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Messer, Caparello & Self
A Professional Association

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

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COMMISSION
CLERK

February 9, 2005

BY HAND DELIVERY

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. 031047-TP~~

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC, KMC Telecom V, Inc. and KMC Data LLC are an original and fifteen copies of KMC's Preliminary Objections to Sprint-Florida Incorporated's Fourth Set of Interrogatories (Nos. 17-22) 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.

Sincerely yours,

Floyd R. Self

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Enclosures
cc: Marva Brown Johnson, Esq.
Parties of Record

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COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Petition of KMC Telecom)	
III LLC, KMC Telecom V, Inc., and KMC)	
Data LLC for Arbitration of an Interconnection)	Docket No. 031047-TP
Agreement with Sprint-Florida, Incorporated)	Filed: February 9, 2005
Pursuant to Section 252(b) of the Communications)	
Act of 1934, as Amended)	
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**KMC's PRELIMINARY OBJECTIONS TO SPRINT-FLORIDA,
INCORPORATED'S FOURTH SET OF INTERROGATORIES (NOS. 17-22)**

KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (hereinafter "KMC"), pursuant to the *Order Modifying Procedural Schedule*, Order No. PSC-05-0073-PCO-TP, issued January 20, 2005 (hereinafter "*Procedural Order*"), 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 Sprint-Florida Incorporated's (hereinafter "Sprint") Fourth Set of Interrogatories (Nos. 17-22) to KMC, served on February 4, 2005. The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the five-day requirement set forth in the Procedural Order.

A. General Objections

1. KMC objects to Sprint's Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they purport to impose obligations that are different from, or go beyond, the obligations imposed under Rules 1.280, 1.340, and 1.351 of the Florida Rules of Civil Procedures, and the Rules of the Florida Public Service Commission ("the Commission").

2. KMC objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek information outside the scope

of the issues raised in this proceeding, and to the extent their principal purpose appears to be to harass KMC and unnecessarily impose costs on KMC.

3. KMC objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek documents or information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or doctrines. Any inadvertent disclosure of such privileged documents or information shall not be deemed to be a waiver of the attorney-client privilege, attorney work-product doctrine, or other applicable privileges or doctrines.

4. KMC objects to each Discovery Request to the extent that it is vague and ambiguous, particularly to the extent that it uses terms that are undefined or vaguely defined in the Discovery Requests.

5. KMC objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek confidential business, financial, or other proprietary documents or information. KMC further objects to the Discovery Requests to the extent they seek documents or information protected by the privacy protections of the Florida or United States Constitutions, or any other law, statute, or doctrine.

6. KMC objects to the Discovery Requests to the extent they seek documents or information equally available to Sprint as to KMC through public sources or records, because such requests subject KMC to unreasonable and undue annoyance, oppression, burden, and expense.

7. The responses provided herein by KMC are not intended, and shall not in any way be construed, to constitute an admission or representation that responsive documents in fact do or do not exist, or that any such documents are relevant or admissible. KMC expressly reserves the

right to rely, at any time, on subsequently discovered documents.

8. To the extent KMC responds to Sprint's Discovery Requests, KMC reserves the right to amend, replace, supersede, and/or supplement its responses as may become appropriate in the future. However, it undertakes no continuing or ongoing obligation to update its responses.

9. KMC objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent that they seek to impose an obligation on KMC to respond on behalf of subsidiaries, affiliates, or other persons that are not subject to the jurisdiction of this Commission on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

10. KMC has interpreted the Discovery Requests to apply to KMC's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any Discovery Requests or any Instructions and Definitions associated with those Discovery Requests are 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 this Commission, KMC objects to such Discovery Requests as irrelevant, overly broad, unduly burdensome, and oppressive.

11. KMC objects to the Discovery Requests to the extent they seek information that is not reasonably calculated to lead to the discovery of admissible evidence and not relevant to the subject matter of this arbitration proceeding.

12. KMC objects to the Discovery Requests to the extent they are duplicative and overlapping, cumulative of one another, overly broad, and/or seek responses in a manner that is unduly burdensome, expensive, oppressive, or excessively time-consuming to KMC.

13. KMC is a large corporation with employees located in many different locations in Florida and with affiliates that have employees who are located in various states providing services on KMC's behalf. In the course of its business, KMC creates countless documents that are not subject to retention of records requirements of the Commission or the Federal Communications Commission ("FCC"). These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or a KMC business is reorganized. Therefore, it is possible that not every document will be identified in response to Sprint's Discovery 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 Discovery Requests or all Instructions and Definitions associated with those Discovery Requests purport to require more, KMC objects on the grounds that compliance would impose an undue burden or expense on KMC.

14. KMC objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek to obtain "all," "each," or "every" document, item, customer, or such other piece of information because such discovery is overly broad and unduly burdensome.

15. KMC objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they seek to have KMC create documents not in existence at the time of the Discovery Requests because such discovery is overly broad and unduly burdensome.

16. KMC objects to the Discovery Requests and all Instructions and Definitions associated with those Discovery Requests to the extent they are 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 proceeding, as such discovery is overly broad and unduly burdensome.

17. KMC objects to the disclosure of confidential or proprietary information or trade secrets prior to entry of a protective order restricting disclosure of such information in a manner to be agreed upon by the parties. KMC further objects to the disclosure of confidential or proprietary information of third-parties which KMC is required to maintain as confidential pursuant to agreements with such parties and/or pursuant to statute, administrative decree, or court order. Any proprietary or confidential information or documents will be produced upon the execution of a confidentiality agreement or protective order that limits the use of these documents and information to this proceeding and limits access to all documents and information designated as "Highly Confidential" to outside counsel for Sprint, expert consultants and witnesses, and only those persons within Sprint whose access to the documents is necessary to conducting this litigation and, in no case, to any person within Sprint involved in sales and marketing.

