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December 17, 2003

Ms. Blanca S. Bayo  
Director, Division of the Commission  
Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

via Overnight Mail


Re: Docket No. 030852-TP Implementation of Requirements Arising from FCC  
Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber  
Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport

Dear Ms. Bayo:

Enclosed please find an original and seven (7) copies of FDN Communications  
Objections to Staff's First Set of Interrogatories (nos. 1-14), and First request for  
Production of Documents (Nos. 1-7).

If you have any questions regarding the enclosed, please call me at 407-447-6636.

Sincerely,

  
Scott Kassman  
FDN Communications  
Assistant General Counsel

- AUS
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission ) Docket No. 030852-TP  
Triennial UNE review: Location Specific-Review )  
For DS1, DS3, and Dark Fiber Loops and )  
Route-Specific Review for DS1, DS3, and Dark )  
Fiber Transport )  
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**FDN COMMUNICATION’S OBJECTIONS TO  
STAFF’S FIRST SET OF INTERROGATORIES (NOS. 1 - 14) AND FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 7)**

Florida Digital Network, Inc., d/b/a FDN Communications (“FDN”), pursuant to Rule 28-106.206, Florida Administrative Code and Rules 1.340 and 1.280, Florida Rules of Civil Procedure, hereby submits the following 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 and served electronically after 5:00 pm on December 10.

The objections stated herein are preliminary in nature and are made at this time to comply with the 7-calendar day requirement set forth in Order No. PSC-03-1054-PCO-TP issued on September 22, 2003, by the Florida Public Service Commission (“Commission”). Should additional grounds for objection be discovered as FDN prepares its answers to the above-referenced discovery requests, FDN reserves the right to supplement, revise, or modify its objections at the time it serves its responses.

**GENERAL OBJECTIONS**

1. FDN objects to each discovery request to the extent that it seeks to impose an obligation on FDN to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such request is

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overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. FDN objects to each discovery request to the extent that it is intended to apply to matters other than those directly at issue in this proceeding. FDN objects to each such request as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. FDN objects to each discovery request to the extent that it requests information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. FDN objects to each discovery request to the extent that it is vague, ambiguous, overly broad, imprecise, or to the extent that it utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Answers, if any, provided by FDN in response these requests will be provided subject to, and without waiver of, the foregoing objection.

5. FDN objects to each discovery request to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FDN will attempt to note in here and/or in its responses each instance where this objection applies.

6. FDN objects to providing information to the extent that such information is already in the public record before the Commission or in the possession of the party propounding the discovery.

7. FDN objects to each discovery request to the extent that it seeks to impose obligations on FDN that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

8. FDN objects to each discovery request to the extent that responding to it would be unduly burdensome, expensive, oppressive, or excessively time consuming.

9. FDN objects to each discovery request to the extent that it is not limited to any stated period of time and, therefore is overly broad and unduly burdensome.

10. FDN is a small corporation with employees located in different locations in Florida. In the course of its business, FDN creates documents that are not subject to Commission or FCC retention of records requirements. These documents may be kept in different locations and may be moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document will be identified in response to these requests.

To the extent a request is not otherwise objectionable, FDN will conduct a search of the files that are reasonably expected to contain the requested information. To the extent that the requests purport to require more, FDN objects on the grounds that compliance would impose an undue burden or expense.

11. In certain circumstances, FDN may determine upon investigation and analysis that information responsive to certain discovery requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information in response to such a discovery request, FDN is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FDN hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal requirements.

12. FDN objects to any discovery requests to the extent any definitions or instructions purport to expand FDN's obligations under applicable law. FDN will comply with applicable law.

13. FDN objects to the discovery requests to the extent they purport to require FDN to conduct any analysis or create information not prepared by FDN

or its consultants in preparation for this case. FDN will only comply with its obligations under applicable law.

14. FDN objects to the discovery requests to the extent the requests require information for operations outside the State of Florida.

15. For each specific objection FDN may pose to the discovery here or hereafter, FDN incorporates all of the foregoing general objections.

**SPECIFIC OBJECTIONS TO INTERROGATORIES**

**1. (a) Please identify all points within Florida in which you connect your local network facilities to the networks of carriers other than the incumbent LEC, including interconnection with other CLECs, interexchange carriers, or internet service providers at any point of presence (“POP”), network access point (“NAP”), collocation hotel, data center, or similar facility.**

**(b) For each transport facility identified in (a), please identify the cost of the facility, including the installation cost for any facilities that you have deployed yourself, and the rates, terms and conditions of any transport facilities that you obtain through a wholesale, lease, or resale arrangement, from any entity other [than] an ILEC.**

**OBJECTION:** FDN incorporates by reference as if fully stated herein its General Objections: 2, 8, 11.

**3. Please identify all fiber rings in Florida that you own or otherwise control, and identify the location (by street address and V&H coordinates) of each add-drop multiplexer or comparable facility for connecting other transport facilities (e.g., wire centers, loops, other fiber rings) to the fiber ring.**

