek discovery from entities who are not parties to the case.



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CERTIFICATE OF SERVICE

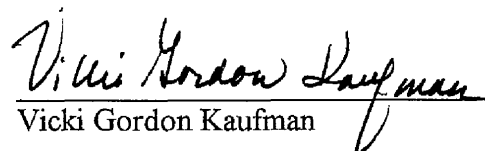
I **HEREBY CERTIFY** that a true and correct copy of the foregoing the Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s First Request for Production of Documents (Nos. 1 - 4) has been furnished by (*) hand delivery, (**) electronic mail or by U. S. Mail this 25th day of November 2002, to the following:

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