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LAW OFFICES
Messer, Caparello & Self

A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: www.lawfla.com

February 9, 2004

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Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 030852-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III, LLC are an original and fifteen copies of KMC's Preliminary Objections to Verizon's Second Set of Interrogatories (Nos. 23-24), in the above referenced docket.

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

Thank you for your assistance with this filing.

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Sincerely yours,

Floyd R. Self

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DOCUMENT NUMBER-D7

01849 FEB-9

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: February 9, 2004

**KMC's PRELIMINARY OBJECTIONS TO VERIZON'S
SECOND SET OF INTERROGATORIES (Nos. 23-24)**

KMC Telecom III, LLC (hereinafter "KMC"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 (hereinafter "*Procedural Order*") by the Florida Public Service Commission ("Commission"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, hereby generally and specifically objects to Verizon Florida, Inc. ("Verizon") Second Set of Interrogatories (Nos. 23-24) to MCI, served on February 2, 2004. The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the seven-day requirement set forth in the *Procedural Order*.

A. General Objections

KMC makes the following General Objections to Verizon's Second Request for Admissions, Second Set of Interrogatories, and Second Request for Production of Documents including the applicable definitions and general instructions therein ("Verizon discovery"), which as appropriate will be incorporated into each relevant response when KMC's responses are served on Verizon.

1. KMC objects to the Verizon discovery to the extent that such discovery seeks to impose an obligation on KMC to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome,

oppressive, and not permitted by applicable discovery rules. KMC further objects to any and all Verizon discovery that seeks to obtain information from KMC for KMC subsidiaries, affiliates, or other related KMC entities that are not certificated by the Commission.

2. KMC has interpreted the Verizon discovery to apply to KMC's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any Verizon discovery is intended to apply to matters that take place outside the state of Florida and which are not related to Florida intrastate operations subject to the jurisdiction of the Commission, KMC objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

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

4. KMC objects to the Verizon discovery insofar as such discovery is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests and extend beyond the discovery cutoff date. Any responses provided by KMC in response to the Verizon discovery will be provided subject to, and without waiver of, the foregoing objection.

5. KMC objects to the Verizon discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. KMC objects to the Verizon discovery insofar as it seeks information or documents, or seek to impose obligations on KMC which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. KMC objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission or which is already in the possession, custody, or control of Verizon.

8. KMC objects to the Verizon discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. KMC objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that Verizon's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, KMC will make such information available to the Verizon pursuant to the terms of the Commission's Protective Order and the Protective Agreement between the parties, subject to any other general or specific objections contained herein.

10. KMC is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, KMC creates countless documents that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and 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. KMC will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the Verizon discovery purports to require more, KMC objects on the grounds that compliance would impose an undue burden or expense.

11. KMC objects to the Verizon discovery that seeks to obtain "all," "each," or "every" document, item, customer, or other such piece of information to the extent that such discovery is

overly broad and unduly burdensome. Any answers that KMC may provide in response to the Verizon discovery will be provided subject to, and without waiver or, this objection.

12. KMC objects to the Verizon discovery to the extent such discovery seeks to have KMC create documents not in existence at the time of the request.

13. KMC objects to the Verizon discovery to the extent that such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. In light of the short period of time KMC has been afforded to respond to the Verizon discovery, the development of KMC's positions and potentially responsive information to the Verizon requests is necessarily ongoing and continuing. Accordingly, these are preliminary objections to comply with the *Procedural Order*, and KMC reserves the right to supplement, revise, or modify its objections at the time that it serves its actual responses to the Verizon discovery. However, KMC does not assume an affirmative obligation to supplement its answers on an ongoing basis.

B. Specific Objections

KMC makes the following Specific Objections to Verizon's Second Set of Interrogatories, including the applicable definitions and general instructions expressed therein ("Verizon discovery"), which as appropriate will be incorporated into each relevant response when KMC's responses are served on Verizon.

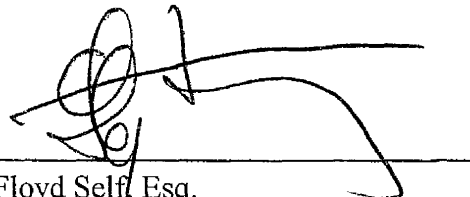
15. KMC objects to each and every admission, interrogatory, or request for production, that seeks information regarding KMC's projections regarding future services, revenues, marketing strategies, equipment deployments, or other such future business plans as such requests are trade

secrets and, for purposes of this proceeding, would be highly speculative and irrelevant to the issues to be decided in this docket.

16. KMC objects to each and every admission, interrogatory, or request for production, that seeks information regarding KMC's operations in ILEC service areas other than the BellSouth ILEC service area within the state of Florida as such information is irrelevant to BellSouth's case in this docket and such discovery is overly broad and unduly burdensome.

