

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements  
Arising from Federal Communications  
Commission Triennial UNE review: Local  
Circuit Switching For Mass Market Customers

Docket No. 030851-TP

Filed: October 20, 2003

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**OBJECTIONS OF ICG TELECOM GROUP, INC. TO  
BELLSOUTH'S FIRST SET OF INTERROGATORIES**

Pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 ("*Procedural Order*"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, ICG Corporation ("ICG") submits its preliminary objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories to ICG.

ICG files these objections to comply with the seven (7) day requirement set forth in the *Procedural Order*. These objections are preliminary in nature. Should additional grounds for objection be discovered as ICG prepares its responses to any discovery, ICG reserves the right to supplement these objections.

Further, at the time of the filing of these objections, the issues to be addressed in this proceeding have not yet been identified. Should additional grounds for objections develop as the Commission identifies the issues to be addressed in this proceeding, ICG reserves the right to supplement these objections.

**GENERAL OBJECTIONS**

ICG makes the following general objections to the First Set of Interrogatories:

1. ICG objects to the "Definitions" section, the "General Instructions," and the individual items of BellSouth's First Set of Interrogatories to ICG to the extent that they are overly broad, unduly burdensome, and/or oppressive.

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2. ICG objects to the “Definitions,” the “General Instructions,” and the individual interrogatories to the extent they seek information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. By way of illustration and not limitation, ICG objects to interrogatories that seek information that is unrelated to or inconsistent with the methodology and parameters of the analysis of impairment prescribed by the FCC in its Triennial Review Order.

3. ICG objects to the “Definitions,” the “General Instructions,” and the individual interrogatories to the extent they are vague, ambiguous, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these Requests.

4. ICG objects to the “General Instructions” and the items of BellSouth’s First Set of Interrogatories to ICG to the extent that they purport to impose discovery obligations on ICG that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure.

5. ICG objects to BellSouth’s First Set of Interrogatories to ICG to the extent that the interrogatories seek discovery of materials and/or information protected by the attorney/client privilege, the work product doctrine, the accountant/client privilege, or any other applicable privilege.

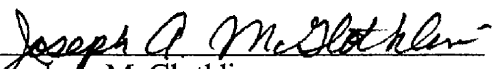
6. ICG objects to BellSouth’s First Set of Interrogatories to the extent that the requests would require disclosure of information that constitutes trade secrets and/or confidential, proprietary business information, which either should not be disclosed at all or should be disclosed (provided the information is otherwise discoverable) only pursuant to the terms of a mutually acceptable confidentiality agreement and use of the Commission’s rules and procedures relating to confidential and proprietary information.

7. ICG objects to all interrogatories which would require ICG to provide information which is already in BellSouth's possession (as a consequence, for instance, of the billing information BellSouth uses to submit bills to ICG) or is in the public record before the Commission. To duplicate information that BellSouth already has or is readily available to BellSouth would be unduly burdensome and oppressive.

8. ICG objects to BellSouth's First Set of Interrogatories to the extent BellSouth seeks to impose an obligation on ICG to respond on behalf of subsidiaries and/or former officers, employees, agents, and directors on the grounds that such requests for production are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

9. ICG will interpret each interrogatory as relating to intrastate Florida operations within BellSouth's service area. To the extent any interrogatories are not intended to relate to Florida intrastate operations within BellSouth's Florida service area, ICG objects to such interrogatories as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence

10. ICG objects to the use of the terms "qualifying service" and "nonqualifying service" on the grounds the terms are subject to differing interpretations.

  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections of ICG Telecom Group, Inc. to BellSouth's First Set of Interrogatories has been provided by (\*) hand delivery, (\*\*) email and U.S. Mail this 20th day of October 2003, to the following:

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