

Marguerite McLean

090538-TP

From: Nelson, Douglas [GA] [Douglas.C.Nelson@sprint.com]
Sent: Wednesday, February 03, 2010 4:17 PM
To: Filings@psc.state.fl.us
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Subject: DOCKET NO. 090538-TP
Attachments: Sprint Objection to Subpoena Duces Tecum Docket No. 090538-TP.pdf

The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

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 Sprint Nextel
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The docket number and title of docket:

DOCKET NO. 090538-TP
 Complaint of Qwest Communications Company, LLC, Against MCIMetro Access Transmission Services, LLC (d/b/a Verizon Access Transmission Services), XO Communications Services, Inc., tw telecom of florida, L.P., Granite Telecommunications, LLC, Cox Florida Telecom, L.P., Broadwing Communications, LLC, AND John Does 1 Through 50 For unlawful discrimination.

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

Sprint Communications Company Limited Partnership, and SprintCom, Inc.

The total number of pages in the attached document: 9**A brief but complete description of each attached document:**

Sprint Objection To Subpoena Duces Tecum

Douglas C. Nelson
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DOCUMENT NUMBER DATE

00790 FEB-3 2010

FPSC-COMMISSION CLEAR

2/3/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Qwest Communications Company, LLC,)
Against MCIMetro Access Transmission Services, LLC)
(d/b/a Verizon Access Transmission Services), XO) Docket No. 090538-TP
Communications Services, Inc., tw telecom of florida,) Filed: February 3, 2010
L.P., Granite Telecommunications, LLC, Cox Florida)
Telecom, L.P., Broadwing Communications, LLC,)
AND John Does 1 Through 50)
For unlawful discrimination.)

OBJECTION OF NON-PARTY TO SUBPOENA DUCES TECUM

Pursuant to Sections 350.123, 120.569(f) and 120.569(2)(k)(1), Florida Statutes, and Rule 1.351(c) of the Florida Rules of Civil Procedure, Sprint Communications Company Limited Partnership, and SprintCom, Inc. (collectively "Sprint") hereby provide notice that they object to production of the documents commanded in the subpoena duces tecum ("Subpoena")¹ served by Qwest Communications Company, LLC ("Qwest") in relation to the above captioned docket, to which no Sprint entity is a party.²

In support of its objection, Sprint respectfully states as follows:

1. The Subpoena was served on Sprint's registered agent in Florida on or about January 26, 2010.

¹ A copy of the Subpoena, which was not noticed to the parties to this case before it was served as required by Rule 1.351(c), Florida Rules of Civil Procedure, is attached as Exhibit 1.

² The Subpoena also names "Sprint, Inc." as an entity from which it commands documents. Sprint, Inc. does not exist as an entity in Florida or elsewhere as a corporate parent, affiliate or subsidiary of Sprint Communications Company Limited Partnership or SprintCom, Inc. or any other entity associated with them, although it may exist under other ownership in an unrelated business. Therefore we do not respond on behalf of Sprint, Inc. over which the Commission would have no jurisdiction.

DOCUMENT NUMBER-DATE

00790 FEB-3 2010

FPSC-COMMISSION CLERK

2. The Subpoena commands Sprint to produce the following by February 4,

2010:

1. Produce copies of each and every agreement, whether or not still in effect, entered into since January 1, 1998 between Sprint Communications, Company, Limited Partnership, Sprint, Inc. SprintCom, Inc., or any affiliate, subsidiary or predecessor-in-interest of those entities (collectively, "Sprint") and any competitive local exchange carrier ("CLEC") relating to going-forward rates, terms or conditions (as of the date of the agreement) for the provision (by the CLEC) of intrastate switched access services to Sprint. These agreements include, but are not necessarily limited to, settlement agreements and so-called "switched access service agreements."

2. For each agreement identified in response to this Subpoena, produce documents identifying the date on which the agreement was terminated. To clarify, QCC seeks the date Sprint stopped receiving the rates, terms and conditions under the agreement, not the date on which the original term of the agreement may have expired.

3. Sprint objects to the Subpoena to the extent it seeks information from and relating to Sprint, Inc. and SprintCom, Inc. on the basis that Sprint, Inc. does not exist in Florida or elsewhere as a corporate parent, affiliate or subsidiary of Sprint Communications Company Limited Partnership or SprintCom, Inc. and the Commission does not have jurisdiction over SprintCom, Inc. SprintCom, Inc. is a commercial mobile radio service ("CMRS") provider that is not regulated by the Commission.

4. Sprint objects to the Subpoena to the extent it is overbroad and unduly burdensome, in that it:

- a. Seeks documents and information spanning over twelve years, back to January 1, 1998;
- b. Seeks documents entered into by "any affiliate, subsidiary or predecessor-in-interest" of the entities that Qwest names specifically (Sprint Communications Company, Limited Partnership, Sprint, Inc., and

SprintCom, Inc.) regardless of whether they operate in Florida or are subject to Commission jurisdiction;

c. Seeks documents related to any CLECs without regard to whether they operate in Florida; and

d. Seeks documents that are utterly irrelevant to the issues presented in this proceeding, i.e., do not relate to rates, terms and conditions for intrastate switched access services in Florida.

5. Sprint objects to the Subpoena to the extent that it seeks information and documents related to intrastate telecommunications services in jurisdictions outside the State of Florida, and thus seeks information outside the jurisdiction of this Commission.

