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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Implementation of requirements arising  
From Federal Communications Commission  
Triennial Review: Location Specific-Review  
For DS1, DS3, and Dark Fiber Loops and  
Route-Specific Review for DS1, DS3, and  
Dark Fiber Transport

Docket No. 030852-TP

Filed: November 6, 2003

COMMISSION  
CLERK

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

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, Access Integrated Networks, Inc. ("ACCESS") submits its preliminary objections to BellSouth Telecommunications, Inc.'s ("BellSouth") Second Set of Interrogatories to ACCESS and BellSouth's First Request for Production of Documents to ACCESS.

ACCESS 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 ACCESS prepares its responses to any item of discovery contained within the Second Set of Interrogatories or the First Request for Production of Documents, ACCESS reserves the right to supplement these objections.

Further, at the time of the filing of these objections, the issues to be addressed in this

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC   1
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proceeding have not yet been established. Should additional grounds for objections develop as the Commission identifies the issues to be addressed in this proceeding, ACCESS reserves the right to supplement these objections.

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## PRELIMINARY OBJECTIONS

ACCESS makes the following preliminary general objections to the Second Set of Interrogatories and the First Request for Production of Documents. The objections will be incorporated into the individual responses to the interrogatories and requests as appropriate.

1. ACCESS objects to the “Definitions” section, the “General Instructions,” and the individual items of BellSouth’s Second Set of Interrogatories and First Requests for Documents to ACCESS to the extent that they are overly broad, unduly burdensome, oppressive, and/or excessively time consuming.

2. ACCESS objects to the “Definitions,” the “General Instructions,” and the individual interrogatories and requests to the extent they seek information that is irrelevant and are not reasonably calculated to lead to the discovery of admissible evidence. By way of illustration and not limitation, ACCESS objects to interrogatories and requests 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. ACCESS objects to the “Definitions,” the “General Instructions,” and the individual interrogatories and requests for documents 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. ACCESS objects to the “General Instructions” and the items of BellSouth’s Second Set of Interrogatories and First Requests for Documents to ACCESS to the extent that they purport to impose discovery obligations on ACCESS that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure.

5. ACCESS objects to BellSouth's Second Set of Interrogatories and First Requests for Documents to ACCESS to the extent that the interrogatories and requests 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. ACCESS objects to BellSouth's Second Set of Interrogatories and First Requests for Documents to the extent that the interrogatories and 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. ACCESS objects to all interrogatories and requests which would require ACCESS to provide information which is already in BellSouth's possession 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. ACCESS objects to BellSouth's Second Set of Interrogatories and First Requests for Documents to the extent BellSouth seeks to impose an obligation on ACCESS to respond on behalf of affiliates 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. ACCESS will interpret each interrogatory and each request for documents as relating to intrastate Florida operations within BellSouth's service area. To the extent any interrogatories or requests for documents are not intended to relate to Florida intrastate

operations within BellSouth's Florida service area, ACCESS objects to such interrogatories as overbroad, unduly burdensome, irrelevant to the issues before the Commission, and not reasonably calculated to lead to the discovery of admissible evidence.

10. ACCESS objects to any interrogatories or requests for documents that are not limited in time or are not limited to a time period that is relevant to the issues before the Commission and/or reasonably related to BellSouth's legitimate discovery needs.

11. ACCESS objects to the use of the terms "qualifying service" and "nonqualifying service" on the grounds the terms are (with the exception of services specifically mentioned in the FCC's rule) ambiguous and subject to differing interpretations.

12. ACCESS objects to requests for "all," "every," and "any" documents as overbroad and unduly burdensome.



Joseph A. McGlothlin  
McWhirter, Reeves, McGlothlin, Davidson,  
Kaufman & Arnold, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525  
(850) 222-5606 (fax)  
[jmcglothlin@mac-law.com](mailto:jmcglothlin@mac-law.com)

Attorneys for Access Integrated Networks, Inc.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Objections of Access Integrated Networks, Inc. to BellSouth's Second Set of Interrogatories and First Request for Production of Documents has been provided by (\*) hand delivery, (\*\*) email and U.S. Mail this 6th day of November 2003, to the following:

(\*) (\*\*) Adam Teitzman, Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

(\*\*) Tracy Hatch  
AT&T Communications of the  
Southern States, LLC  
101 North Monroe Street, Suite 700  
Tallahassee, Florida 32301

(\*\*) Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301-1556

(\*\*) Michael Gross  
Florida Cable Telecommunications  
246 East 6<sup>th</sup> Avenue  
Tallahassee, Florida 32302

(\*\*) Richard Chapkis  
Verizon Florida, Inc.  
201 North Franklin Street  
MC: FLTC0717  
Tampa, Florida 33602

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

(\*\*) Susan Masterton  
Sprint Communications Company  
1313 Blairstone Road  
Post Office Box 2214  
MC: FLTLHO0107  
Tallahassee, Florida 32301

(\*\*) Jeffrey J. Binder  
Allegiance Telecom, Inc.  
1919 M Street, NW  
Washington, DC 20037

(\*\*) Donna Canzano McNulty  
MCI WorldCom  
1203 Governors Square Boulevard  
Suite 201  
Tallahassee, Florida 32301

(\*\*) Floyd R. Self  
Messer, Caparello & Self  
215 South Monroe Street, Suite 701  
Tallahassee, FL 32301

(\*\*) Nanette Edwards  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, Alabama 35802

  
Joseph A. McGlothlin