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September 24, 2003

BY HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 030868-TL

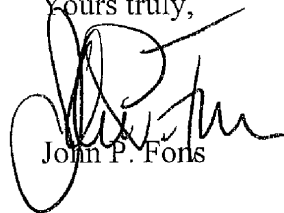
Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Sprint-Florida, Inc.'s Response in Opposition to Citizens' First Motion to Compel Answers to Interrogatories from Sprint-Florida, Inc.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Yours truly,



John P. Fons

Enclosures

cc: Certificate of Service List

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DOCUMENT NUMBER · DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: SPRINT-FLORIDA, INCORPORATED'S
PETITION TO REDUCE INTRASTATE
SWITCHED NETWORK ACCESS RATES TO
INTERSTATE PARITY IN A REVENUE
NEUTRAL MANNER PURSUANT TO
SECTION 364.164(1), FLORIDA STATUTES

DOCKET NO. 030868-TL
FILED: September 24, 2003

**SPRINT-FLORIDA, INCORPORATED'S RESPONSE IN OPPOSITION
TO CITIZENS' FIRST MOTION TO COMPEL ANSWERS
TO INTERROGATORIES FROM SPRINT-FLORIDA, INC.**

Sprint-Florida, Incorporated ("Sprint"), pursuant to Rules 28-106.204 and 28-106.206, Florida Administrative Code, and Rules 1.280 through 1.400, Florida Rules of Civil Procedures, responds in opposition ("Response") to Citizens' First Motion to Compel Answers to Interrogatories from Sprint-Florida, Inc. ("Motion to Compel"), stating as follows:

1. On September 3, 2003, Citizens served their First Set of Interrogatories on Sprint ("Citizens' 1st Set"). Thereafter, on September 10, 2003, which is within the 5-day timeframe established by the Commission's Order Establishing Procedure and Consolidating Dockets for Hearing ("Procedural Order" - Order No. 03-0994-PCO-TL, issued September 4, 2003), Sprint filed its Objections to Citizens' 1st Set ("Objections") in which Sprint made it clear that "[t]he objections stated herein are preliminary in nature and are made at this time to comply with the 5-day requirement set forth in Order No. PSC-03-0994-TL, issued September 4, 2003, at pages 3 and 4." Objections at p. 1. Within its Objections, Sprint provided both General Objections and Specific Objections. The General Objections went to all of the Interrogatories, while the Specific Objections went to those interrogatories which Sprint, at the time the objections were made, ascertained were specifically objectionable.

2. On September 17, 2003 - which is the day before Sprint's Responses to Citizens' 1st Set were due to be served on Citizens - Citizens filed and served its Motion to Compel. In their Motion to Compel, Citizens both attack Sprint's General Objections and challenge Sprint's Specific Objections. This Response addresses Citizens' misguided attack on Sprint's General Objections and Citizens' unpersuasive challenges to Sprint's Specific Objections.

I. General Objections

3. Citizens claim that Sprint's General Objections are "wholly inapplicable to Citizens' interrogatories and improperly asserted." Motion to Compel at ¶ 3. After listing each of Sprint's General Objections, Citizens contend that they "do not believe that that instruction (referring to the Procedural Order) envisioned a blanket listing of any and all objections available to a party . . ." Motion to Compel at ¶ 5. Additionally, Citizens contend that they "have served not a single interrogatory to Sprint to which every one of these eleven 'General Objections' could possibly apply." Motion to Compel at ¶ 6. Citizens conclude their attack on Sprint's General Objections by concluding that "these objections are wholly inappropriate and irrelevant to Citizens' discovery requests and should be dispatched accordingly." Motion to Compel at ¶ 6 (emphasis added). Sprint, while being uncertain as to what Citizens' request to "dispatch" Sprint's General Objection means in terms of Citizens' Motion to Compel, Sprint is certain that its General Objections are appropriate and relevant to Citizens' discovery requests.

