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May 19, 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 ACCESS Integrated Networks, Inc., I am enclosing the original and 15 copies of the following:

- ▶ ACCESS Integrated Networks, Inc.'s Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and First Request for Production of Documents.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and pleading by returning the same. Thank you for your assistance in this matter.

Yours truly,



Joseph A. McGlothlin

JAM/mls
Enclosure

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: May 19, 2003

**ACCESS INTEGRATED NETWORKS, INC.'S
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340 and 1.350, Florida Rules of Civil Procedure, ACCESS Integrated Networks, Inc. ("ACCESS") files the following objections to BellSouth Telecommunication, Inc.'s ("BellSouth") First Set of Interrogatories and First Request for Production of Documents. 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 ACCESS prepares its answers, it reserves the right to supplement, revise or modify its objections at the time it serves its responses.

General Objections

1. ACCESS objects to any interrogatory or request for documents 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. ACCESS in no way intends to waive any such privilege or protection.

2. In certain circumstances, ACCESS may determine upon investigation and analysis that information responsive to certain interrogatories or request for documents to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information, ACCESS is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. ACCESS 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. ACCESS objects to these interrogatories and request for documents and any definitions and instructions contained therein, that purport to expand ACCESS' obligations under applicable law. ACCESS will comply with applicable law.

4. ACCESS objects to these interrogatories and request for documents to the extent they purport to require ACCESS to conduct an analysis or create information. ACCESS will comply with its obligations under the applicable rules of procedure.

5. ACCESS objects to any interrogatory or request that requires the identification 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 identified.

6. ACCESS objects to each interrogatory and/or request that is not limited in time as overly broad, unduly burdensome and vague.

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

Specific Objections

8. Interrogatory No. 2 states:

If an AIN customer that currently receives local voice service, long distance voice service, and voice mail service through AIN chooses to switch its local voice service to BellSouth or some other carrier, can the customer keep AIN's voice

mail service? If the answer is negative, please explain why AIN will not continue to provide the customer voicemail service.

ACCESS objects to Interrogatory No. 2 on the grounds it is irrelevant to any issue properly before the Commission in this docket, and is not reasonably calculated to lead to the discovery of admissible evidence. Docket No. 020507 involves a complaint against the practices of BellSouth with respect to its refusal to provide DSL service to customers of ALECs. Voice mail service, an entirely different and unrelated service, provided by ACCESS, a party other than BellSouth, is not remotely related to the issues raised by the complaint, and BellSouth can show no basis to believe the answer would lead to the discovery of admissible evidence on the issue of BellSouth's DSL practices. Further, the premise underlying Interrogatory No. 2 is an impossibility. "Voice mail" is a service that depends on the functionality of the switch. If ACCESS, a UNE-P provider, loses a local customer, ACCESS no longer controls the switch that is the source of the customer's voice mail service. For this reason, too, the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

9. Interrogatory No. 3 states:

For the purposes of this interrogatory, please assume that AIN has a customer, which customer has subscribed to an AIN consumer product offering that provides unlimited long distance calling. If the AIN customer chooses to switch local voice service to BellSouth or some other carrier, can the AIN customer continue to receive unlimited long distance service from AIN? Please explain with particularity the reasons for your answer, including stating all facts and identifying all documents that support your answer.

ACCESS objects to Interrogatory No. 3 on the grounds it is irrelevant to any issue legitimately before the Commission in this proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence. This docket involves a complaint against BellSouth's practice of refusing to provide DSL service to customers of ALECs. Long distance service, a completely different and unrelated service, provided by ACCESS, a party other than the one that

is the subject of the complaint, is not remotely related to the issues raised by the complaint. BellSouth can provide no reasonable basis -- as it must, under the Florida Rules of Civil Procedure -- to demonstrate that the answer to Interrogatory No. 3 would lead to the discovery of evidence that would be admissible based on its relevance to the DSL issue. Further, the interrogatory is based on an erroneous premise. Whereas BellSouth owns and controls the facilities with which to provide DSL service, ACCESS does not own and control the facilities and means with which to provide long distance service. Therefore, under the assumptions of Interrogatory No. 3, ACCESS necessarily would be reselling long distance provided by another entity. Accordingly, even if the Commission were to regard ALECs' business practices as somehow relevant to the allegation that BellSouth is engaging in anticompetitive behavior, which it should not, and even if the Commission were to accept purported "analogies" to services other than DSL as somehow relevant to the DSL issues posed in this docket, which it should not, BellSouth has posed no such analogous situation in Interrogatory No. 3. For this reason, too, the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

10. With respect to BellSouth's First Request to Product Documents, Item 1, ACCESS incorporates by reference its objections to Interrogatory Nos. 2 and 3.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Access Integrated Networks, Inc.'s Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories has been furnished by (*) hand delivery, (**) electronic mail, or by (***) U.S. Mail this 19th day of May 2003, to the following:

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