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ORIGINAL
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August 12, 1996

BY HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 960838-TP

Dear Ms. Bayo:

Enclosed for filing in the above-styled docket are the original and fifteen (15) copies of Central Telephone Company of Florida and United Telephone Company of Florida's Objections to MFS's First Set of Interrogatories and First Request to Produce and Motion for Protective Order.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Yours truly,

John P. Fons
John P. Fons

RECEIVED & FILED

EPSC-BUREAU OF RECORDS

Enclosures

cc: All parties of record

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the matter of)
)
MFS COMMUNICATIONS COMPANY,)
INC.)
)
Petition for Arbitration)
Pursuant to 47 U.S.C. § 252(b))
of Interconnection Rates,)
Terms, and Conditions with)
)
SPRINT UNITED-CENTEL OF)
FLORIDA, INC. (also known as)
CENTRAL TELEPHONE COMPANY OF)
FLORIDA AND UNITED TELEPHONE)
COMPANY OF FLORIDA))
)

DOCKET NO. 960838-TP
Filed: August 12, 1996

**CENTRAL TELEPHONE COMPANY OF FLORIDA AND
UNITED TELEPHONE COMPANY OF FLORIDA'S
OBJECTIONS TO MFS'S FIRST SET
OF INTERROGATORIES AND FIRST REQUEST TO PRODUCE
AND MOTION FOR PROTECTIVE ORDER**

United Telephone Company of Florida ("Sprint/United") and Central Telephone Company of Florida ("Sprint/Centel") (collectively "Sprint" or the "Companies"), pursuant to Rule 25-22.034, Florida Administrative Code, Florida Rule of Civil Procedure 1.350, and Order No. PSC-96-0964-PCO-TP, issued on July 26, 1996, hereby submit the following Objections and Motion for Protective Order with respect to MFS Communications Company, Inc.'s ("MFS") First Set of Interrogatories ("First IRR") and First Request to Produce ("First POD") to Sprint served on July 31, 1996 (together, "MFS's First Set").

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FPSC-RECORDS/REPORTING

I.

Preface

The objections are being made for the purpose of complying with the Order on Prehearing Procedure in this docket. The Companies have made a good faith effort to identify any and all objections they may have to MFS's First Set, but reserve the right to raise additional objections up to the time of their answers or response if the need for additional objections becomes apparent while preparing the answers. If it becomes necessary to raise additional objections, the Companies will promptly file those objections and notify counsel for MFS of the basis for the objection.

II.

General Objections

The Companies make the following general objections to MFS's First Set. These general objections apply to each of the individual interrogatories and document requests in MFS's First Set, whether or not a specific objection is raised, and to MFS's First Set in its entirety, and are incorporated in the specific objections below as though fully set forth therein.

1. The Companies have interpreted MFS's First Set to apply to the Companies' intrastate operations in Florida and will limit their responses accordingly. To the extent that any interrogatory or document request is intended to apply to matters other than the Florida intrastate operations subject to the jurisdiction of the

Commission, the Companies object on the basis that such are irrelevant, overly broad, unduly burdensome and oppressive.

2. The Companies object to each and every interrogatory and document request to the extent that such requests call for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege. To the extent that the Companies identify privileged information during the preparation of the answers and responses to MFS's First Set, they will, without waiving any applicable privilege, disclose the nature of the information and the basis for the claim of privilege to counsel for MFS.

3. The Companies object to each and every interrogatory and document request insofar as they are vague, ambiguous, overly broad, duplicative, imprecise or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of the interrogatories or document request. Any answer or response provided by the Companies will be provided subject to, and without waiver of, the foregoing objection.

4. The Companies object to each and every interrogatory and document request insofar as they are not reasonably calculated to lead to the discovery of admissible evidence, are not relevant to the subject matter of this action, and are beyond the scope of discovery as described in Florida Rule of Civil Procedure 1.280. The Companies will attempt to note each instance where this objection applies.

5. The Companies object to producing answers, documents, records and information to the extent that such information is already in the public record before the Florida Public Service Commission, or is equally available to MFS from some other source.

6. The Companies object to each and every interrogatory and document request, and all of the interrogatories and document requests taken together, insofar as they are unduly burdensome, expensive, oppressive, or excessively time-consuming to answer or respond to as written.

7. The Companies object to each and every interrogatory and document to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that the interrogatories or document requests seek proprietary confidential business information which is not subject to the "trade secrets" privilege, the Companies will make such information available to counsel for MFS pursuant to a mutually acceptable Protective Agreement, subject to any other general or specific objections contained herein. The Companies have attempted to identify all instances where confidential information has been requested, but reserve the right to claim additional information as confidential if the need to do so becomes apparent while preparing the answers or responses to MFS's First Set.