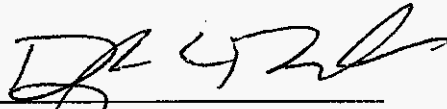
6. Sprint objects to the Subpoena on the basis that sufficient time was not provided to produce any documents requested that fall outside the scope of a privilege or a Sprint objection.

7. Sprint objects to the Subpoena because it seeks highly confidential and proprietary information when no protective order or non-disclosure agreement is in place.

8. Sprint has been in contact with Qwest counsel regarding the subpoena and will continue to work with Qwest counsel to reach reasonable terms on which a response to the Subpoena may be provided by mutual agreement.

WHEREFORE, Sprint respectfully requests that the hearing officer enter an order sustaining Sprint's objections to the Subpoena. At a minimum, Sprint requests that the scope of the requests be narrowed, that confidential and proprietary documents and information be protected from disclosure, and that a reasonable time period for production of documents be established.

Respectfully submitted on February 3, 2010.



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*Attorneys for Sprint Communications
Company Limited Partnership,
and SprintCom, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the forgoing has been furnished by U.S. Mail and email to the following this 3rd day of February, 2010:

Florida Public Service Commission:
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and

Gregory Diamond, Esq.

Broadwing Communications, LLC

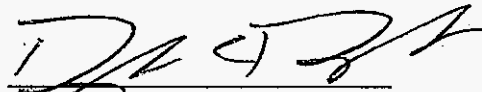
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greg.diamond@level3.com



Douglas C. Nelson, Esq.



CORPORATION SERVICE COMPANY

Notice of Service of Process

TVW / SUBP
Transmittal Number: 7340724
Date Processed: 01/26/2010

Primary Contact: Martha Mudd
Sprint Nextel Corporation
2001 Edmund Halley Drive
Reston, VA 20191

Entity:	Sprint Communications Company L.P. Entity ID Number 0151293
Entity Served:	Sprint Communications Company Limited Partnership
Title of Action:	In Re: Complaint of Qwest Communications Company, LLC against MCI/metro Access Transmission Services (d/b/a Verizon Access Transmission Services)
Document(s) Type:	Subpoena
Nature of Action:	Information/Appearance Request
Court:	Public Service Commission, Florida
Case Number:	090538-TP
Jurisdiction Served:	Florida
Date Served on CSC:	01/26/2010
Answer or Appearance Due:	02/04/2010
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Steven H. Denman Not shown

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DOCUMENT NUMBER DATE

00790 FEB-3 2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RUSH

IN RE: Docket No. 090538-TP - Complaint of)
Qwest Communications Company, LLC against)
MCMetro Access Transmission Services (d/b/a)
Verizon Access Transmission Services); XO)
Communications Services, Inc.; tw telecom of)
Florida, L.p.; Granite Telecommunications, LLC; Cox)
Florida Telcom, L.P.; Broadwing Communications,)
LLC; and John Does 1 through 50 (CLEC's whose)
true names are currently unknown) for rate)
discrimination in connection with the provision of)
intrastate switched access services in alleged)
violation of Sections 364.08 and 364.10, F.S.)

**SUBPOENA DUCES TECUM
WITHOUT DEPOSITION**

1-26-10
9:35 AM
JWS III

THE STATE OF FLORIDA

TO: Corporate representative of SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP, c/o
THE PRENTICE HALL CORPORATION SYSTEM, INC., 1201 HAYS ST., TALLAHASSEE FL 32301

YOU ARE COMMANDED to appear at the offices of Davis Graham & Stubbs LLP, 9040 Town Center
Parkway, Suite 213, Lakewood Ranch, FL 34202, on February 4, 2010, at 10:00 a.m., or at such other time
and place as may be mutually agreed upon by counsel, and to have with you at that time and place the
following:

The documents listed in Attachment A

These items will be inspected and may be copied at that time. You will not be required to surrender the
original items. You may comply with this subpoena by providing legible copies of the items to be produced
to the attorney whose name appears on this subpoena on or before the scheduled date of production. You
may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate
your appearance at the time and place specified above. You have the right to object to the production
pursuant to this subpoena at any time before production by giving written notice to the attorney whose name
appears on this subpoena. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

YOU ARE SUBPOENAED by the following attorney to (1) appear as specified, or (2) furnish the
records instead of appearing as provided above, and, unless excused from this subpoena by this attorney or
the Commission, you shall respond to this subpoena as directed.

DATED January 21, 2010

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission

(SEAL)

Steven H. Denman
Davis Graham & Stubbs LLP
9040 Town Center Parkway, Suite 213
Lakewood Ranch, FL 34202
Attorney for Qwest Communications
Company, LLC

Subpoena Duces Tecum
Qwest to Sprint
01/21/2010

Attachment A

1. Produce copies of each and every agreement, whether or not still in effect, entered into since January 1, 1998 between Sprint Communications Company, Limited Partnership, Sprint, Inc., SprintCom, Inc., or any affiliate, subsidiary or predecessor-in-interest of those entities (collectively, "Sprint") and any competitive local exchange carrier ("CLEC") relating to going-forward rates, terms or conditions (as of the date of the agreement) for the provision (by the CLEC) of intrastate switched access services to Sprint. These agreements include, but are not necessarily limited to, settlement agreements and so-called "switched access service agreements."

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