



Susan S. Masterton  
Attorney

**Law/External Affairs**

FLTLH00103  
1313 Blair Stone Rd.  
Tallahassee, FL 32301  
Voice 850 599 1560  
Fax 850 878 0777  
susan.masterton@mail.sprint.com

June 13, 2005

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. 041464-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint-Florida, Incorporated are Sprint's General and Specific Objections to FDN's First Set of Interrogatories and 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 regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

A handwritten signature in black ink that reads "Susan S. Masterton".

Susan S. Masterton

Enclosure

**CERTIFICATE OF SERVICE  
DOCKET NO. 041464-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. and electronic mail on this 13<sup>th</sup> day of June, 2005 to the following:

Kira Scott  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850


David Dowds  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Jeremy Susac  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Michael Sloan  
Swidler Berlin, LLP  
3000 K Street, NW  
Washington, DC 20007

FDN Communications  
Mr. Matthew Feil  
2301 Lucien Way, Suite 200  
Maitland, FL 32751-7025

Kenneth E. Schiffman  
KSOPHN0212-2A303  
6450 Sprint Pkwy  
Overland Park, KS 66251-6100



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Susan S. Masterton

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Sprint-Florida, Inc. for )  
Arbitration of an Interconnection Agreement )  
with Florida Digital Network, Inc. Pursuant to )  
Section 252 of the Telecommunications )  
Act of 1996 )  
\_\_\_\_\_ )

Docket No. 041464-TP

Filed: June 13, 2005

**SPRINT'S GENERAL AND SPECIFIC OBJECTIONS TO  
FDN COMMUNICATIONS' FIRST SET OF INTERROGATORIES AND  
FIRST 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 FDN Communications' First Set of Interrogatories and First Request for Production of Documents, which were served on Sprint via e-mail on June 3, 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-05-0496-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 FDN. Moreover, should Sprint determine that a Protective Order is necessary with respect to any of the material requested by FDN, 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 FDN.

## GENERAL OBJECTIONS

Sprint makes the following General Objections to FDN's First Set of Interrogatories and First 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 First Set of Interrogatories and First Request for PODs, respectively, and will be incorporated by reference into Sprint's answers when they are served on FDN.

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 FDN'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 FDN'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 FDN'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 FDN requests proprietary confidential business information which is not subject to the "trade secrets" privilege, Sprint will make such information available to counsel for FDN 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  
FDN'S FIRST SET OF INTERROGATORIES AND FIRST PODS**

**Interrogatory Nos. 1-90**

**Specific Objection:** Sprint objects to each of these Interrogatories on the grounds that the requests are not relevant to the subject matter of this action and are not reasonably calculated to lead to the discovery of admissible evidence, to the extent that these Interrogatories request information related to cost studies that were the subject of Docket No. 990649B-TP. In that docket these cost studies were evaluated and approved, with modifications, by the Commission in Order No. PSC-03-03-0058-FOF-TP (the "Sprint UNE Order"). FDN was a party to that proceeding, which involved extensive discovery addressing the same information and issues that FDN is attempting to revisit in this proceeding. Through its direct testimony and these Interrogatories, FDN improperly seeks to obtain reconsideration of the Sprint UNE Order, reconsideration that was denied by this Commission in Order No. PSC-03-0918-FOF-TP. FDN currently has an appeal of the Sprint UNE Order and the Order denying reconsideration pending in federal court. This appeal is the appropriate place for FDN to pursue its disagreement with the

Sprint UNE Order, rather than through attempting to revisit the exact same issues in this arbitration proceeding.

The issue that is currently before the Commission in this arbitration proceeding, as Sprint understands it, is whether or not FDN's new interconnection agreement with Sprint must incorporate the UNE rates approved by the Commission in the Sprint UNE Order. To the extent that the Commission determines that the rates it approved in Order No. PSC-03-0058-FOF-TP are not applicable to FDN and that new UNE rates should be developed for incorporation into the Sprint/FDN agreement, Sprint reserves the right to file new cost studies and seek a full re-evaluation of Sprint's UNE rates in this proceeding. However, it is irrelevant and inappropriate to narrowly re-examine the bases for certain findings in the Sprint UNE Order, a re-examination that has already been requested by FDN and been denied, through the discovery process in this proceeding.

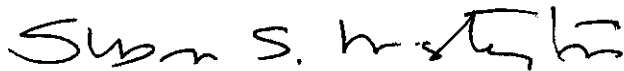
**POD Nos. 1-15**

**Specific Objection:** Sprint objects to each of these PODs on the grounds that the requests are not relevant to the subject matter of this action and are not reasonably calculated to lead to the discovery of admissible evidence, to the extent that these PODs request information related to cost studies that were the subject of Docket No. 990649B-TP and were evaluated and approved, with modifications, by the Commission in Order No. PSC-03-0058-FOF-TP (the "Sprint UNE Order"). FDN was a party to that proceeding, which involved extensive discovery addressing the same information and issues that FDN is attempting to revisit in this proceeding. Through its direct testimony and these PODs, FDN improperly seeks to obtain reconsideration of the Sprint UNE Order, reconsideration that was denied by this Commission in Order No. PSC-03-0918-FOF-TP. FDN currently has an appeal of the Sprint UNE Order and the Order denying

reconsideration pending in federal court. This appeal is the appropriate place for FDN to pursue its disagreement with the Sprint UNE Order, rather than through attempting to revisit the exact same issues in this arbitration proceeding.

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DATED this 13<sup>th</sup> day of June 2005.



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SUSAN S. MASTERTON  
P.O. Box 2214  
Tallahassee, FL 32316-2214  
(850) 599-1560 (phone)  
(850) 878-0777 (fax)  
[susan.masterton@mail.sprint.com](mailto:susan.masterton@mail.sprint.com)

ATTORNEY FOR SPRINT-FLORIDA,  
INCORPORATED