**OBJECTION:** FDN incorporates by reference as if fully stated herein its General Objections: 2, 8, 11.

**5. (a) Please identify the address of each of your collocation arrangements in the state of Florida, the name of the ILEC central office in which it is located, and the ILEC.**

**(b) For each collocation arrangement identified in response to (a), please identify the overall size of the arrangement and the amount of unused space in the collocation arrangement.**

**(c) For each collocation arrangement identified in response to (a), please identify the date on which the collocation space was turned over to you.**

**(d) For each collocation arrangement identified in response to (a), please identify the date on which the equipment was installed in the space and first used to provide local service. (Estimate if necessary.)**

**(e) For each collocation arrangement identified in response to (a) that is not currently being used to provide local service, please indicate the date on which you intend to use the space to provide local service.**

**OBJECTION:** FDN incorporates by reference as if fully stated herein its General Objections: 2, 8, 11.

**6. (a) Please identify the address of each collocation arrangement in the state of Florida that you share with another entity, the identity of the other entity, and the size of your share of the arrangement.**

**(b) For each of the arrangements identified in response to (a), please identify the types of services (e.g., local, broadband, etc.) you currently provide with the existing equipment located there.**

**(c) For each of the arrangements identified in response to (a), please identify the types of services (e.g., local, broadband, etc.) that the equipment is not currently being used to provide but is capable of providing.**

**(d) For each of the arrangements identified in response to (a), please identify the types of services (e.g., local, broadband, etc.) that the equipment is incapable of providing.**

**(e) For each of the arrangements identified in response to (d), can equipment located in the given collocation arrangement be upgraded to provide local service?**

**(f) If the response to (e) is affirmative, please describe the nature of the required upgrade, the approximate cost of the upgrade, the time required to perform the upgrade, and any operational barriers to performing the upgrade.**



**OBJECTION:** FDN incorporates by reference as if fully stated herein its General Objections: 2, 8, 11.

**7. (a) Please identify the address of each of your collocation arrangements in the state of Florida that you obtain from any entity other than the ILEC, entity, the identity of the other entity, the size of the arrangement, the amount of unused space in the collocation arrangement.**

**(b) For each of the arrangements identified in response to (a), please identify the types of services (e.g., local broadband, etc.) you currently provide with the existing equipment located there.**

**(c) For each of the arrangements identified in response to (a), please identify the types of services (e.g., local, broadband, etc.) that the equipment is not currently being used to provide but is capable of providing.**

**(d) For each of the arrangements identified in response to (a), please identify the types of services (e.g., local, broadband, etc.) that the existing equipment is incapable of providing.**

**(e) For those services identified in response to (d), can the equipment located in the given collocation arrangement be upgraded to provide local service?**

**(f) If the response to (e) is affirmative, please describe the nature of the required upgrade, the approximate cost of the upgrade, the time required to perform the upgrade, and any operational barriers to performing the upgrade.**

**OBJECTION:** FDN incorporates by reference as if fully stated herein its  
General Objections: 2, 8, 11.

**SPECIFIC OBJECTIONS TO POD REQUESTS**

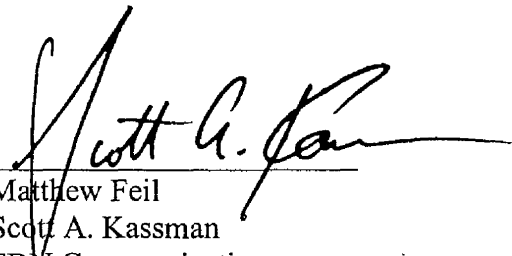
1. Referring to Interrogatory No. 1(a), please provide any  
available maps or diagrams that show the location of the points of  
interconnection identified therein.

**OBJECTION:** FDN incorporates by reference as if fully stated herein its  
General Objections: 2, 8, 11.

5. Referring to Interrogatory No. 3, please provide any available  
maps or diagrams that show the location of your fiber rings.

**OBJECTION:** FDN incorporates by reference as if fully stated herein its  
General Objections: 2, 8, 11.

Respectfully submitted, this 17<sup>th</sup> day of December 2003.



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**CERTIFICATE OF SERVICE**

**Docket 030852-TP**

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (\*) who have been sent a copy via overnight mail, this 17<sup>th</sup> day of December, 2003.

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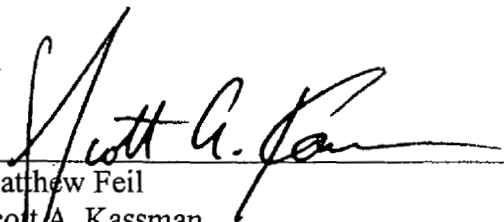
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