4. The discovery procedures under which the parties are operating in this proceeding, although appropriate because of the tight timeframes imposed by Section 364.164(1), Florida Statutes, are, nonetheless, different from the discovery procedures reflected in Rule 28-106.206, Florida Administrative Code, which Rule requires reference to Rules 1.280 through 1.400, Florida Rules of Civil Procedure. Although Rule 1.340(a), Florida Rules of Civil Procedure, permits the

court to "allow for a shorter or longer time" to respond to or object to interrogatories, that Rule does not contemplate different deadlines for objecting to the discovery and for responding to the discovery. Because the Procedural Order imposes an extraordinary requirement on the party to whom discovery is directed to object to discovery prior to responding to the discovery, and in only 5 business days after receipt of the discovery, there is the potential that the responding party will not know for certain until the date a discovery response is due that the request is objectionable and why. Consequently, it is totally appropriate for a party to raise General Objections as a preliminary matter in order to protect that party's rights to object in lieu of responding if conditions warrant. Otherwise, the party to whom discovery is directed runs the risk of being accused of waiving his or her objection for failure to have raised it in the 5-business-day timeframe.

5. In addition to providing the "safety net," described above, Sprint's General Objections also serve to address the types of discovery requests that are generally improper and objectionable. Rather than repeating the objection for each discovery request, providing general objections is more efficient, especially where the timeframes for objecting and responding are shortened as they are here. In fact, the parties to Commission proceedings have for years been using General Objections in just such a manner, and General Objections have become a matter of acceptable practice before the Commission.

6. As noted previously, Citizens filed their Motion to Compel one day prior to receiving Sprint's Responses to Citizens' 1st Set. Had Citizens been less quick to file their Motion to Compel, Citizens would have seen just how efficiently this discovery practice actually works. In fact, as will be demonstrated below, many of the preliminary General Objections, while still of substantial merit, did not prevent Sprint from answering the interrogatories. The object of the

General Objections is not to use them as a mechanism for not responding to discovery requests when no specific objections are identified. Nor has Sprint used them in that manner here.

II. Specific Objections

7. As noted previously, Citizens' filed their Motion to Compel prior to receiving Sprint's Responses to Citizens' First Set of Interrogatories. Consequently, Citizens denied themselves the opportunity of knowing how Sprint was responding before launching their attack. In fact, Sprint, despite its objections, provided answers to three of the eight interrogatories addressed in Citizens' Motion to Compel, thereby mooting Citizen's Motion to Compel in that respect. Of the remaining five interrogatories, namely Nos. 1, 20, 21, 22 and 23, Citizens' Motion to Compel is groundless.

8. Citizens seek to compel Sprint to provide an answer in response to Citizens' Interrogatory No. 1, which states:

Provide Sprint PCS's intrastate access rates and associated terms and conditions for each wireless carrier and interexchange carrier with which SprintPCS interconnects within the state of Florida.

Sprint objected on the grounds that the interrogatory "seeks discovery of matters that are beyond the scope of the issues to be considered by the Commission in this proceeding and are directed to an entity that is beyond the jurisdiction of this Commission." In response, Citizens directed the Prehearing Officer to Citizens' Response to Sprint's Objections to Citizens' Production of Documents Request No. 8, in Citizens' First Motion to Compel Production of Documents. Sprint stands by its Objections here, which are somewhat different from its Objections to Citizens' POD No. 8, as to the similar objections, Sprint refers the Prehearing Officer to Sprint's Response to Citizens' Motion to Compel Production of Documents at paragraph 11, which is being filed contemporaneously herewith.

9. Citizens seek to compel Sprint to provide an answer in response to Citizens' Interrogatory No. 20, which states:

Please state the company names and states where Sprint has affiliates that provide competitive local exchange services.

Sprint objected to this interrogatory on the grounds that it "seeks discovery of matters that are outside the jurisdiction of this Commission." Additionally, Sprint objected on the grounds that the interrogatory "seeks information about matters which are beyond the scope of the issues to be considered by the Commission in this proceeding.

