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**Subject:** FPSC Docket No 080234-TP (Lifeline) Discovery  
**Attachments:** Sprint Nextel Objections to Staff Interrogs 12 01 2008.pdf

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**The docket number and title of docket:**

DOCKET NO. 080234-TP

In re: Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers.

**The name of the parties on whose behalf the document is filed:**

NPCR, Inc. d/b/a Nextel Partners and Sprint Corporation n/k/a Sprint Nextel Corporation d/b/a Sprint PCS (collectively "Sprint Nextel")

**The total number of pages in the attached document: 7**

**A brief but complete description of each attached document:**

Sprint Nextel's Objections to Commission Staff's First of Interrogatories

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DOCUMENT NUMBER-DATE

11061 DEC-1 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers.

DOCKET NO. 080234-TP

DATED: December 1, 2008

**SPRINT NEXTEL'S OBJECTIONS  
TO COMMISSION STAFF'S FIRST SET OF INTERROGATORIES**

COMES NOW NPCR, Inc. d/b/a Nextel Partners and Sprint Corporation n/k/a Sprint Nextel Corporation d/b/a Sprint PCS (collectively "Sprint Nextel"), by and through undersigned counsel and pursuant to Order No. PSC-08-0594-PCO-TP, and provides its Objections to Commission Staff's First Set of Interrogatories to Sprint Nextel dated November 19, 2008 in the above-styled docket. In support, Sprint Nextel states as follows:

**GENERAL LIMITATIONS AND OBJECTIONS**

1. Sprint Nextel objects to Commission Staff's definition of "bundled service package" and to each and every reference to "bundled service package" in the interrogatories. Commission Staff defines "bundled service package" as "basic local exchange service combined with nonbasic services to create an enhanced service offering." As discussed in Sprint Nextel's Protest of Order No. PSC-08-0417-PAA, based on the definition of basic local telecommunications service in Section 364.02(10), Florida Statutes, wireless providers do not offer such a service. Under Florida Statutes, a basic local telecommunications service is a flat-rate service that allows unlimited calls within a local exchange area. Most wireless providers, including Sprint Nextel, offer calling plans that have a national scope with no extra charges based on whether the call is

terminated outside the local exchange. Counsel for Sprint Nextel contacted counsel for Commission Staff on November 25<sup>th</sup> to discuss clarification of Staff's Interrogatories and informed Commission Staff counsel of this concern, advising that in responding to the interrogatories, Sprint Nextel would interpret "bundled service package" to mean all service packages, including those with data services, other than the current lowest cost generally available service plan that is offered as the Lifeline product in Florida. Accordingly, subject to this objection and the interpretation discussed herein, Sprint Nextel will attempt to answer the interrogatories that include the term "bundled service package" subject to any specific objections noted herein.

2. Sprint Nextel objects to each and every one of these Interrogatories to the extent that they request information which is exempt from discovery by virtue of the work product doctrine, attorney-client privilege, or other applicable privilege.

3. Sprint Nextel objects to each and every one of these Interrogatories to the extent they seek information that is not relevant to any issue in this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence.

4. Sprint Nextel objects to each and every one of these Interrogatories to the extent they request information, data, or other materials pertaining to matters outside the scope of Sprint Nextel's operation as an eligible telecommunications carrier in the State of Florida.

5. To the extent that Commission Staff's Interrogatories seek to impose an obligation on Sprint Nextel to respond on behalf of subsidiaries, affiliates, parents, or other persons that are not parties to this docket, Sprint Nextel objects on the grounds that

such requests are irrelevant, overly burdensome, oppressive and not permitted by the applicable discovery rules.

6. Sprint Nextel is a large corporation with employees located in many different locations across the United States. In the course of conducting business on a nationwide basis, Sprint Nextel creates numerous documents that are not subject to either Commission or FCC record retention requirements. These documents are kept in numerous locations and frequently are moved from location to location as Sprint Nextel employees change jobs, or as Sprint Nextel's business objectives change. Accordingly, it is possible that not every document will be identified in response to these Interrogatories. Sprint Nextel will conduct a reasonable and diligent search of those files that are reasonable expected to contain the requested documents or information. To the extent Commission Staff's Interrogatories seek to require more, Sprint Nextel objects on the grounds that compliance would be unduly burdensome, expensive and extremely time-consuming.

7. Sprint Nextel objects to each and every one of these Interrogatories to the extent that they seek to have Sprint Nextel create documents or information not in existence at the time of the discovery request.

### **SPECIFIC OBJECTIONS TO INTERROGATORIES**

#### **Staff Interrogatory No.1:**

In Sprint-Florida's ETC designation Order No. DA 04-3617, issued November 18, 2004, footnote 27, and in Nextel's Florida ETC designation Order No. DA 04-2667, issued August 25, 2004, footnote 30, the FCC stated "We note that ETCs must comply with state requirements in states that have Lifeline programs." Does Sprint-Nextel agree that if a Lifeline discount on bundled packages becomes a requirement of the Florida Lifeline program, it must abide by that requirement?

