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April 27, 2005

BY ELECTRONIC MAIL

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

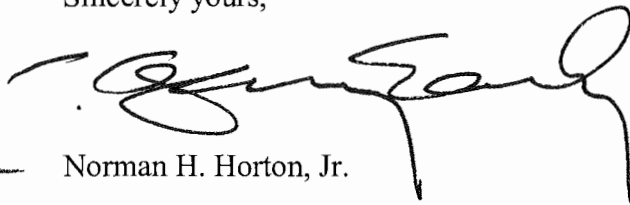
Re: Docket No. 040156-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Competitive Carrier Group is an electronic copy of Competitive Carrier Group's Motion to Compel Discovery from Verizon Florida Inc. in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,



 Norman H. Horton, Jr.

NHH/amb
Enclosures
cc: Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of amendment) Docket No. 040156-TP
to interconnection agreements with certain) Filed: April 27, 2005
competitive agreements with certain)
competitive local exchange carriers and)
commercial mobile radio service providers)
in Florida by Verizon Florida Inc.)
_____)

**COMPETITIVE CARRIER GROUP'S MOTION
TO COMPEL DISCOVERY FROM VERIZON FLORIDA INC.**

DIECA Communications, Inc. d/b/a Covad Communications Company, IDT America Corp., KMC Data LLC, KMC Telecom TII LLC, KMC Telecom V, Inc., NuVox Communications, Inc., The Ultimate Connection L.C., XO Florida, Inc., Xspedius Management Co. Switched Services LLC and Xspedius Management Co. of Jacksonville LLC (hereinafter "Competitive Carrier Group" or "CCG"), by and through its undersigned counsel, and in accordance with Rule 28-106.206, Florida Administrative Code, and Florida Rule of Civil Procedure 1.380(a), hereby requests that the Florida Public Service Commission ("FPSC" or "Commission") or the prehearing officer enter an order compelling Verizon Florida Inc. ("Verizon") to provide answers to CCG's First Set of Interrogatories (Nos. 1-11) and Second Request for Production of Documents to Verizon Florida Inc. (No. 2-6), and state:

1. On April 8, 2005, CCG served Verizon with its First Set of Interrogatories (Nos. 1-11) and Second Request for Production of Documents to Verizon Florida Inc. (No. 2-6). Verizon filed no objections to the discovery, and thus waived any such objections.

2. Subsequent to service of the discovery, the parties to this proceeding, including CCG and Verizon, entered into a stipulation regarding the disposition of several issues, and the manner in which other issues would be presented to the Commission. The stipulation was filed with the

Commission on April 26, 2005. The stipulation provided that “discovery responses described in the Staff’s Exhibit List” would become part of the record of this proceeding. *See*, Stipulation letter dated April 26, 2005 at ¶3. The discovery that is the subject of this Motion to Compel is identified in proposed Staff Exhibit List that was provided to the parties, and thus has been stipulated by Verizon as being a part of the record for consideration by the Commission in this proceeding.

3. Although the stipulation narrowed the issues, it did not eliminate the need for responses to CCG’s discovery requests. The Commission has recognized that discovery is proper and may be compelled if it is not privileged and is or likely will lead to relevant and admissible information. In that regard, the Commission has ruled that:

The test for determining whether discovery is appropriate is set forth in Rule 1.280(b)(1) of the Florida Rules of Civil Procedure which provides that "parties may obtain discovery regarding any matter, not privileged, that is relevant for the subject matter of the pending action . . . It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Section 90.401 of the Florida Evidence Code defines "relevance" as evidence tending to prove or disprove a material fact.

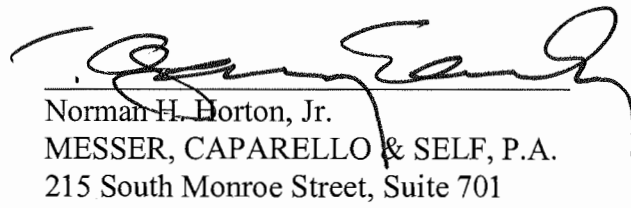
Order No. PSC-93-0652-PCO-WS, *In Re Jasmine Lakes Utilities Corporation*, Docket No. 920148-WS, dated April 28, 1993.

4. As the discovery at issue has been stipulated by all parties, including Verizon, it is clearly relevant for the subject matter of the pending action.

5. In order for the parties to have any meaningful opportunity to review the discovery responses and utilize them in preparation for the hearing, which starts on Wednesday, May 4, 2005 at 9:30 a.m., it is necessary that responses to the discovery be provided to CCG and all other parties by no later than 12:00 noon on Monday, May 2, 2005.

WHEREFORE, for the foregoing reasons, the Competitive Carrier Group respectfully requests that the Commission grant this Motion to Compel Discovery, and require that Verizon Florida Inc. provide full and complete responses to CCG's First Set of Interrogatories (Nos. 1-11) and Second Request for Production of Documents to Verizon Florida Inc. (No. 2-6) by no later than 12:00 noon on Monday, May 2, 2005.

Respectfully submitted this 27th day of April, 2005.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by electronic mail on this 27th day of April, 2005.

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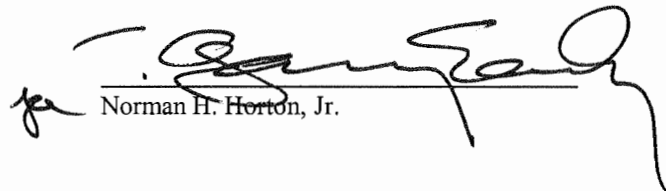
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