10. In response to Sprint's objections to Interrogatory No. 20, Citizens contend that its request "seeks to identify which affiliated CLECs of Sprint that will benefit from the company's proposals." Motion to Compel at ¶ 12. However, this explanation does not show that this interrogatory is relevant to any issue in this proceeding. Whether, or to what extent, Sprint's affiliated CLECs will benefit from Sprint's proposals is not an issue to be determined by the Commission in this proceeding.

11. Citizens seek to compel Sprint to provide an answer in response to Citizens' Interrogatory No. 21, which states:

Please state the originating and terminating switched access rates that are charged by each of Sprint's affiliated CLECs.

Sprint objected to this interrogatory on the grounds that it "seeks discovery of matters that are outside the jurisdiction of the Commission" and "about matters that are beyond the scope of the issues to be considered by the Commission in this proceeding." In response to these objections, Citizens refers the Prehearing Officer to Citizens' Response to Sprint's Objection to Citizens' Production of Document Request No. 8 contained in Citizens' First Motion to Compel Production of Documents, filed September 17, 2003. Because Sprint's objections to

Interrogatory No. 21 are actually slightly different from Sprint's objections to Citizens' POD No. 8, Sprint stands by those objections, which are unrefuted. As to the similar objections, Sprint refers the Prehearing Officer to Sprint's Response in Opposition to Citizens' First Motion to Compel Production of Documents at paragraphs 10 and 11, which is being filed contemporaneously herewith.

12. Citizens seek to compel Sprint to provide an answer in response to Citizens' Interrogatory No. 22, which states:

Referring to the testimony of witness Staihr, page 12, lines 18-23, please provide the comparable percentage of CLEC entry in the three states served by Sprint that have the highest rates.

Sprint objected to this interrogatory on the grounds that, "as written, this interrogatory is unclear and requires Sprint-Florida to speculate as to the precise information Citizens are seeking." Sprint observed that if Citizens were to "clarify their request, Sprint-Florida will attempt to provide such information to the extent such information exists." In their Motion to Compel, Citizens attempt to offer a clarification of their interrogatory. Because Citizens offered their clarification on the day before Sprint submitted its responses to Interrogatory No. 22, Sprint was unable to evaluate this clarification prior to submitting its answer to this interrogatory. To the extent this clarification is sufficient, Sprint will furnish an answer to this interrogatory. Otherwise, Sprint may seek further clarification or may object as necessary.

13. Citizens seek to compel Sprint to provide an answer in response to Citizens Interrogatory No. 23, which states:

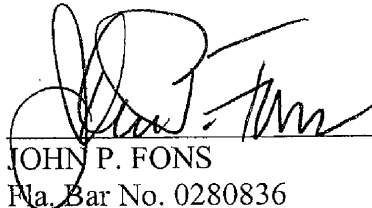
Please state the basic residential rates that are charged in the three states served by Sprint that have the highest rates.

Sprint objected to this interrogatory on the grounds that, "as written, this interrogatory is unclear and requires Sprint-Florida to speculate as to the precise information Citizens are seeking." As it

did in its objection to Citizens' Interrogatory No. 22, Sprint observed that if Citizens were to "clarify their request, Sprint-Florida will attempt to provide such information to the extent such information exists." In their Motion to Compel, Citizens attempt to offer a clarification of their interrogatory. Because Citizens offered their clarification on the day before Sprint submitted its responses to Interrogatory No. 22, Sprint was unable to evaluate this clarification prior to submitting its answer to this interrogatory. To the extent this clarification is sufficient, Sprint will furnish an answer to this interrogatory. Otherwise, Sprint may seek further clarification or object as necessary.

WHEREFORE, Sprint requests that Citizens' Motion to Compel be denied in all respects.

DATED this 24th day of September, 2003



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail, e-mail or hand delivery (*) this *JM* day of September, 2003, to the following:

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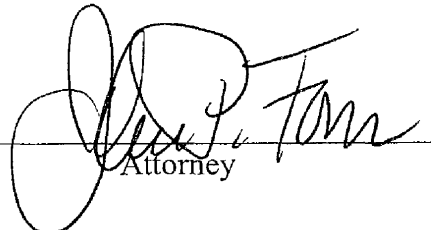
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