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September 25, 2003

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

HAND DELIVERY

COMMISSION
CLERK

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Re: Docket No. 030851-TP

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and fifteen copies of US LEC of Florida Inc.'s ("US LEC") Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Martin P. McDonnell

Martin P. McDonnell

MPM/rl

Enclosures

cc: All Parties of Record

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission) Docket No. 030851-TP
triennial UNE review: Local Circuit Switching)
for Mass Market Customers.) Filed: November 12, 2003
_____)

**US LEC OF FLORIDA INC.'S OBJECTIONS TO
BELLSOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES**

US LEC of Florida Inc. ("US LEC"), pursuant to Order No. PSC-03-1054-PCO-TP, objects to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories served on US LEC on November 5, 2003, and says:

INTRODUCTION

This is a generic docket intended to ascertain whether impairment exists within the state and local markets pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") released August 21, 2003. In the TRO, the FCC adopted new rules and reevaluated old rules regarding incumbent local exchange companies ("ILECs") obligations to unbundle certain network elements, so that these elements are made available to the requesting competitive local exchange telecommunications companies ("CLECs") at a price based on the ILEC's total element long-run incremental costs ("TELRIC"). The vast majority of BellSouth's discovery requests inappropriately seek significant amounts of US LEC's company specific information which are well outside the scope of this generic docket.

GENERAL OBJECTIONS

1. US LEC objects to the Interrogatories to the extent that they are intended to apply to matters other than whether impairment exists in the state and local market within the jurisdiction of the Florida Public Service Commission. US LEC objections to such Interrogatories as being

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irrelevant, overbroad, unduly burdensome, and oppressive.

2. US LEC objects to each and every interrogatory insofar as the interrogatories are not reasonably calculated to lead to the discovery of admissible evidence.

3. US LEC objects to every interrogatory to the extent that such interrogatory calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. US LEC objects to each and every interrogatory insofar as any of them are overly broad, unduly burdensome, oppressive, or excessively time consuming as written.

5. US LEC objects to each and every interrogatory to the extent that the information requested enjoys statutory "trade secrets" privilege pursuant to Section 90.506, Florida Statutes.

6. US LEC objects to each and every interrogatory that would require the disclosure of customer specific information, the disclosure of which is prohibited by Section 364.24, Florida Statutes. Without waiving any general objections or specific objections stated herein, US LEC will fully respond to requests for "proprietary confidential business information" as defined by Section 364.183(3), Florida Statutes, that are requested in the interrogatories that are not subject to Section 364.24, Florida Statutes, in the event US LEC's general objections and/or specific obligations concerning the specific request are denied by the Prehearing Officer or the Commission.

7. US LEC objects to every interrogatory insofar as the interrogatories are vague, ambiguous, overly broad, imprecise or utilize terms that are subject to multiple interpretations and not properly defined. Any answer provided by US LEC in response to these interrogatories will be provided subject to, and without wavier, of the foregoing objections.

8. US LEC objects to providing information to the extent that such information is already in the public domain or in the public record before the Commission.

SPECIFIC OBJECTIONS

Interrogatory No. 1: Please provide the 11-digit COMMON LANGUAGE Location Identifier (CLLI) of each switch used to provide qualifying service anywhere in the state of Florida that is owned by your company. If you lease, rent or otherwise obtain switching capacity on a switch that you do not own (other than from an incumbent Local Exchange Carrier), provide the same information regarding all such switches.

Objection:

US LEC objects to this Interrogatory on the grounds that it would require US LEC to provide information regarding “CLLI” codes and switched location information that is publicly available and already in BellSouth’s possession. US LEC further objects to the term “qualifying service” as US LEC does not use such terms in its ordinary course of business and answering in these terms would require US LEC to provide a legal interpretation of the FCC’s terms. With the exception of the specific services the FCC has designated as qualifying or non-qualifying, the term is not clearly defined by the FCC or by BellSouth. For example, as the FCC states in Footnote 466 of the TRO, “Our list is intended to identify general categories of service that would qualify as eligible services. It is not intended to be an exhaustive list or to identify sources in a more particular manner.” Thus, BellSouth’s request is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

Interrogatory No. 2: For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines that switch is equipped to provide. If you lease, rent or otherwise obtain capacity on someone else’s switch, provide the DSO/voice grade equivalent access lines associated with the capacity you have obtained.

Objection:

US LEC incorporates herein its objection to BellSouth's Interrogatory No. 1. Additionally, US LEC objects to the term "voice grade equivalent lines" as vague and ambiguous and subject to differing interpretations. Further, the term "equipped to provide" is vague and it is unclear whether this term includes lines capable of carrying voice traffic but which are, in fact, used for data traffic.

