

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:)	
)	Docket No. 000475-TP
Complaint by BellSouth Telecommunications, Inc.)	
against Thrifty Call, Inc. regarding practices in the)	Filed: April 18, 2008
reporting of percent interstate usage for compensa-)	
tion for jurisdictional access services)	

THRIFTY CALL, INC.'S OBJECTIONS TO AT&T FLORIDA'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS

Thrifty Call, Inc. ("Thrifty Call"), by and through undersigned counsel and pursuant to Florida Public Service Commission Order No. PSC-07-1027-PCO-TP, hereby files its objections to BellSouth Telecommunications, Inc. d/b/a AT&T Florida's ("AT&T") Fifth Request for Production of Documents. These objections are preliminary in nature and should additional grounds for objections be discovered by Thrifty Call through its preparation of these responses, Thrifty Call reserves the right to supplement, revise, or modify its objections at the time responses are served.

GENERAL OBJECTIONS AND RESERVATION OF RIGHTS

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL 2 _____
 OPC _____
 RCA _____
 SCR _____
 SGA _____
 SEC _____
 OTH _____

1. Any document production shall be made without waiving or intending to waive, but on the contrary intending to preserve and preserving: (a) the right to object, on the grounds of competency, relevancy, materiality, privilege or admissibility as evidence for any purpose, or any other ground, to the use of the documents produced or the subject thereof, in this or any subsequent or other proceeding; and (b) the right to object on any ground to other document requests, interrogatories or other discovery proceedings involving or relating to the subject matter of the Request.

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 FPSC-COMMISSION CLERK

2. Thrifty Call will make a reasonable effort to respond to each and every individual Request for Production (“Request”) that is not subject to a Specific Objection as Thrifty Call understands and interprets such Request. If AT&T should assert an interpretation of any Request that differs from Thrifty Call’s, Thrifty Call reserves the right to supplement or amend its Specific Objections.

3. Thrifty Call objects to each and every one of the requests for documents that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, the consulting expert privilege, third-party confidentiality agreements or protective order, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made or is later determined to be applicable for any reason. Thrifty Call in no way intends to waive such privilege or protection, subject to the executed Agreement.

4. Thrifty Call objects to providing information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. Thrifty Call has not had sufficient time in every case to determine whether the discovery requests call for the disclosure of confidential information. However, if it so determines, it will either file a motion for protective order requesting confidential classification and procedures for protection or take other actions to protect the confidential information requested. Thrifty Call in no way intends to waive claims of confidentiality, subject to the executed Agreement.

5. Where Thrifty Call states herein that it will produce or has produced documents in accordance with the Florida Rules of Civil Procedure, it will produce such documents to the extent that they exist and can be reasonably obtained.

6. Thrifty Call objects to each Request to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

7. Thrifty Call objects to the Instructions and to each Request to the extent that they purport to impose upon Thrifty Call obligations that Thrifty Call does not have under the law or applicable rules of procedure.

8. Thrifty Call objects to each Request to the extent it requires Thrifty Call to create documents not already in existence.

9. Thrifty Call objects to each and every Request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any answers provided by Thrifty Call in response to these Requests for Production will be provided subject to, and without waiver of, the foregoing objection.

10. Thrifty Call objects to providing information to the extent such information is already in the public record before the Commission.

11. Thrifty Call objects to each Request that seeks to obtain “all,” “each,” or “every” document to the extent that such discovery is *Overly Broad* and *Unduly Burdensome*. Any documents that Thrifty Call may provide in response to Requests will be provided subject to, and without waiver of, this objection.

12. Thrifty Call objects to each Request to the extent it is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is *Overly Broad* and *Unduly Burdensome*.

13. Thrifty Call expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the documents produced pursuant to the Requests.

14. The Specific Objections that Thrifty Call makes are applicable to more than one of the Requests. For this reason, Thrifty Call provides the following definitions of those objections and, where applicable, repeats only the defined term in stating its Specific Objections.

a. Relevance: the Request is not relevant to any specific claims, defenses, issues or questions presented in this proceeding and is not reasonably calculated to lead to the discovery of documents relevant to resolution of these issues.

b. Unduly Burdensome: the Request is unduly burdensome in that providing the requested data (i) would require an unreasonable expenditure of time and resources to search for documents or information, (ii) is cumulative and/or has only a limited likelihood of leading to the discovery of documents relevant to resolution of the specific issue and either (a) the value of providing the document is outweighed by the burden of production or (b) AT&T can obtain the document through publicly available information.

c. Overly Broad: the Request seeks a general category of information within which only certain portions of the information are reasonably related to the subject matter of this proceeding.

