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**Subject:** E-filing Docket No. 041269-TP  
**Attachments:** Telepak objection to Bell discovery 08.26.05.pdf

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Docket No and title: In Re: Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law Docket 041269-TP

Filed on behalf of: Telepak Networks, Inc.

Number of pages: 4

Document attached: Telepak Networks, Inc.'s Objections to BellSouth Telecommunications, Inc.'s First Requests for Admission (No. 1)

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8/26/2005

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Establish Generic  
Docket to Consider Amendments to  
Interconnection Agreements Resulting  
From Changes of Law

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Docket No. 041269-TP

Filed: August 26, 2005

**TELEPAK NETWORKS, INC.'S OBJECTIONS TO BELL SOUTH  
TELECOMMUNICATIONS, INC.'S FIRST REQUESTS FOR ADMISSION (NO. 1)**

Telepak Networks, Inc. (Telepak), pursuant to Rule 28.106-206, Florida Administrative Code, and Rules 1.280 and 1.370, Florida Rules of Civil Procedure, files the following General Objections to BellSouth Telecommunications, Inc.'s (BellSouth) First Requests for Admission (No. 1) to Telepak. BellSouth's discovery is outside the scope of permissible discovery in this case. Telepak is not a party to this case and thus has no legal obligation under the Florida Rules of Civil Procedure to respond to BellSouth's discovery. Telepak reserves its right to all other appropriate objections and by filing these objections in no way intends to become a party to this case.

**GENERAL OBJECTIONS**

1. Telepak objects to BellSouth's requests for admission. This discovery vehicle is inappropriate and outside the scope of the Florida Rules of Civil Procedure and the Model Rules governing administrative practice because Telepak is not a party to this case.

2. In administrative proceedings, the Model Rules provide that: "parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure."<sup>1</sup>

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<sup>1</sup> The Florida Administrative Procedure Act provides that discovery shall be conducted in administrative proceedings "in the manner provided in the Florida Rules of Civil Procedure." Section 120.569(2)(f), Florida Statutes.

3. Rule 1.370, Florida Rules of Civil Procedure, provides that a “party may serve upon **any other party** a written request for the admission of the truth of any matters. . . .”<sup>2</sup>

4. The discovery rules cited above permit one party to serve discovery upon another party to a case. The Commission Staff recognized this when, on December 4, 2003, it withdrew interrogatories and requests for production which it had served on the Florida Cable Telecommunications Association, Inc. (FCTA). In its memo withdrawing the discovery, Staff stated:

FCTA is not an official party of record in Docket No. 030851-TP, and therefore is not required to respond to discovery requests pursuant to Rule 28-106.206, Florida Administrative Code, and Rule(s) 1.340 and 1.350, Florida Rules of Civil Procedure. Accordingly, the staff of the Florida Public Service Commission withdraws its First Set of Interrogatories and First Request for Production of Documents served on FCTA in Docket 030851-TP on November 25, 2003.

5. Telepak is not a party to this docket. Therefore, BellSouth’s discovery requests to Telepak are inappropriate and outside the bounds of permissible discovery pursuant to the Florida Rules of Civil Procedure.

s/ Vicki Gordon Kaufman

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<sup>2</sup> Emphasis added.

**CERTIFICATE OF SERVICE**

**Docket No. 041269-TP**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Objections to BellSouth's Request for Admission was served via Electronic Mail and First Class United States Mail this 26<sup>th</sup> day of August, 2005, to the following:

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