

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

November 7, 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.: 030851-TP

RECEIVED-FPSC  
03 NOV - 7 PM 4:44  
COMMISSION  
CLERK

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 General and Specific Objections to BellSouth Telecommunications, inc.'s Second Set of Interrogatories (Nos. 85 - 112) and Second Request for Production of Documents (No. 22).

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

RECEIVED & FILED  
*ih*  
FPSC-BUREAU OF RECORDS

Sincerely,

*Vicki Gordon Kaufman*  
Vicki Gordon Kaufman

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_ VGK/bae  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_ Enclosure  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC \_\_\_\_\_ I  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A. 11166 NOV-7 8

FPSC-COMMISSION CLERK

**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: November 7, 2003  
 )

**DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS COMPANY'S GENERAL AND SPECIFIC OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S SECOND SET OF INTERROGATORIES (NOS. 85 - 112) AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 22)**

DIECA Communications, Inc., d/b/a Covad Communications Company (Covad), pursuant to Rule 28.106-206, Florida Administrative Code, and Rules 1.340 and 1.280, Florida Rules of Civil Procedure, hereby files the following General and Specific Objections BellSouth Telecommunications, Inc.'s ("BellSouth") Second Set of Interrogatories (85-112) and Second Request for Production of Documents (No. 22) to Covad.

**GENERAL OBJECTIONS**

1. Covad objects to the interrogatories and requests for production to the extent they seek 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 interrogatories and requests for production are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Specifically, BellSouth defines Covad to include, in relevant part, "parents, subsidiaries, and affiliates. . ." Covad will not be responding to discovery that seeks information from parent and affiliate companies.

2. Covad objects to the interrogatories and requests for production to the extent they are intended to apply to matters other than those subject to the jurisdiction of the Commission. Covad objects to such interrogatories and requests for production as being irrelevant, overly

broad, unduly burdensome, and oppressive.

3. Covad objects to each and every interrogatory and request for production and instruction to the extent that such request or instruction calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. Covad objects to each and every interrogatory and request for production insofar as the interrogatories and requests are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these interrogatories and requests for production. Any answers provided by Covad in response to the interrogatories and requests for production will be provided subject to, and without waiver, of the foregoing objection.

5. Covad objects to each and every interrogatory and request for production insofar as 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 attempt to note in its responses each instance 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 or in BellSouth's possession.

7. Covad objects to BellSouth's discovery requests, instructions and definitions, insofar as they seek to impose obligations on Covad that exceed the requirements of the Florida Rules of Civil Procedure and Florida Law.

8. Covad objects to each and every interrogatory and request for production, insofar as any of them are unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. 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. Therefore, it is possible that not every document has been identified in response to these requests. Covad will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the requests purport to require more, Covad objects on the grounds that compliance would impose an undue burden or expense.

10. Covad objects to each and every interrogatory and request for production to the extent that the information requested constitutes “trade secrets” pursuant to Section 90.506, Florida Statutes. To the extent that BellSouth requests proprietary confidential business information, Covad will make such information available in accordance with a protective agreement, subject to other general or specific objections contained herein.

11. Covad objects to any discovery request that seeks to obtain “all” or particular documents, items, or information to the extent that such requests are overly broad and unduly burdensome. Any answers provided by Covad in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

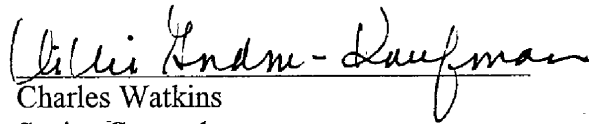
#### **SPECIFIC OBJECTIONS TO INTERROGATORIES**

#### **SPECIFIC OBJECTIONS TO INTERROGATORIES 86-93, 95-97, 99-100, and 106-111.**

Interrogatories 85 - 112 are a “cut and paste” set of interrogatories designed for and served on Florida competitive voice providers. Indeed, Interrogatories 101-105 and 112 are specifically addressed to long distance providers. Not surprisingly, a great deal of BellSouth’s “cut and paste” voice discovery is both overly broad and irrelevant as to Covad – a DSL

company. Because Covad solely provides high speed internet access, its revenue, general and administrative (G&A) expenses, profitability, marketing, customer acquisition costs, take rates, churn and similar requested information is not probative of such statistics for voice providers. Accordingly Covad specifically objects to interrogatory numbers 86-93, 95-97, 99-100, and 106-111.

The “potential deployment” portion of this docket addresses the potential use of self-provisioned or wholesale switches to serve the mass *voice* market – not the mass DSL market. In the *TRO*, the FCC separately addressed that market. *TRO* ¶¶ 537-541. While Covad has asserted that economic and operational impairment related to the lack of line splitting under UNE-L should be considered in this docket, those issues are not the subject of BellSouth’s discovery. The economic impairment problems raised by Covad are associated with voice providers attempting to compete for customers in an environment where most telecommunications services are sold as part of a bundle of such services, not a general business model for UNE-L or DSL. Covad does not sell voice products at all, bundled or otherwise. Accordingly, Covad objects to Interrogatories 86-93, 95-97, 99-100, and 106-111 as irrelevant in this docket as to Covad. Covad further objects that, if such discovery is remotely relevant, it is overly broad and unduly burdensome.



Charles Watkins

Senior Counsel

Covad Communications Co.

1230 Peachtree Street, N.E., 19<sup>th</sup> Floor

Atlanta, Georgia 30309

(404) 942-3494

(404) 942-3495 (fax)

[gwatkins@covad.com](mailto:gwatkins@covad.com)

Vicki Gordon Kaufman

McWhirter, Reeves, McGlothlin, Davidson,

Kaufman & Arnold, P.A.

117 South Gadsden Street

Tallahassee, Florida 32301

(850) 222-2525

(850) 222-5606 (fax)

[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)

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 General and Specific Objections to BellSouth Telecommunications, Inc.'s Second Set of Interrogatories (Nos. 85 – 112) and Second Request for Production of Documents (No. 22). has been provided by (\*) hand delivery, (\*\*) email and U.S. Mail this 7<sup>th</sup> 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

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

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

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

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

(\*\*) Norman H. Horton, Jr.  
215 South Mornoe Street  
Tallahassee, Florida 32302-1876

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

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

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

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

(\*\*) 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

(\*\*) Jake E. Jennings  
Senior Vice-President  
Regulatory Affairs & Carrier Relations  
NewSouth Communications Corp.  
NewSouth Center  
Two N. Main Center  
Greenville, SC 29601

(\*\*) Jon C. Moyle, Jr.  
Moyle, Flanigan, Katz, Raymond  
& Sheehan, P.A.  
The Perkins House  
118 North Gadsden Street  
Tallahassee, FL 32301

(\*\*) Rand Currier  
Geoff Cookman  
Granite Telecommunications, LLC  
234 Copeland Street  
Quincy, MA

(\*\*) Andrew O. Isar  
Miller Isar, Inc.  
2901 Skansie Avenue, Suite 240  
Gig Harbor, WA 98335

(\*\*) Scott A. Kassman  
FDN Communications  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801

  
Vicki Gordon Kaufman