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Subject: 041144-TP Sprint's Objections to KMC's 3rd Rogs and 4th POD's and Sprint's Supp Res to Staff's POD #2
Attachments: Sprint's Objections to KMC's 3rd rog and 4th pod.pdf; BB ltr COS and NOS.pdf

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Docket No. 041144-TP

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Sprint-Florida, Incorporated)	Docket No. 041144-TP
Against KMC Telecom III LLC,)	
KMC Telecom V, Inc. and KMC Data LLC,)	
for failure to pay intrastate)	
Access charges pursuant to its interconnection)	
Agreement and Sprint's tariffs and for violation of)	
Section 364.16(3)(a), Florida Statutes.)	

**SPRINT'S GENERAL AND SPECIFIC OBJECTIONS TO
KMC'S THIRD SET OF INTERROGATORIES (Nos. 43-82) AND FOURTH REQUEST
FOR PRODUCTION OF DOCUMENTS (Nos. 29-73)**

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 (Nos. 43-82)¹ and Fourth Request for Production of Documents (Nos. 29-73), which were served on Sprint via e-mail on April 26, 2005.

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-05-0125-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,

¹ Sprint notes that there are several numbering discrepancies within the Interrogatories, such as omitted numbers and duplicate numbers. In responding to the Interrogatories Sprint will identify which Interrogatories it is responding to to the best of its ability within the context of these numbering discrepancies.

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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.

GENERAL OBJECTIONS

Sprint makes the following General Objections to KMC's Third Set of Interrogatories and Fourth Request for Production of Documents ("PODs"). These general objections apply to instructions and definitions and to each of the individual requests and interrogatories in the Third Set of Interrogatories and Fourth Request for PODs, 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.

**SPECIFIC OBJECTIONS TO
KMC'S THIRD SET OF INTERROGATORIES AND FOURTH PODs**

70. Of the CDRs that have been provided by Sprint to KMC in discovery in this case, please identify which of the CDRs were for calls that originated on a Sprint company ILEC.

Specific Objection: Sprint objects to this Interrogatory because Sprint has provided the CDR records to KMC in response to KMC's request for such documents and the burden of deriving or ascertaining the information requested from the records provided is no more burdensome for KMC than it would be for Sprint.

71. To the extent not provided in response to the previous Interrogatory, of the CDRs that have been provided by Sprint to KMC in discovery in this case, please identify which of the CDRs were associated with calls carried at any point by the Sprint IXC affiliate.

Specific Objection: Sprint objects to this Interrogatory because Sprint has provided the CDR records to KMC in response to KMC's request for such documents and the burden of deriving or

ascertaining the information requested from the records provided is no more burdensome for KMC than it would be for Sprint.

Interrogatory No. 70 Of the CDRs that have been provided by Sprint to KMC in discovery in this case, please identify which of the CDRs were for calls that originated on a Sprint company ILEC and were carried at any point by the Sprint IXC affiliate.

Specific objections: See objections to first Interrogatory No. 70 and Interrogatory No. 71 above.

POD No. 61 Please provide copies of all documents identified by you in your response to our otherwise relied on by you or related to your response to Interrogatory No. 70.

Specific Objections: Please see objections to Interrogatory No. 70.

POD No. 62 Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 71.

Specific Objections: Please see objections to Interrogatory No. 71.

DATED this 6th day of May 2005.



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