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Timolyn Henry

From: Matthew Feil [mfeil@mail.fdn.com]
Sent: Monday, June 20, 2005 4:31 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 041269-TP
Attachments: FDN Response to Joint Discovery Proposal.doc

To: Division of the Commission Clerk and Administrative Services

Please find attached for filing in the captioned docket FDN Communication's Response to Joint Discovery Proposal.

In accordance with the Commission's e-filing procedures, the following information is provided:

(a) The person responsible for this filing is:

Name: Matthew J. Feil, General Counsel
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(b) Docket No. and Title: 041269-TP, Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

(c) The party on whose behalf the document is filed: Florida Digital Network, Inc. d/b/a FDN Communications

(d) Number of pages of the document: 4 pages.

(e) Description of each document attached: FDN Communications Response to Joint Discovery Proposal.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Establish Generic Docket)	
To Consider Amendments to Interconnection)	Docket No. 041269-TP
Agreements Resulting from Changes in Law by)	
BellSouth Telecommunications, Inc.)	
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)	

FDN COMMUNICATIONS' RESPONSE TO JOINT DISCOVERY PROPOSAL

Pursuant to Rule 28-106.204, Florida Administrative Code, Florida Digital Network, Inc., d/b/a FDN Communications ("FDN") hereby responds to the Joint Discovery Proposal filed by CompSouth and BellSouth on June 13, 2005, as follows:

1. FDN is not a member of CompSouth or any other carrier association which actively participates in state regulatory commission cases. As such, FDN did not participate in negotiations for the Joint Discovery Proposal.

2. FDN recognizes the desire for structured discovery because of the nature of this case and the number of state commissions and carriers involved. However, FDN has a number of questions and comments regarding the Joint Discovery proposal, as the proposal, FDN assumes, would apply to all parties to the case in Florida. For instance, FDN questions under what circumstances a carrier could be foreclosed from issuing discovery (e.g. when other CLECs in Florida and other states have already used up the 200 cap on discovery issued to BellSouth), and FDN questions the need for objections to be filed within 10 days, since the Florida Commission has generally moved away from that practice as unnecessary.

3. FDN suggests that the Commission staff hold a conference call or meeting, open to all parties to the case, so that the ramifications of the Joint Discovery Proposal may be better understood before it is acted on by the Commission.

RESPECTFULLY SUBMITTED, this 20th day of June, 2005.

/s/ Matthew Feil

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following by U.S. mail this 20th day of June, 2005.

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This 20th of June, 2005.

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