

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 041269-TP

Filed: August 26, 2005

**TELEPAK NETWORKS, INC.'S OBJECTIONS TO BELLSOUTH
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."¹

¹ 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. . . .”²

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

Vicki Gordon Kaufman
Moyle Flanigan Katz Raymond & Sheehan,
PA
118 North Gadsden Street
Tallahassee, Florida 32301
850.681.3828
850.681.8788 fax
vkaufman@moylelaw.com

Attorneys for Telepak Networks, Inc.

² 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 26th day of August, 2005, to the following:

Adam Teitzman
Michael Barrett
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0850
ateitzma@psc.state.fl.us
mbarrett@psc.state.fl.us

Michael A. Gross
Florida Cable Telecommunications
Assoc., Inc.
246 E. 6th Avenue, Suite 100
Tallahassee FL 32303
mgross@fcta.com

Nancy White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 S. Monroe Street, Suite 400
Tallahassee, FL 32301-1556
Nancy.sims@bellsouth.com
Nancy.white@bellsouth.com
Meredith.mays@bellsouth.com

Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
215 South Monroe Street, Suite 701
P.O. Box 1876
Tallahassee FL 32302-1876
nhorton@lawfla.com

John Heitmann
Garret R. Hargrave
Kelley Drye & Warren, LLP
1200 19th Street, N.W., Suite 500
Washington DC 20036
jheitmann@kelleydrye.com
ghargrave@kelleydrye.com

Kenneth A. Hoffman
Martin P. McDonnell
Rutledge, Eccenia, Purnell & Hoffman
P.O. Box 551
Tallahassee FL 32302
ken@reuphlaw.com
marty@reuphlaw.com

Dana Shaffer
XO Communications, Inc.
105 Molloy Street, Suite 300
Nashville TN 37201
Dana.Shaffer@xo.com

Wanda Montano/Terry Romine
US LEC Corp.
6801 Morrison Blvd.
Charlotte NC 28211
wmontano@uslec.com

Tracy W. Hatch
Senior Attorney
AT&T
101 North Monroe Street, Suite 700
Tallahassee FL 32301
thatch@att.com

Sonia Daniels
Docket Manager
AT&T
1230 Peachtree Street, N.E., 4th Floor
Atlanta GA 30309
sdaniels@att.com

Donna Canzano McNulty
MCI
1203 Governors Square Blvd.
Suite 201
Tallahassee FL 32301
donna.mcنulty@mci.com

De O'Roark
MCI
6 Concourse Parkway, Suite 600
Atlanta GA 30328
De.oroark@mci.com

Floyd Self
Messer, Caparello & Self, P.A.
215 Soth Mornore Stree, Suite 701
P.O. Box 1876
Tallahassee FL 32302-1876
fself@lawfla.com

Steven B. Chaiken
Supra Telecommunications and
Info. Systems, Inc.
General Counsel
2901 S.W. 149th Avenue, Sutie 300
Miramar FL 33027
steve.chaiken@stis.com

Matthew Feil
FDN Communications
2301 Lucien Way, Suite 200
Maitland FL 32751
mfeil@mail.fdn.com

Nanette Edwards
ITC^DeltaCom Communications, Inc.
7037 Old Madison Pike, Suite 400
Huntsville AL 35806
nedwards@itcdeltacom.com

Susan Masterton
Sprint Communications Company
Limited Partnership
P.O. Box 2214
Tallahassee FL 32316-2214
susan.masterton@mail.sprint.com

Alan C. Gold
Gables One Tower
1320 South Dixie Highway, Suite 870
Coral Gables FL 33146
sgold@kcl.net

Raymond O. Manasco, Jr.
Gainesville Regional "Utilities
P.O. Box 147117
Station A-138
Gainesville Fl 32614-7117
manascoro@gru.com

Charles A. Guyton
Steel Hector & Davis LLP
215 S. Monroe Street, Suite 601
Tallahassee FL 32301-1804
cguyton@steelhector.com

Herb Bornack, CEO
Orlando Telephone Systems, Inc.
4558 S.W. 35th Street, Suite 100
Orlando FL 32811
jerry@orlandotelco.net

Adam Kupetsky
Regulatory Counsel
WilTel Communicatiосn, LLC
One Technology Center (TC-15)
100 South Cincinnati
Tulsa OK 74103
adam.kupetsky@wiltel.com

Jonathan S. Marashlian
The Helein Law Group, LLP
8180 Greensboro Drive, Suite 700
McLean VA 22102
jsm@thlglaw.com

s/Vicki Gordon Kaufman
Vicki Gordon Kaufman