17. KMC objects to each and every admission, interrogatory, or request for production, that seeks to obtain information regarding "former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of KMC" as such information is not within KMC's control, it would be unduly burdensome to attempt to obtain, and it is likely irrelevant.

Respectfully submitted this 9th day of February, 2004.



Floyd Self, Esq.
Messer, Caparello & Self
215 S. Monroe Street, Suite 701
Tallahassee, FL 32302
(850) 222-0720

and

Marva Brown Johnson, Esq.
KMC Telecom III, LLC
1755 North Brown Road
Lawrenceville, GA 30034-8119

Attorneys for KMC Telecom III, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Hand Delivery (*), electronic mail, and/or U. S. Mail this 9th day of February, 2004.

Adam Teitzman, Esq.*
Office of General Counsel, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Jason Rojas, Esq.*
Office of General Counsel, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Nancy B. White*
c/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301

Susan S. Masterton, Esq.
Sprint-Florida, Incorporated
Sprint Communications Company Limited
Partnership
P.O. Box 2214
Tallahassee, FL 32316-2214

Richard A. Chapkis, Esq.
Verizon Florida Inc.
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110

Nanette Edwards
ITC^DeltaCom
4092 S. Memorial Parkway
Huntsville, AL 35802

Mr. James White
ALLTEL
601 Riverside Avenue
Jacksonville FL 32204-2987

Ms. Laurie A. Maffett
Frontier Telephone Group
180 South Clinton Avenue
Rochester NY 14646-0700

Mr. R. Mark Ellmer
GT Com
P. O. Box 220
Port St. Joe FL 32457-0220

Mr. Robert M. Post, Jr.
ITS Telecommunications Systems, Inc.
P. O. Box 277
Indiantown FL 34956-0277

Ms. Harriet Eudy
NEFCOM
11791 110th Street
Live Oak FL 32060-6703

Ms. Lynn B. Hall
Smart City Telecom
P. O. Box 22555
Lake Buena Vista FL 32830-2555

Michael A. Gross
Vice President, Regulatory Affairs
& Regulatory Counsel
Florida Cable Telecommunications Assoc.,
Inc.
246 E. 6th Avenue
Tallahassee, FL 32301

Tracy W. Hatch, Esq.
AT&T Communications of the Southern
States, LLC
101 N. Monroe Street, Suite 701
Tallahassee, FL 32301

Lisa Sapper
AT&T
1200 Peachtree Street, NE, Suite 8100
Atlanta, GA 30309

Donna McNulty, Esq.
MCI WorldCom Communications, Inc.
1203 Governors Square Blvd, Suite 201
Tallahassee, FL 32301-2960

De O'Roark, Esq.
MCI WorldCom Communications, Inc.
6 Concourse Parkway, Suite 600
Atlanta, GA 30328

Vicki Kaufman, Esq.
Joe McGlothlin, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

Marva Brown Johnson, Esq.
KMC Telecom III, LLC
1755 North Brown Road
Lawrenceville, GA 30034-8119

James C. Falvey, Esq.
Senior Vice President, Regulatory Affairs
Xspedius Communications, LLC
7125 Columbia Gateway Drive, Suite 200
Columbia, MD 21046

Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876

Mr. Jake E. Jennings
NewSouth Communications Corp.
Two N. Main Center
Greenville, SC 29601

Jon C. Moyle, Jr., Esq.
Moyle, Flanigan, Katz, Raymond &
Sheehan, P.A.
118 North Gadsden Street
Tallahassee, FL 32301

Charles E. Watkins
Covad Communications Company
1230 Peachtree Street, NE, 19th Floor
Atlanta, GA 30309

Matt Feil
Scott A. Kassman
FDN Communications
390 North Orange Avenue, Suite 2000
Orlando, FL 32801

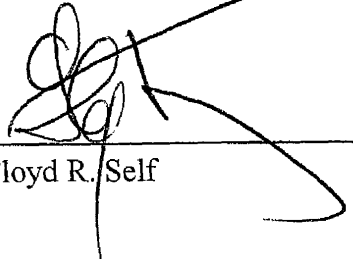
Jorge Cruz-Bustillo, Esq.
Supra Telecommunications and
Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, Florida 33133

Mr. Jonathan Audu
Supra Telecommunications and
Information Systems, Inc.
1311 Executive Center Drive, Suite 220
Tallahassee, FL 32301

Mr. Bo Russell
Vice President
Regulatory and Legal Affairs
Nuvox Communications, Inc.
301 North Main Street
Greenville, SC 29601

Thomas M. Koutsky
Vice president, Law and Public Policy
Z-Tel Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, DC 20036

Charles Beck
Office of the Public Counsel
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400



Floyd R. Self