8. The Companies object to the definition of "you," "your" and "Sprint" on grounds that the definition of these terms is

overbroad and would cause the Companies' to search for the information requested to be burdensome.

10. The Companies object to each of the interrogatories to the extent that they are presented as a request for production of documents, not an interrogatory, and cannot be answered under oath as required by Florida Rule of Civil Procedure 1.340.

11. The Companies object to the place designated for inspection and copying in the First POD on grounds that producing documents at the place designated would be burdensome. To the extent the Companies will be producing documents, they will do so for inspection and copying at the offices of Ausley & McMullen, 227 South Calhoun Street, Tallahassee, Florida 32301.

III.

Specific Objections: Interrogatories

1. Identify all documents that support your position with respect to each Unresolved Issue and Each Unidentified Unresolved Issue.

Objection: In addition to the general objections, which are incorporated herein by reference, the Companies object to this interrogatory on grounds that it is vague, overbroad and ambiguous, and does not describe the documents to be identified with the specificity required by the Federal and Florida Rules of Civil Procedure. As noted in United States v. American Optical Co., 2 F.R.D. 534, 536 (D.C.N.Y. 1942), the description of a document that is subject to a discovery request must be sufficiently precise to allow the discoveree to go to his or her files and, without difficulty, pick up the document or other item and say: "Here it

is." 2 F.R.D. at 536. This request is similar to the request for "all pertinent books and records" that was condemned in City of Miami v. Florida Public Service Commission, 226 So. 2d 217, 219 (Fla. 1969), and is improper in this case.

2. **Identify any cost studies that support your position with respect to each Unresolved Issue and each Unidentified Unresolved Issue.**

Objection: In addition to the general objections, which are incorporated herein by reference, the Companies object to this interrogatory on grounds that it is vague, overbroad and ambiguous, and does not describe the documents to be identified with the specificity required by the Federal and Florida Rules of Civil Procedure. As noted in United States v. American Optical Co., 2 F.R.D. 534, 536 (D.C.N.Y. 1942), the description of a document that is subject to a discovery request must be sufficiently precise to allow the discoveree to go to his or her files and, without difficulty, pick up the document or other item and say: "Here it is." 2 F.R.D. at 536. This request is similar to the request for "all pertinent books and records" that was condemned in City of Miami v. Florida Public Service Commission, 226 So. 2d 217, 219 (Fla. 1969), and is improper in this case. Notwithstanding this objection, the Companies will work with MFS to identify and produce relevant cost information.

3. **Identify any cost studies that support any contention you intend to raise in opposition to the Comprehensive Interconnection Agreement.**

Objection: In addition to the general objections, which are incorporated herein by reference, the Companies object to this

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interrogatory on grounds that it is vague, overbroad and ambiguous, and does not describe the documents to be identified with the specificity required by the Federal and Florida Rules of Civil Procedure. As noted in United States v. American Optical Co., 2 F.R.D. 534, 536 (D.C.N.Y. 1942), the description of a document that is subject to a discovery request must be sufficiently precise to allow the discoveree to go to his or her files and, without difficulty, pick up the document or other item and say: "Here it is." 2 F.R.D. at 536. This request is similar to the request for "all pertinent books and records" that was condemned in City of Miami v. Florida Public Service Commission, 226 So. 2d 217, 219 (Fla. 1969), and is improper in this case. Notwithstanding this objection, the Companies will work with MPS to identify and produce relevant cost information.

5. Identify all documents that you intend to introduce or otherwise rely on in the arbitration hearing on this matter.

Objection: In addition to the general objections, which are incorporated herein by reference, the Companies object to this interrogatory on grounds that it is vague, overbroad and ambiguous, and does not describe the documents to be identified with the specificity required by the Federal and Florida Rules of Civil Procedure. As noted in United States v. American Optical Co., 2 F.R.D. 534, 536 (D.C.N.Y. 1942), the description of a document that is subject to a discovery request must be sufficiently precise to allow the discoveree to go to his or her files and, without difficulty, pick up the document or other item and say: "Here it

is." 2 F.R.D. at 536. This request is similar to the request for "all pertinent books and records" that was condemned in City of Miami v. Florida Public Service Commission, 226 So. 2d 217, 219 (Fla. 1969), and is improper in this case.

IV.

