

ORIGINAL

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From: Whitt, Chrystal [CC] [Chrystal.Whitt@mail.sprint.com]
Sent: Monday, August 16, 2004 5:00 PM
To: Filings@psc.state.fl.us
Cc: Susan Masterton; Marva Johnson; A. Klein; E. Soriano; Floyd Self; John McLaughlin; Lee Fordham
Subject: 031047-TP Sprint's General Objections to KMC's Third Discovery

Hard copies to follow by mail tomorrow August 17, 2004 to the Parties of Record in this docket.

Filed on behalf of:

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Docket No. 031047-TP

Title of filing:

MP **Filed on behalf of: Sprint**

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CTR _____
ECR **Description: Sprint's General Objections to KMC's Third Discovery**

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DOCUMENT NUMBER-DATE

08919 AUG 16 04

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August 16, 2004

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

Re: Docket No. 031047-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint-Florida, Incorporated are Sprint's General Objections to KMC's Third Set of Interrogatories and Third Request for Production of Documents.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions, please do not hesitate to call me at 850/599-1560.

Sincerely,

Susan S. Masterton

Enclosure

DOCUMENT NUMBER-DATE
08919 AUG 16 3
FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Petition of KMC Telecom III)	
LLC, KMC Telecom V, Inc., and KMC Data)	Docket No. 031047-TP
LLC For Arbitration of an Interconnection)	
Agreement with Sprint- Florida, Incorporated)	Filed: August 16, 2004
_____)	

**SPRINT'S GENERAL OBJECTIONS TO
KMC'S THIRD SET OF INTERROGATORIES AND
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340, 1.350 and 1.280(b), Florida Rules of Civil Procedure, Sprint-Florida, Incorporated (hereinafter "Sprint") hereby submits the following General and Specific Objections to KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC's (KMC's) Third Set of Interrogatories and Third Request for Production of Documents, which were served on Sprint on August 5, 2004.

INTRODUCTION

The objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. PSC-04-0563-PCO-TP ("Procedural Order") issued by the Florida Public Service Commission ("Commission") in the above-referenced docket. Should additional grounds for objection be discovered as Sprint prepares its responses to the above-referenced requests, Sprint reserves the right to supplement, revise, or modify its objections at the time that it serves its responses on KMC. Moreover, should Sprint determine that a Protective Order is necessary with respect to any of the material requested by KMC, Sprint reserves the right to file a motion with the Commission seeking such an order at the time that it serves its answers and responses on KMC.

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GENERAL OBJECTIONS

Sprint makes the following General Objections to KMC's Third Set of Interrogatories ("Third IRR") and Third Request for Production of Documents ("Third POD"). These general objections apply to instructions and definitions and to each of the individual requests and interrogatories in the Third IRR and Third POD, respectively, and will be incorporated by reference into Sprint's answers when they are served on KMC.

1. Sprint objects to the requests to the extent that such requests seek to impose an obligation on Sprint to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. The party subject to this arbitration is Sprint-Florida, Incorporated and, without waiver of this objection and subject to any other applicable objection set forth herein, Sprint will respond accordingly.

2. Sprint has interpreted KMC's requests to apply to Sprint's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, Sprint objects to such request to produce as irrelevant, overly broad, unduly burdensome, and oppressive.

3. Sprint objects to each and every request 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. Sprint objects to each and every request insofar as the request 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. Any responses provided by Sprint to KMC's requests will be provided subject to, and without waiver of, the foregoing objection.

5. Sprint objects to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. Sprint will attempt to note in its responses each instance where this objection applies.

6. Sprint objects to KMC's discovery requests, instructions and definitions, insofar as they seek to impose obligation on Sprint that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

7. Sprint objects to providing information to the extent that such information is already in the public record before the Commission, or elsewhere.

8. Sprint objects to each and every request, insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. Sprint 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 KMC requests proprietary confidential business information which is not subject to the "trade secrets" privilege, Sprint will make such information available to counsel for KMC pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. Sprint is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Sprint 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 will be provided in response to these discovery requests. Rather, Sprint's responses will provide, subject to any applicable objections, all of the information obtained by Sprint after a reasonable and diligent search conducted in connection with these requests. Sprint shall conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the discovery requests purport to require more, Sprint objects on the grounds that compliance would impose an undue burden or expense.

DATED this 16th day of August 2004.

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ATTORNEY FOR SPRINT-FLORIDA,
INCORPORATED

**CERTIFICATE OF SERVICE
DOCKET NO. 031047-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic and U.S. mail on this 16th day of August, 2004 to the following:

Carris (Lee) Fordham
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0870

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Marva B. Johnson
1755 North Brown Road
Lawrenceville, GA 30043-8119

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Susan S. Masterton