Interrogatory No. 3: For every switch identified in response to Question 1, provide the number of DS-O/voice grade equivalent access lines current in use and state the date for which such information is provided.

Objection:

US LEC incorporates herein its objections to Interrogatories No. 1 and No. 2 above.

Interrogatory No. 4: State whether each switch identified in response to Question 1 serves residential customers.

Objection:

US LEC incorporates herein its objection to Interrogatory No. 1.

Interrogatory No. 5: Does this switch serve customer locations with:

- a. 1 line only?
- b. 2 or fewer lines?
- c. 3 or fewer lines?
- d. 4 or fewer lines?
- e. 5 or fewer lines?
- f. 6 or fewer lines?
- g. 7 or fewer lines?
- h. 8 or fewer lines?
- i. 9 or fewer lines?
- j. 10 or fewer lines?

Objection:

US LEC incorporates herein its objection to Interrogatory No. 1. Additionally, the term "customer locations" is unclear. US LEC requests clarification of the item. (Subject to and without

waiving these objections, US LEC will provide the total number of voice-grade equivalent lines, as it defines the term, US LEC is providing to end user customers in the wire center areas from the switches identified in response to Interrogatory No. 1.)

Interrogatory No. 6: For each group of customer locations identified in Question 5 (locations with 1 line, locations with 2 or fewer lines, etc.), provide:

a. The individual customer locations. Initially, it will be sufficient to provide these locations by wire center service area. If that information is not readily available, then the information should be provided by actual customer address. To explain further, this question asks you to provide, initially by wire center service area, the number of customer locations you serve that have one line, two lines or fewer, three lines or fewer, etc. If you cannot provide the information by wire center service area, then provide this information by actual customer location, i.e., Customer A is located at 1234 Broadway, Miami, Florida, and has one line, and so forth.

b. The number of lines at each location that are used to provide voice service, and the number of lines that are used to provide data service, identified separately. If each line is used to provide both voice and data, so indicate.

c. If you know that the specific customer location is served by lines provided by another CLEC, or by an ILEC, provide the number of DSO/voice grade equivalent lines provided at each customer location by other CLECs or ILECs.

Objection:

US LEC objects to this interrogatory as it is irrelevant, onerous, unduly burdensome and asks for confidential proprietary information that BellSouth does not require for its legitimate discovery purposes and it is not entitled to. The information sought includes business and/or commercial information and production of this information would lead to disclosure of information regarding US LEC's confidential, internal operations which could seriously damage its business. Such confidential, proprietary information is of such a highly sensitive nature that it cannot be protected or maintained even under a proprietary or confidential agreement. In essence, these responses would give BellSouth, US LEC's primary competitor, a road map to every single customer location with

an indication (through the number of lines the customer uses) of the relative profitability of each customer. US LEC also objects to this interrogatory because US LEC has not tracked the customer data in accordance with the wire center designations of the legacy network operated by the ILECs. Further, the information requested is totally irrelevant to the questions under consideration by the PSC in its implementation of the TRO. Additionally, since US LEC purchases the majority of its customer loops from BellSouth, BellSouth can utilize its internal systems to determine the answers to these questions in accordance with its own internal wire center designations. Finally, US LEC objects on the grounds that US LEC does not purchase EELs and/or UNEs to provision service to its customers. US LEC utilizes special access facilities which are outside the scope of this proceeding.

Interrogatory No. 7: Provide the street address (e.g., 123 Main Street), the city (e.g., Miami), and the state (e.g., FL) where every switch identified in response to Question 1 is located.

Objection:

US LEC incorporates its objections to Interrogatories Nos. 1 and 6 above.

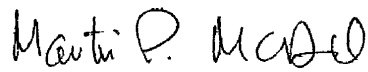
Interrogatory No. 9: State whether you have any plans to terminate your service in any area in Florida that is currently served by the switches identified in response to Question 1. If you do, identify the areas where you intend to terminate service (and by areas we mean geographic areas, not individual customers).

Objection:

US LEC objects to the interrogatory as being vague. In the TRO, the FCC specifically stated that the key consideration to be examined by state commissions is whether the providers are currently offering and able to provide service, and are likely to continue to do so. The FCC recommended that states should review whether the competitive switching provider has filed a notice to terminate service in that market. (TRO, fn. 1556). US LEC will answer whether it has filed a

notice to terminate service in any market pursuant to the TRO.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following this 12th day of November, 2003:

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