

ORIGINAL

McWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:
TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

April 4, 2003

VIA HAND DELIVERY

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

RECEIVED-FPSC
03 APR -4 PM 4:39
COMMISSION
CLERK

Re: Docket No.: 981834-TP and 990321-TP

Dear Ms. Bayo:

On behalf of DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ DIECA Communications, Inc. d/b/a Covad Communications Company's Objections to Staff's First Request for Production of Documents.

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

AUS	_____
CAF	_____
CMP	_____ VGK/bae
COM	_____ 5 Enclosure
CTR	_____
ECR	_____
GCL	_____
OPC	_____
MMS	_____
SEC	_____ T
OTH	_____

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE
03214 APR -4 03
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for
Commission Action to Support Local
Competition in BellSouth's Service Territory

DOCKET NO. 981834-TP

In re: Petition of ACI Corp. d/b/a Accelerated
Connections, Inc. for Generic Investigation into
Terms and Conditions of Physical Collocation

DOCKET NO. 990321-TP

FILED: April 4, 2003

DIECA COMMUNICATIONS, INC.
D/B/A COVAD COMMUNICATIONS COMPANY'S
OBJECTIONS TO STAFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), pursuant to Rule 28-106.206, Florida Administrative Code and Rules 1.350 and 1.280, Florida Rules of Civil Procedure, by and through its undersigned counsel, hereby files the following Objections to Staff's First Request for Production of Documents.

GENERAL OBJECTIONS

1. Covad objects to Staff's Production Request to the extent that it seeks to impose an obligation on Covad to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such Request is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. Covad objects to Staff's Production Request to the extent that it is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. Covad objects to each such Request as being irrelevant, overly broad, unduly burdensome, and oppressive.

DOCUMENT NUMBER-DATE

03214 APR-4 8

FPSC-COMMISSION CLERK

3. Covad objects to Staff's Production Request to the extent that it requests information that is exempt from discovery by virtue of the accountant-client privilege, attorney-client privilege, work product privilege, or other applicable privilege.

4. Covad objects to Staff's Production Request to the extent that it is vague, ambiguous, overly broad, imprecise, or to the extent that it utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of this discovery. Any answer provided by Covad in response to this Production Request will be provided subject to, and without waiver of, the foregoing objection.

5. Covad objects to Staff's Production Request to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. Covad will note in its responses where this objection applies.

6. Covad objects to providing information to the extent that such information is already in the public record before the Commission.

7. Covad objects to Staff's Production Request to the extent that it seeks to impose obligations on Covad that exceed the requirements of the Florida Rules of Civil Procedure.

8. Covad objects to Staff's Production Request to the extent that responding to it would be unduly burdensome, expensive, oppressive, or excessively time consuming.

9. Covad objects to Staff's Production Request to the extent that it is not limited to any stated period of time and, therefore, is overly broad and unduly burdensome.

10. Covad is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Covad creates countless documents that are not subject to Commission or FCC retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change

jobs or as the business is reorganized. Covad will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the Production Request purports to require more, Covad objects on the grounds that compliance would impose an undue burden or expense.

SPECIFIC OBJECTIONS

1. Produce all documents furnished or provided by Covad Communications Company or on Covad Communications Company's behalf to its shareholders, accountants, auditors, creditors, or to stock analysts referring or relating to the lives, net salvage values, or depreciation rates used by Covad Communications for depreciation purposes.

Objections: Covad objects to Request for Production No. 1 on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited in time, nor is it limited to documents in the custody or control of Covad. Covad further objects to Request for Production No. 1 on the ground that it explicitly calls for the production of documents protected from disclosure by the accountant-client privilege. Finally, Covad objects to Request for Production No. 1 on the ground that it requests production of documents in the public domain which are equally available to Staff as to Covad.

Vicki Gordon Kaufman

Charles E. (Gene) Watkins
Covad Communications Co.
1230 Peachtree Street, N.E., 19th Floor
Atlanta, GA 30309
(404) 942-3494
(404) 942-3495 (fax)

Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525
(850) 222-5606 (fax)

Attorneys for DIECA Communications, Inc.
d/b/a Covad Communications, Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing DIECA Communications, Inc. d/b/a Covad Communications Company's Objections to Staff's First Request for Production of Documents has been furnished by (*) hand delivery, or U.S. Mail this 4th day of April, 2003, to the following:

(*)Beth Keating
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Accelerated Connections, Inc.
7337 South Revere Parkway
Englewood, CO 33414

Jeff Wahlen
Ausley Law Firm
Post Office Box 391
Tallahassee, Florida 32302

Nancy B. White
c/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

Terry Monroe/Genevieve Morelli
CompTel
1900 M Street, NW
Suite 800
Washington, DC 20036

Michael A. Gross
Florida Cable Telecommunications
Association, Inc.
246 East 6th Avenue, Suite 100
Tallahassee, Florida 32303

Richard Melson
Hopping Law Firm
Post Office Box 6526
Tallahassee, Florida 32314

Donna C. McNulty
1203 Governors Square Boulevard
Suite 201
Tallahassee, Florida 32301

Charles Pellegrini/Patrick Wiggins
Katz, Kutter Law Firm
12th Floor
106 East College Avenue
Tallahassee, Florida 32301

Laura L. Gallagher
MediaOne
101 E. College Avenue, Suite 302
Tallahassee, Florida 32301

Don Sussman
Network Access Solutions Corporation
Three Dulles Tech Center
13650 Dulles Technology Drive
Herndon, VA 20171-4602

Peter Dunbar
Pennington Law Firm
Post Office Box 10095
Tallahassee, Florida 32301

Susan Masterton/Charles Rehwinkel
Sprint Communications Company
Post Office Box 2214
MC: FLTLHO0107
Tallahassee, Florida 32316-2214

Ann Shelfer
Supra Telecommunications
1311 Executive Center Drive
Suite 200
Tallahassee, Florida 32301

Andrew Isar
Telecommunications Resellers Assoc.
7901 Skansie Avenue
Suite 240
Gig Harbor, WA 98335

Floyd Self
Messer Caparello & Self
215 S. Monroe Street, Suite 701
Tallahassee, FL 32302-1876

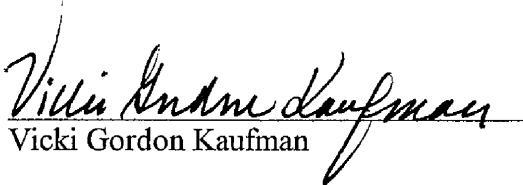
Virginia Tate
AT&T Communications
1200 Peachtree Street, N.E.
Suite 8100
Atlanta, GA 30309

Matthew Feil
Florida Digital Network, Inc.
390 North Orange Avenue, Suite 2000
Orlando, Florida 32801

Richard Heatter
Mpower Communications Corp.
175 Sully's Trail, Suite 300
Pittsford, NY 14534

Rodney Joyce
Shook, Hardy & Bacon LLP
600 14th Street, NW
Suite 800
Washington, DC 20005

Kimberly Caswell
Verizon Select Services, Inc.
Post Office Box 110
FLTC0007
Tampa, Florida 33601-0110


Vicki Gordon Kaufman