15. The information and documents supplied herein are for use in this litigation and for no other purpose.

16. Any inadvertent production of any document shall not be deemed or construed to constitute a waiver of any privilege or right, and Thrifty Call reserves its right to demand the return of any such document and all copies thereof.

17. Thrifty Call objects to the Requests to the extent that they seek the production of documents that are not within Thrifty Call's possession, custody, or control.

OBJECTIONS TO DEFINITIONS

18. Thrifty Call objects to the definition of "document" on the grounds that it is Vague, Ambiguous, Overly Broad, and Unduly Burdensome. Thrifty Call also objects to this definition to the extent that it exceeds the requirements of the Florida Rules of Civil Procedure.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS FOR PRODUCTION

The General Objections and Reservations of Rights noted above apply to, and are incorporated in, the individual response herein, whether or not expressly incorporated by referenced in such individual response. Thrifty Call objects specifically to the individual Requests as follows:

32. Produce all correspondence by and between Thrifty Call and its non-retail customers who terminated traffic within the State of Florida utilizing AT&T Florida's termination facilities during the period of January 1, 1998 to December 1, 2000.

Objection. Relevance, Unduly Burdensome and Overly Broad.

33. Produce all bills submitted by Thrifty Call to MCI Worldcom or any other non-retail customer of Thrifty Call during the period of January 1, 1998 to December 1, 2000.

Objection. Relevance, Unduly Burdensome and Overly Broad.

34. Produce all agreements between MCI Worldcom and Thrifty Call for the termination of traffic in the state of Florida during the period of January 1, 1998 to December 1, 2000.

Objection. Relevance, Unduly Burdensome and Overly Broad.

35. Produce all agreements between MCI Telecommunications Corporation and Thrifty Call, Inc., in effect during the period of January 1, 1998 to December 1, 2000.

Objection. Relevance, Unduly Burdensome and Overly Broad.

36. Produce all agreements between Worldcom Network Services, Inc. and Thrifty Call, Inc. in effect during the period of January 1, 1998 to December 1, 2000.

Objection. Relevance, Unduly Burdensome and Overly Broad.

37. Produce The Services Agreement, dated May 10, 1999, entered into by and between MCI Telecommunications Corporation and Thrifty Call, Inc.

Objection. Relevance, Unduly Burdensome and Overly Broad.

38. Produce all correspondence by and between Thrifty Call and MCI Telecommunications Corporation regarding The Services Agreement, dated May 10, 1999.

Objection. Relevance, Unduly Burdensome and Overly Broad.

39. Produce all correspondence by and between Thrifty Call and WorldCom Network Services, Inc. regarding The Services Agreement, dated May 10, 1999.

Objection. Relevance, Unduly Burdensome and Overly Broad.

40. Produce all documents on which Thrifty Call based its decision to block the delivery of calling party information for calls carried over its network.

Objection. Relevance, Unduly Burdensome and Overly Broad.

41. Produce all documents by and between Thrifty Call and “regulatory experts Jerry James and Martha Smiley” during the period of January 1, 1998 to December 1, 2000.

Objection. Relevance, Unduly Burdensome and Overly Broad.

42. Produce all documents identified in response to the Interrogatories set forth above.

Objection. Relevance, Unduly Burdensome and Overly Broad.

43. Produce all workpapers, reports, analyses, calculations, correspondence and documents which Timothy Gates, Harold Lovelady or Thrifty Call reviewed, relied upon, support, evidence, pertain, or otherwise relate to Timothy Gates, Harold Lovelady or Thrifty Call's responses to AT&T Florida's Interrogatory Nos. 98-123.

Objection. Relevance, Unduly Burdensome and Overly Broad.

44. Produce all workpapers, reports, analyses, calculations, correspondence and documents which Timothy Gates, Harold Lovelady or Thrifty Call reviewed, relied upon, support, evidence, pertain, or otherwise relate to Timothy Gates, Harold Lovelady or Thrifty Call's responses to AT&T Florida's Requests for Admissions 1-17.

Objection. Relevance, Unduly Burdensome and Overly Broad.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to the following this 18 day of April, 2008:

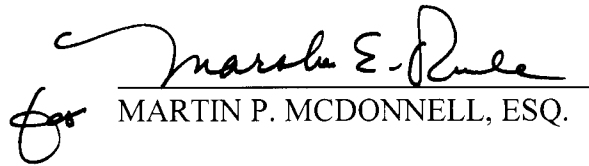
Charlene Poblete
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E. Earl Edenfield, Jr.
c/o Greg Follensbee
150 S. Monroe Street, Suite 400
Tallahassee, Florida 32301

A handwritten signature in cursive script, appearing to read "Martin P. McDonnell", is written over a horizontal line. To the left of the signature, the word "for" is written in a smaller, cursive script.

MARTIN P. MCDONNELL, ESQ.

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