

**TOBIN & REYES, P.A.**

**ORIGINAL**

LAW OFFICES

7251 WEST PALMETTO PARK ROAD  
SUITE 205

BOCA RATON, FLORIDA 33433-3487

TELEPHONE (561) 620-0656

FACSIMILE (561) 620-0657

DAVID S. TOBIN  
RICARDO A. REYES  
JOSEPH R. GIBSON

WRITER'S E-MAIL  
[dst@tobinreyes.com](mailto:dst@tobinreyes.com)

March 22, 2004

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

RECEIVED - FPSC  
MAR 23 AM 10:51  
COMMISSION  
CLERK

Re: Docket No. 030300-TP (Petition of the Florida Public Telecommunications Association ("FPTA") for Expedited Review of BellSouth Telecommunications Inc.'s ("BellSouth") Tariffs With Respect to Rates for Payphone Line Access, Usage and Features)

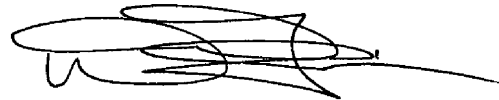
Dear Ms. Bayó:

Enclosed please find an original and two copies of FPTA's Preliminary Objections to BellSouth's First Set of Interrogatories/Admissions and Request for Production of Documents and the Staff of the Florida Public Service Commission's First Set of Interrogatories/Admissions and Request for Production of Documents in the above referenced matter.

Please return the enclosed copy of this letter to indicate your receipt of the enclosed documents.

Very truly yours,

TOBIN & REYES, P.A.



David S. Tobin

RECEIVED & FILED

  
FPSC-BUREAU OF RECORDS

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC   I    
OTH \_\_\_\_\_

DST/ac  
encl.

cc: Florida Public Telecommunications Association  
Meredith E. Mays, Esq.  
Nancy White, Esq.

04 MAR 23 AM 10:02

DOCUMENT NUMBER-DATE  
DISTRIBUTION CENTER

03819 MAR 23 03

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review of BellSouth Telecommunications, Inc.'s intrastate tariffs for pay telephone access services (PTAS) rate with respect to rates for payphone line access, usage, and features, by Florida Public Telecommunications Association.

DOCKET NO. 030300-TP

FILED: March 22, 2004

**FPTA'S PRELIMINARY OBJECTIONS TO BELL SOUTH'S  
FIRST SET OF INTERROGATORIES/ADMISSIONS AND  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Petitioner, Florida Public Telecommunication Association ("FPTA"), by and through undersigned counsel and pursuant to Rule 28-106.206, Florida Administrative Code, Rules 1.280, 1.340, 1.350, & 1.370 Florida Rules of Civil Procedure, and Order No. PSC-03-1066-PCO-TP, issued in this docket on September 24, 2003, hereby files their Preliminary Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories/Admissions and Request for Production of Documents.

The Objections stated herein are preliminary in nature and are based upon information now available to FPTA. Should grounds for additional and further objections be discovered prior to FPTA's response to BellSouth's discovery, FPTA expressly reserves the right to supplement, amend or modify these objections up to and including the time it files its written response to BellSouth's discovery.

DOCUMENT NUMBER-DATE

03819 MAR 23 04

FPSC-COMMISSION CLERK

**GENERAL OBJECTIONS**

1. FPTA objects to each and every Interrogatory/Request for Admission and Request for Production to the extent that they call for a response which is neither relevant to the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

2. FPTA objects to each and every Interrogatory/Request for Admission and Request for Production to the extent that said interrogatory or request is overly broad and/or that a response to said interrogatory or request would cause FPTA undue burden or expense.

3. FPTA objects to each and every Interrogatory/Request for Admission and Request for Production to the extent that the response to said interrogatory or request is intended for purposes of oppression, harassment or to cause embarrassment.

4. FPTA objects to the Interrogatories propounded by BellSouth to the extent that said Interrogatories, including all subparts thereof, exceed the maximum number of interrogatories allowable under Florida Rule of Civil Procedure 1.340.

5. FPTA objects to the Definitions, Instructions, Interrogatories/Requests for Admissions, and the Requests for Production to the extent that they call for a response which is privileged under the attorney/client privilege, work-product doctrine or other privilege.

6. FPTA objects to the Definitions, Instructions, Interrogatories/Requests for Admissions, and the Requests for Production to the extent they call for a response that would disclose trade secrets or other business information of a confidential and proprietary nature. To the

extent such a response is called for, FPTA will provide said response, subject to any general or specific objections, upon execution of a mutually satisfactory confidentiality agreement.

7. FPTA objects to the Definitions, Instructions, Interrogatories/Requests for Admissions, and the Requests for Production to the extent that they seek to impose discovery obligations on FPTA beyond the scope of the Florida Rules of Civil Procedure.

8. To the extent that the discovery requests require FPTA to produce "all documents" or to "identify all documents," FPTA objects to said request on the grounds that it is overly broad and unduly burdensome.

9. FPTA objects to the Interrogatories/Requests for Admissions and the Requests for Production to the extent they call for a response which is not within the possession, custody and control of the FPTA.

10. FPTA objects to the Interrogatories/Requests for Admissions and Requests for Production to the extent that the response thereto is already within the possession, custody or control of BellSouth.

11. FPTA objects to the Interrogatories/Requests for Admissions and Requests for Production to the extent that a response thereto concerns subjects which are not properly before the Commission and/or outside of the Commission's jurisdiction in this matter.

12. FPTA objects to the Definitions, Instructions, Interrogatories/Requests for Admissions, and the Requests for Production to the Definitions, Instructions,

Interrogatories/Requests for Admissions, and the Requests for Production to the extent that they are vague and ambiguous.