Sprint Nextel Objection:

See General Objection 1. Sprint Nextel further objects on the basis that this interrogatory seeks a legal conclusion on whether Sprint Nextel must abide by a state rule that is contrary to federal law. *Notwithstanding these objections, Sprint Nextel will attempt to provide a response to this interrogatory.*

Staff Interrogatory No.3:

Paragraph 72 of FCC Order 05-46, released March 17, 2005, states:

If a review of the data submitted by an ETC indicates that the ETC is no longer in compliance with the Commission's criteria for ETC designation, the Commission may suspend support disbursements to that carrier or revoke the carrier's designation as an ETC. Likewise, as the Joint Board noted, state commissions possess the authority to rescind ETC designations for failure of an ETC to comply with the requirements of section 214(e) of the Act or any other conditions imposed by the state.

Does Sprint-Nextel agree that the FPSC has the authority to revoke Sprint-Nextel's ETC designation if Sprint-Nextel fails to comply with requirements of Florida's Lifeline program?

Sprint Nextel Objection:

Sprint Nextel objects on the basis that this interrogatory seeks a legal conclusion on whether the FPSC may revoke an ETC's designation for failing to comply with a state rule that is contrary to federal law. *Notwithstanding this objection, Sprint Nextel will attempt to provide a response to this interrogatory.*

Staff Interrogatory No.4:

How many Florida consumers have requested the Lifeline discount from Sprint-Nextel and subsequently been turned down because the consumer needed a bundled service package?

Sprint Nextel Objection:

See General Objections 1 and 7 above. Sprint Nextel objects on the basis that it does not track the requested reason for denial of Lifeline service, and therefore the information requested does not exist at the time of the request. Further, Sprint Nextel objects that the information requested is not relevant to any issue in this proceeding and would not lead to the discovery of admissible evidence.

Staff Interrogatory No.5:

Since the inception of the Lifeline automatic enrollment process, how many Lifeline automatic enrollment applicants have been turned down for the Lifeline discount by

Sprint- Nextel because the applicant requested, or already had, a bundled service package?

Sprint Nextel Objection:

See Sprint Nextel's Objection to Staff Interrogatory No.4 above.

Staff Interrogatory No.6:

How much universal service fund support has Sprint-Nextel received in Florida over the last three years from the high-cost federal universal service program? Please include any embedded high-cost loop support, local switching support, interstate access support, or interstate common-line support.

Sprint Nextel Objection:

Sprint Nextel objects that the information requested is not relevant to any issue in this proceeding and would not lead to the discovery of admissible evidence. *Notwithstanding this objection, Sprint Nextel will attempt to provide a response to this interrogatory.*

Staff Interrogatory No.8:

What does Sprint-Nextel tell a Lifeline applicant who applies for the Lifeline discount through the Lifeline automatic enrollment process when that applicant has an existing bundled service package with Sprint-Nextel?

Sprint Nextel Objection:

See General Objection 1. Further, Sprint Nextel objects that the information requested is not relevant to any issue in this proceeding and would not lead to the discovery of admissible evidence. *Notwithstanding this objection, Sprint Nextel will attempt to provide a response to this interrogatory.*

Staff Interrogatory No.9:

Does Sprint-Nextel require a Lifeline applicant who has been qualified through Florida's Lifeline automatic enrollment, to provide any additional information before receiving the discount? If yes, what information?

Sprint Nextel Objection:

Sprint Nextel objects that the information requested is not relevant to any issue in this proceeding and would not lead to the discovery of admissible evidence. *Notwithstanding this objection, Sprint Nextel will attempt to provide a response to this interrogatory.*

Staff Interrogatory No.11:

Has Sprint-Nextel ever permitted a Florida customer with a bundled service package to receive the Lifeline discount for that service?

11(a) If the answer to 11 is “yes,” how many of Sprint-Nextel’s Florida customers have received the Lifeline discount for a bundled service package?

11b) If the answer to 11 is “yes,” is the practice ongoing?

11c) If the answer to 11 is “yes” and the answer to 11b is “no,” when did Sprint-Nextel cease permitting its Florida customer(s) to receive the Lifeline discount for a bundled service package?

11d) If the answer to 11 is “yes” and the answer to 11b is “no,” why did Sprint-Nextel cease permitting its Florida customer(s) to receive the Lifeline discount for a bundled service package?

Sprint Nextel Objection:

See General Objection 1. *Notwithstanding this objection, Sprint Nextel will attempt to provide a response to this interrogatory, including subparts.*

Staff Interrogatory No.12:

Does any Sprint-Nextel affiliate provide a Lifeline discount to any customer for a bundled service package in any other state which the affiliate operates? If yes, please list the affiliate(s) and state(s).

Sprint Nextel Objection:

See General Objections 1, 4 and 5. Further, Sprint Nextel objects that the information requested is not relevant to any issue in this proceeding and would not lead to the discovery of admissible evidence. *Notwithstanding these objections, Sprint Nextel will attempt to provide a response to this interrogatory.*

Respectfully submitted this 1<sup>st</sup> day of December, 2008.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail and where indicated, by email, on December 1, 2008, to the following parties:

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