

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: December 15, 2003

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PRELIMINARY OBJECTIONS OF FCCA TO BELLSOUTH'S FIRST 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, the Florida Competitive Carriers Association ("FCCA"), submits its Preliminary Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories and First Request for Production of Documents to FCCA (together, "Discovery Requests").

FCCA 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 FCCA prepares its responses to any discovery, FCCA reserves the right to supplement these objections.

GENERAL OBJECTIONS

FCCA makes the following general objections to the Discovery Requests:

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

2. FCCA objects to the "Definitions," the "General Instructions," and the individual items within the discovery requests to the extent they are irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence. By way of

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illustration and not limitation, FCCA objects to interrogatories and document requests that seek information that is unrelated to or inconsistent with the parameters and methodology of the impairment analysis prescribed by the FCC in its Triennial Review Order.

3. FCCA objects to the “Definitions,” the “General Instructions,” and the individual Discovery Requests 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. FCCA objects to the “General Instructions” and the items of BellSouth’s Discovery Requests to the extent that they purport to impose discovery obligations on FCCA that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure. By way of example and not of limitation, FCCA objects to instructions that purport to require FCCA to update or supplement its answers and responses. FCCA also objects to the extent the discovery requests exceed the scope permitted by Rule 1.280(b)(4), Florida Rules of Civil Procedure.

5. FCCA objects to BellSouth’s discovery requests to the extent that the requests seeks 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. FCCA objects to BellSouth’s discovery requests to the extent that the requests would require disclosure of trade secrets and/or proprietary confidential information that either should not be disclosed at all or should be disclosed only pursuant to the terms of a mutually acceptable confidentiality agreement and the rules and orders of the Commission governing confidentiality.

7. FCCA objects to all discovery requests which would require FCCA 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. FCCA objects to BellSouth's Discovery Requests to the extent BellSouth seeks to impose an obligation on FCCA 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. FCCA objects to any item of the Discovery Requests that requires the identification of "every," "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be identified.

SPECIFIC OBJECTIONS TO INTERROGATORIES

FCCA hereby incorporates by reference the above general objections. To the extent possible within the constraints of the expedited time frame for the filing of preliminary objections, FCCA will attempt to identify individual interrogatories that are subject to objection. FCCA reserves the right to add to or enlarge upon these objections when it files its Answers.

The following General Objections are applicable to Interrogatory No. 1:

Objection no. 9

The following General Objections are applicable to Interrogatory No. 2:

Objection no. 4

The following General Objections are applicable to Interrogatory No. 3:

Objection no. 4

The following General Objections are applicable to Interrogatory no. 4:

General Objection nos. 1,9

The following General Objections are applicable to Interrogatory no. 6:

General Objection no. 9

The following General Objections are applicable to Interrogatory no. 7:

General Objection no. 9

The following General Objections are applicable to Interrogatory no. 8:

General Objection nos. 1,6

The following General Objections are applicable to Interrogatory no. 9:

General Objections no. 9

The following General Objections are applicable to Interrogatory no. 11:

General Objections nos. 1,9

The following General Objections are applicable to Interrogatory no. 12:

General Objections no. 6

The following General Objections are applicable to Interrogatory no. 14:

General Objection no. 9

The following General Objections are applicable to Interrogatory no. 17:

General Objection no. 9

The following General Objections are applicable to Interrogatory no. 18:

General Objection nos. 1, 6

The following General Objections are applicable to Interrogatory no. 19:

General Objection nos. 1, 6, 9

With respect to Request for Production no. 1, which asks for all documents identified in response to BellSouth's First Set of Interrogatories, FCCA incorporates all of its General Objections.

The following General Objections are applicable to Request no. 2:

6, 9

The following General Objections are applicable to Request no. 3:

6, 9

The following General Objections are applicable to Request no. 4:

6,9

The following General Objections are applicable to Request no. 5:

6, 9


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections of FCCA to BellSouth's First Set of Interrogatories and First Request for Production of Documents has been provided by (*) hand delivery, (**) email and U.S. Mail this 15th day of December 2003, to the following:

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