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December 17, 2003

**VIA HAND DELIVERY**

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

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Re: Docket No.: 030852-TP

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 Objections to Staff's First Request for Production of Documents (1 - 7) and Staff's First Set of Interrogatories (Nos. 1 - 14).

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

Sincerely,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising  
From Federal Communications Commission's  
Triennial UNE 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: December 17, 2003

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**DIECA COMMUNICATIONS, INC., D/B/A COVAD COMMUNICATIONS  
COMPANY'S OBJECTIONS TO STAFF'S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS (1-7) AND STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1 - 14)**

DIECA Communications, Inc., d/b/a Covad Communications Company (Covad), pursuant to Rule 28.106-206, Florida Administrative Code, and Rules 1.280, 1.340 and 1.350, Florida Rules of Civil Procedure, hereby files the following Preliminary Objections to Staff's First Set of Interrogatories (Nos. 1 - 14) and First Request for Production of Documents (Nos. 1-7), dated December 10, 2003.

**GENERAL OBJECTIONS**

1. Covad objects to the interrogatories and requests for production of documents 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 of documents are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. 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 of documents to the extent they are intended to apply to matters other than those subject to the jurisdiction of the Commission. Covad object to such interrogatories and requests for production of documents as

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being irrelevant, overly broad, unduly burdensome, and oppressive.

3. Covad objects to each and every interrogatory, request for production of documents 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 of documents insofar as the interrogatories and requests for production of documents 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 of documents. Any answers provided by Covad in response to the interrogatories and requests for production of documents will be provided subject to, and without waiver, of the foregoing objection.

5. Covad objects to each and every interrogatory and request for production of documents insofar as they are not reasonably calculated to lead to the discovery of admissible evidence and are 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.

7. Covad objects to 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 of documents, 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 of documents to the extent that the information requested constitutes "trade secrets" pursuant to Section 90.506, Florida Statutes. To the extent that Staff 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.

12. Covad objects to any interrogatory and request for production of documents that seeks to obtain information related to all states in BellSouth's nine-state region. Covad will respond, to the extent a request is not otherwise objectionable, when applicable to Florida. Interrogatories seeking information as to states other than Florida are irrelevant, 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**

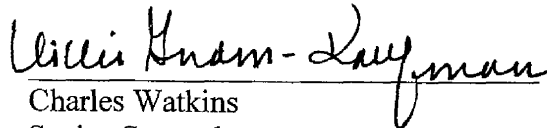
**INTERROGATORY NO. 1(a) and (b):** Covad objects to this interrogatory on the ground that it is ambiguous, in that it uses the term “you connect your local network.” Covad would normally interpret this phrase to mean network connections self-provisioned by Covad between facilities owned by Covad and another carrier. However, interrogatory 1(b) implies that the Staff is seeking information in interrogatory 1(a) about wholesale and leased facilities obtained from other carriers. If the Staff is seeking information about dedicated transport obtained or leased from other carriers between Covad collocation arrangements and other carriers not located within an ILEC wire center, Covad objects to Interrogatory No. 1 (a) and (b) on the ground that such information is irrelevant to the transport triggers and potential deployment case in this docket. See, TRO ¶¶ 400-402 (limiting relevant transport to routes directly between ILEC wire centers, and specifically rejecting “daisy-chaining” transport). Subject to these objections, Covad will provide Staff with any and all dedicated transport leased from other carriers for the purpose of direct dedicated transport between central office collocation spaces.

**INTERROGATORY NO. 2 (a):** Covad objects to Interrogatory No. 2 (a) on the ground that the information sought is overly broad and irrelevant to the transport triggers and potential deployment case in this docket, except as limited by interrogatory no. 2(b). See, TRO ¶¶ 400-402 (limiting relevant transport to routes directly between ILEC wire centers, and specifically rejecting “daisy-chaining” transport).

**INTERROGATORY NO. 5(d) and (e):** Covad objects to interrogatory 5(d) and (e) on the ground that they are ambiguous, in that they use the term “local service.” Covad normally

interprets this phrase to mean “local *voice* service” and, based on the parenthetical in interrogatory 6(b), will continue to do so. Covad will answer interrogatories 5(d) and (e) accordingly.

**INTERROGATORY NO. 7(e) and (f):** Covad objects to interrogatory 7(e) and (f) on the ground that it is ambiguous, in that it uses the term “upgrade” without defining that term. Covad will respond to this interrogatory employing the normal meaning of “upgrade” as applied to a piece of equipment – an alteration to the equipment itself without modification to attached equipment, electronics, collocation space or attached loops.



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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 Objections to BellSouth Telecommunications, Inc.'s Second Set of Interrogatories (Nos. 14 – 23) and First Request for Production of Documents (Nos. 1-5) has been provided by (\*) hand delivery, (\*\*) email and U.S. Mail this 17th day of December 2003, to the following:

(\*) (\*\*) Adam Teitzman, Staff Counsel  
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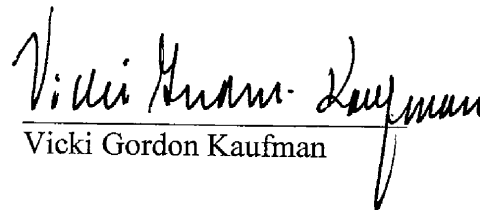
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