Specific Objections: Document Requests

1. **All documents identified in response to MFS's First Set of Interrogatories.**

Objection: In addition to the general objections set forth above, which are incorporated herein by reference, Sprint-United/Centel objects to this request for the reasons set forth in the specific objections to Interrogatory number 1, 2, 3 and 5, which specific objections are hereby incorporated herein by reference.

2. **All documents that support Sprint's position on each Unresolved Issue and each Unidentified Unresolved Issue.**

Objection: In addition to the general objections, which are incorporated herein by reference, the Companies object to this interrogatory on grounds that it is vague, overbroad and ambiguous, and does not describe the documents to be identified with the specificity required by the Federal and Florida Rules of Civil Procedure. As noted in United States v. American Optical Co., 2 F.R.D. 534, 536 (D.C.N.Y. 1942), the description of a document that is subject to a discovery request must be sufficiently precise to allow the discoveree to go to his or her files and, without difficulty, pick up the document or other item and say: "Here it is." 2 F.R.D. at 536. This request is similar to the request for "all pertinent books and records" that was condemned in City of

Miami v. Florida Public Service Commission, 226 So. 2d 217, 219 (Fla. 1969), and is improper in this case.

3. All cost studies which concern or relate to each Unresolved Issue and Each Unidentified Unresolved Issue, including each cost study you intend to rely upon in opposition to the Comprehensive Interconnection Agreement.

Objection: In addition to the general objections, which are incorporated herein by reference, the Companies object to this interrogatory on grounds that it is vague, overbroad and ambiguous, and does not describe the documents to be identified with the specificity required by the Federal and Florida Rules of Civil Procedure. As noted in United States v. American Optical Co., 2 F.R.D. 534, 536 (D.C.N.Y. 1942), the description of a document that is subject to a discovery request must be sufficiently precise to allow the discoveree to go to his or her files and, without difficulty, pick up the document or other item and say: "Here it is." 2 F.R.D. at 536. This request is similar to the request for "all pertinent books and records" that was condemned in City of Miami v. Florida Public Service Commission, 226 So. 2d 217, 219 (Fla. 1969), and is improper in this case. Notwithstanding this decision, the Companies will work with MFS to identify and produce cost information.

6. All documents you intend to introduce or otherwise rely on in the arbitration hearing on this matter.

Objection: In addition to the general objections, which are incorporated herein by reference, the Companies object to this interrogatory on grounds that it is vague, overbroad and ambiguous, and does not describe the documents to be identified with the

specificity required by the Federal and Florida Rules of Civil Procedure. As noted in United States v. American Optical Co., 2 F.R.D. 534, 536 (D.C.N.Y. 1942), the description of a document that is subject to a discovery request must be sufficiently precise to allow the discoveree to go to his or her files and, without difficulty, pick up the document or other item and say: "Here it is." 2 F.R.D. at 536. This request is similar to the request for "all pertinent books and records" that was condemned in City of Miami v. Florida Public Service Commission, 226 So. 2d 217, 219 (Fla. 1969), and is improper in this case.

13. Any other document which supports any contention, response, or allegation which Sprint may make in response or opposition to the Petition or any position advocated by MFS in this Petition.

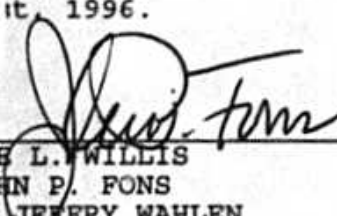
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v.

Motion for Protective Order

The Companies submit their objections to MFS's First Set pursuant to the authority contained in Slatnik v. Leadership Housing Systems of Florida, Inc., 368 So.2d 79 (Fla. 3d DCA 1979). To the extent that a Motion for Protective Order is required, the objections set forth herein are to be construed as a request for protective order.

Dated this 12th day of August, 1996.



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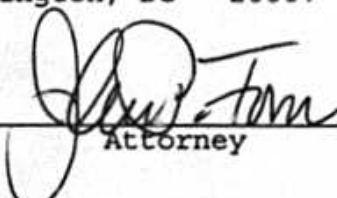
ATTORNEYS FOR CENTRAL TELEPHONE
COMPANY OF FLORIDA AND UNITED
TELEPHONE COMPANY OF FLORIDA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail, hand delivery (*) or overnight express (**) this 12th day of August, 1996, to the following:

Michael Billmeier *
Division of Legal Services
Florida Public Service Comm.
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Andrew D. Lipman **
Russell M. Blau
Lawrence R. Freedman
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3000 K Street, N.W., Suite 300
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Attorney

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