18. KMC objects to the definition of "document" to the extent it seeks to impose an obligation that is greater than that imposed by Rules 1.280, 1.340, and 1.351 of the Florida Rules of Civil Procedure, and to the extent that it would pose an unreasonable and undue annoyance, burden, and expense on KMC. KMC's objection includes, but is not limited to, the definition of "document" to the extent it includes network transmissions, switch data, or other electronic routing information which was not generated in the form of a written or printed record, on the grounds that it would be unduly burdensome and expensive to require KMC to search through computer records or other means of electronic or magnetic data storage or compilation.

19. KMC objects to each and every Discovery Request that seeks information regarding “Voice Over Internet Protocol” (“VoIP”) which subject matter is outside the jurisdiction of this Commission and, as such, these Requests are irrelevant, overly broad, unduly burdensome, and oppressive.

B. Specific Objections

We can make the same standard objections as made in the discovery in the Sprint-FL complaint case.

17. KMC objects to this request because it is not relevant to the issue raised by KMC in its petition in this arbitration proceeding, namely whether the parties should exchange all VoIP traffic as local, as they have done historically, until the FCC completes its *IP-enabled Services* rulemaking. KMC also objects to this request because it is overly broad and unduly burdensome because it is not limited to Florida traffic, because it asks for information regarding all KMC-initiated traffic, and whether that traffic is terminated by Sprint or another carrier. KMC objects further because this request is vague and ambiguous, in that the term “other” is not defined and is subject to multiple interpretations.

18. KMC objects to this request because it is not relevant to the issue raised by KMC in its petition in this arbitration proceeding, namely whether the parties should exchange all VoIP traffic as local, as they have done historically, until the FCC completes its *IP-Enabled Services* rulemaking. KMC also objects because Interrogatory No. 18(a) is vague and ambiguous and subject to multiple interpretations. By way of example only, the term “currently” is not defined. KMC objects further to Interrogatory No. 18(b) because it is vague and ambiguous and subject to multiple interpretations. By way of example only, the time period that is the subject of the response is unclear. In addition, it is unclear what is meant by “is considered to be VoIP traffic.”

Considered by whom? KMC incorporates by reference its objections to Interrogatory No. 17.

19. KMC objects to this request because it is not relevant to the issue raised by KMC in its petition in this arbitration proceeding, namely whether the parties should exchange all VoIP traffic as local, as they have done historically, until the FCC completes its *IP-enabled Services* rulemaking. KMC objects further to this interrogatory because it is overly broad and unduly burdensome. There are myriad ways in which any type of traffic might be routed to KMC, most of which are not within KMC's knowledge, as KMC, in the scenarios presented, may play only a small part in the routing of the traffic. It would be extremely burdensome, if not simply impossible, for KMC to collect the information from third-parties for purposes of answering this interrogatory. KMC incorporates by reference its objections to Interrogatory No. 18(b).

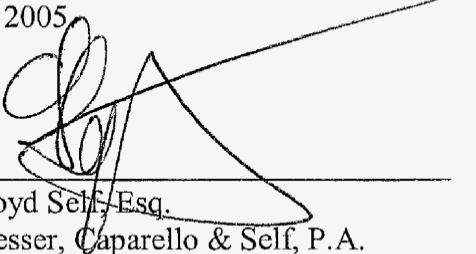
20. KMC objects to this request because it is not relevant to the issue raised by KMC in its petition in this arbitration proceeding, namely whether the parties should exchange all VoIP traffic as local, as they have done historically, until the FCC completes its *IP-enabled Services* rulemaking. KMC incorporates by reference its objections to Interrogatory No. 17.

21. KMC objects to this request because it is not relevant to the issue raised by KMC in its petition in this arbitration proceeding, namely whether the parties should exchange all VoIP traffic as local, as they have done historically, until the FCC completes its *IP-enabled Services* rulemaking. KMC also objects because the question does not seek admissible factual information but instead KMC's legal position. KMC and Sprint will have a chance to brief the Commission on their legal positions in March 2005. KMC also objects because Interrogatory No. 21 is vague and ambiguous and subject to multiple interpretations.

22. KMC objects to this request because it is not relevant to the issue raised by KMC in its petition in this arbitration proceeding, namely whether the parties should exchange all VoIP

traffic as local, as they have done historically, until the FCC completes its *IP-enabled Services* rulemaking. KMC also objects because Interrogatory No. 22 seeks information that is known only to Sprint, namely how Sprint intends to identify and quantify traffic that uses Internet protocol. KMC objects further because the request is overly broad and unduly burdensome for the reasons set forth in KMC's objections to Interrogatory No. 19, which are incorporated herein by reference. The Interrogatory is also unreasonably burdensome in that Sprint asks for a comparison of each different routing method that might be used to route traffic to KMC with every other such method, and there are many multiple potential routing methods.

Respectfully submitted this 9th day of February, 2005



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

Marva Brown Johnson
KMC Telecom III LLC
1755 North Brown Road
Lawrenceville, Georgia 30043

Edward A. Yorkgitis, Jr., Esq.
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Washington, DC 20036

Attorneys for KMC Telecom III LLC, KMC
Telecom V, Inc., and KMC Data LLC


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served upon the following parties by hand delivery (*), e-mail and/or U.S. Mail this 9th day of February, 2005.

Lee Fordham, Esq.*
General Counsel's Office, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Susan Masterton, Esq.
Sprint-Florida, Incorporated
P.O. Box 2214
Tallahassee, FL 32316-2214

Janette Luehring, Esq.
Sprint
6450 Sprint Parkway
KSOPHN0212-2A511
Overland Park, KS 66251



Floyd R. Self