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January 13, 2003

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 020507-TP

Dear Ms. Bayo:

On behalf of the Florida Competitive Carriers Association (FCCA), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ The Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s Fourth Set of Interrogatories (Nos. 68 -72) and Fourth Request for Production of Documents (Nos. 9 - 12).

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

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McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN & ARNOLD **00-385** JAN 13 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of the Florida Competitive Carriers Association Against BellSouth Telecommunications, Inc. Regarding BellSouth's practice of Refusing to Provide FastAccess Internet Service to Customers who Receive Voice Service from a Competitive Voice Provider, and Request For Expedited Relief.

Docket No. 020507-TP

Filed: January 13, 2003

**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FOURTH SET OF
INTERROGATORIES (NOS. 68 – 72) AND FOURTH REQUEST
FOR PRODUCTION OF DOCUMENTS (NOS. 9 – 12)**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340 and 1.350, Florida Rules of Civil Procedure, the Florida Competitive Carriers Association (FCCA) files the following objections to BellSouth Telecommunications, Inc.'s (BellSouth) Fourth Set of Interrogatories (Nos. 68 – 72) and Fourth Request for Production of Documents (Nos. 9 – 12). 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 information 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, 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 information responsive to certain requests to which objections are not otherwise

asserted are confidential and proprietary and should not be provided at all or should be provided only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information, the 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 information or 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 and any definitions or instructions that purport to expand the FCCA's obligations under applicable law. The FCCA will comply with applicable law.

4. The FCCA objects to these requests to the extent they purport to require FCCA to conduct an analysis or create information not prepared by FCCA's experts or consultants in their preparation for this case. The FCCA will comply with its obligations under the applicable rules of procedure.

5. The FCCA objects to any request that requires the identification of "all" or "each" responsive document or fact, as it cannot guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document or fact will be identified.

6. The FCCA objects to providing information or documents to the extent they are in the public record or in the possession of BellSouth.

7. The FCCA objects to any request to the extent it impermissibly seeks information from FCCA members who are not a party to the case, on the grounds that such discovery is overly broad, unduly burdensome, oppressive and not permitted by the applicable rules of discovery.

8. For each specific objection made below, the FCCA incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.

Specific Objections to Interrogatories

9. BellSouth's Interrogatory No. 69 states:

In connection with Georgia Docket 11901-U, in MCI's responses to BellSouth's Second Interrogatories (Public Disclosure Version), MCI reported that WorldCom Inc. currently offers fixed broadband services to residential and business customers in markets that include Pensacola, Florida and Tallahassee, Florida. (Response to 61, Public Disclosure Version). At page 2 of Ms. Lichtenberg's testimony, she states that "When customers have the option of migrating to a competitive provider for voice service and losing FastAccess, or staying with BellSouth for voice service and keeping their DSL service, customers decide to retain FastAccess." With regard to this statement please:

- a. State whether "customers [that] want to migrate to MCI in order to take advantage of The Neighborhood 'all distance' voice package" are offered WorldCom's fixed broadband service, where available;
- b. If "customers [that] want to migrate to MCI in order to take advantage of The Neighborhood 'all distance' voice package" are not offered WorldCom's fixed broadband service, where available, describe with particularity why not.
- c. Describe with particularity the nature of the fixed broadband services offered in Pensacola and Tallahassee; including (i) the numbers of business and residential customers receiving such service; (ii) the description of the protocols used to provide the fixed broadband services; (iii) how long the fixed broadband services have been offered in Florida;
- d. Does MCI offer DSL service anywhere in Florida other than Pensacola and Tallahassee; if yes, describe with particularity the nature of the DSL service, the numbers of customers receiving such service, and how long the service has been offered in Florida.
- e. If MCI maintains that it is exiting the DSL business in Florida please explain with particularity the reasons why MCI is exiting the business.

The FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as it requests information about an FCCA member company that is

not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from an FCCA member that is not a party to the case. The FCCA objects to this request as overly broad and unduly burdensome.

10. BellSouth's Interrogatory No. 71 states:

At page 3, line 3-4, of the rebuttal testimony of Sherry Lichtenberg, she states "customers sign up for service because they wanted a high speed data service." At page 3, lines 22-23 of the rebuttal testimony of Sherry Lichtenberg she states "MCI customer representatives are trained to ask prospective customers whether they have FastAccess service." Describe with particularity whether MCI customer representatives are trained to offer prospective customers Worldcom's fixed broadband services. If not, describe with particularity why not.

The FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as it requests information about an FCCA member company that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from an FCCA member that is not a party to the case.

11. BellSouth's Interrogatory No. 72 states:

At page 4 of the rebuttal testimony of Sherry Lichtenberg, she states that the "5,233 rejects MCI has received . . . only reflects those instances in which the MCI representative presumably was not informed by the customer that the customer had FastAccess, not the instances in which the MCI representative did not submit a local service request at all because the customer decided not to migrate because he or she had FastAccess." With regard to this statement:

- a. State how many customers did not migrate to MCI because he or she had FastAccess:
- b. If MCI does not know the number of customers that did not migrate to MCI because he or she had FastAccess, state with particularity why not;
- c. What training, if any, did MCI perform to enable its customer service representatives to track the numbers of customers that did not migrate to MCI;

- d. If MCI did not train its customer service representatives to track the numbers of customers that did not migrate to MCI because such customers had FastAccess, describe with particularity why not.

The FCCA objects on the basis that the information sought by the interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA objects to this interrogatory as it requests information about an FCCA member company that is not in its possession or control. Further, the FCCA objects to this interrogatory as an impermissible attempt to seek discovery from an FCCA member that is not a party to the case.

Specific Objections to Production Requests

12. BellSouth Production Request No. 9 states:

Produce all documents identified, referred to, or otherwise described in FCCA's responses to BellSouth's Fourth Interrogatories.

The FCCA objects to this request on the basis that it is overbroad, vague and burdensome.

13. BellSouth Production Request No. 10 states:

Produce all documents that relate to the fixed broadband service offered by FCCA member MCI WorldCom in Pensacola, Florida and Tallahassee, Florida.

The FCCA objects on the basis that the information sought by this request is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA objects to this request on the basis that it is overbroad, vague and burdensome. The FCCA objects to this request as it seeks information about an FCCA member company that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from an FCCA member that is not a party to the case.

14. BellSouth Production Request No. 11 states:

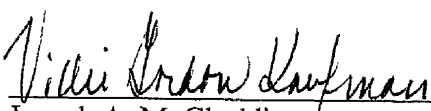
Produce all documents that relate to any other DSL service offered by FCCA member MCI WorldCom in Florida, whether identified in response to an interrogatory or not.

The FCCA objects on the basis that the information sought by this request is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA objects to this request on the basis that it is overbroad, vague and burdensome. The FCCA objects to this request as it seeks information about an FCCA member company that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from an FCCA member that is not a party to the case.

15. BellSouth Production Request No. 12 states:

Produce all training materials provided to MCI customer service representatives relating to FastAccess service (as referred to in the rebuttal testimony of Sherry Lichtenberg, pp. 3 – 4); including, but not limited to training materials that relate to MCI customer service representatives “ask[ing] prospective customer whether they have FastAccess service;” and training materials that relate to MCI customer service representatives “inform[ing] the customers that they must disconnect their FastAccess service if they wish to sign up for the Neighborhood.”

The FCCA objects on the basis that the information sought by this request is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. The FCCA objects to this request on the basis that it is overbroad, vague and burdensome. The FCCA objects to this request as it seeks information about an FCCA member company that is not in its possession or control. Further, the FCCA objects to this request as an impermissible attempt to seek discovery from an FCCA member that is not a party to the case. In addition, the FCCA objects to the extent this request seeks confidential, proprietary business information and trade secret information.



Joseph A. McGlothlin

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Attorneys for the Florida Competitive
Carriers Association

CERTIFICATE OF SERVICE

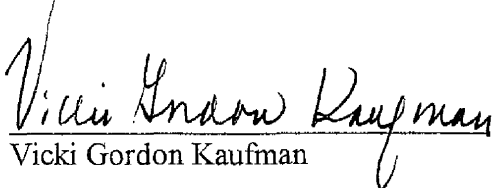
I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Competitive Carriers Association's Objections to BellSouth Telecommunications, Inc.'s Fourth Set of Interrogatories (Nos. 68 – 72) and Fourth Request for Productions of Documents (Nos. 9 – 12) has been furnished by (*) hand delivery, (**) electronic mail, or U.S. Mail this 13th day of January 2003, to the following:

(*) (**) Patricia Christensen
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Tallahassee, Florida 32399

(*) (**) Nancy White
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Vicki Gordon Kaufman