13. To the extent that the discovery seeks information which is already available in the public record before the Commission, FPTA objects to providing same.

The foregoing General Objections are incorporated by reference into FPTA's specific responses to each Interrogatory/Request for Admission and Request for Production.

**SPECIFIC OBJECTIONS TO INTERROGATORIES/REQUEST FOR ADMISSIONS**

**Interrogatory No. 5**

FPTA objects to this Interrogatory on the grounds that its response calls for information that is within the possession, custody and control of BellSouth.

**Interrogatory No. 8**

FPTA objects to this Interrogatory on the grounds that: it is neither relevant nor reasonably calculated to lead to the admission of admissible evidence; seeks business information that is confidential and/or proprietary in nature, and; is intended solely for harassment or embarrassment.

**Interrogatory No. 9**

FPTA objects to this Interrogatory on the grounds that: it is neither relevant nor reasonably calculated to lead to the admission of admissible evidence, and; is intended solely for harassment or embarrassment.

**Interrogatory No. 18**

FPTA objects to this Interrogatory on the grounds that it calls for a legal conclusion. To the extent that a response to this Interrogatory would require discovery of the mental impressions, conclusions, opinions or legal theories of FPTA's counsel or other representatives, FPTA further objects on the grounds of the attorney/client privilege and/or work product doctrine.

**Interrogatory No. 23**

FPTA objects to this Interrogatory on the grounds that it calls for a legal conclusion. To the extent that a response to this Interrogatory would require discovery of the mental impressions, conclusions, opinions or legal theories of FPTA's counsel or other representatives, FPTA further objects on the grounds of the attorney/client privilege and/or work product doctrine.

**Interrogatory No. 24**

FPTA objects to this Interrogatory on the grounds that it calls for a legal conclusion. To the extent that a response to this Interrogatory would require discovery of the mental impressions, conclusions, opinions or legal theories of FPTA's counsel or other representatives, FPTA further objects on the grounds of the attorney/client privilege and/or work product doctrine.

**Interrogatory No. 25**

FPTA objects to this Interrogatory on the grounds that it calls for a legal conclusion. To the extent that a response to this Interrogatory would require discovery of the mental impressions, conclusions, opinions or legal theories of FPTA's counsel or other representatives, FPTA further objects on the grounds of the attorney/client privilege and/or work product doctrine.

**Interrogatory No. 26**

FPTA objects to this Interrogatory on the grounds that it calls for a legal conclusion. To the extent that a response to this Interrogatory would require discovery of the mental impressions, conclusions, opinions or legal theories of FPTA's counsel or other representatives, FPTA further objects on the grounds of the attorney/client privilege and/or work product doctrine.

**Interrogatory No. 28**

FPTA objects to this Interrogatory on the grounds that it calls for a legal conclusion. To the extent that a response to this Interrogatory would require discovery of the mental impressions, conclusions, opinions or legal theories of FPTA's counsel or other representatives, FPTA further objects on the grounds of the attorney/client privilege and/or work product doctrine.

**Interrogatory No. 29**

FPTA objects to this Interrogatory on the grounds that it calls for a legal conclusion. To the extent that a response to this Interrogatory would require discovery of the mental impressions, conclusions, opinions or legal theories of FPTA's counsel or other representatives, FPTA further objects on the grounds of the attorney/client privilege and/or work product doctrine.

**Interrogatory No. 30**


FPTA objects to this Interrogatory on the grounds that it calls for a legal conclusion. To the extent that a response to this Interrogatory would require discovery of the mental impressions, conclusions, opinions or legal theories of FPTA's counsel or other representatives, FPTA further objects on the grounds of the attorney/client privilege and/or work product doctrine.

**REQUESTS FOR PRODUCTION**

**Request No. 1**

FPTA objects to this Request for Production on grounds that it: is neither relevant nor reasonably calculated to lead to the admission of admissible evidence; is overly broad, unduly burdensome and/or that a response thereto would cause undue expense; is vague and ambiguous; is intended solely for harassment; may call for the production of documents which are protected by the attorney/client privilege, work-product doctrine or other privilege; seeks business information that is confidential and/or proprietary in nature, and; is intended solely for harassment or embarrassment.

Respectfully submitted this 22<sup>nd</sup> day of March, 2004.

*for*   
\_\_\_\_\_  
David S. Tobin, Esq.  
Tobin & Reyes, P.A.  
7251 West Palmetto Park Road  
Suite 205  
Boca Raton, Florida 33433  
(561) 620-0656  
(561) 620-0657 (fax)



**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Florida Public )  
Telecommunications Association )  
for Expedited Review of BellSouth )  
Telecommunications, Inc.'s Tariffs )  
with respect Rates for Payphone )  
Line Access, Usage, and Features. )

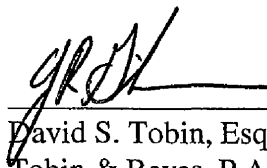
Docket No.: DN 030300-TD

March 22, 2004

I HEREBY CERTIFY that one copy of FPTA's Prehearing Statement has been furnished by U.S. Mail, this 22<sup>nd</sup> day of March, 2004, to the following:

Meredith E. Mays  
Regulatory Counsel  
BellSouth Corporation  
Legal Department  
675 West Peachtree Street  
Suite 4300  
Atlanta, Georgia 30375-0001

Nancy White  
General Counsel – Florida  
BellSouth Telecommunications, Inc.  
150 West Flagler Street  
Suite 1910  
Miami, Florida 33130

*for*   
\_\_\_\_\_  
David S. Tobin, Esq.  
Tobin & Reyes, P.A.  
7251 West Palmetto Park Road  
Suite 205  
Boca Raton, Florida 33433  
(561) 620-0656  
(561) 620-0657 (fax)