

## Ruth Nettles

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**From:** Ann Bassett [abassett@lawfla.com]  
**Sent:** Wednesday, May 21, 2008 4:30 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket Nos. 070691-TP and 080036-TP  
**Attachments:** 2008-05-21, 070691 080036 Comcast Preliminary Objections to VZ 1st ROG.pdf

The person responsible for this electronic filing is:

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The Docket Nos are:

070691-TP - Complaint and request for emergency relief against Verizon Florida, LLC for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Bright House Networks Information Services (Florida), LLC, and its affiliate, Bright House Networks, LLC

080036-TP - Complaint and request for emergency relief against Verizon Florida, L.L.C. for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone.

This is being filed on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone

Total Number of Pages is .

Comcast Phone of Florida, L.L.C.'s Preliminary Objections to Verizon's First Set of Interrogatories

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DOCUMENT NUMBER-DATE

04245 MAY 21 8

FPSC-COMMISSION CLERK



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May 21, 2008

**BY ELECTRONIC FILING**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850


Re: Docket Nos. 070691-TP and 080036-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast") is an electronic version of Comcast Phone of Florida, L.L.C.'s Preliminary Objections to Verizon Florida LLC's First Set of Interrogatories in the above referenced dockets.

Thank you for your assistance with this filing.

Sincerely yours,

  
Floyd R. Self

FRS/amb  
Enclosure  
cc: Parties of Record

DOCUMENT NUMBER - DATE

04245 MAY 21 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and request for emergency relief against Verizon Florida, L.L.C. for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone.

DOCKET NO. 080036-TP

In re: Complaint and request for emergency relief against Verizon Florida, LLC for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Bright House Networks Information Services (Florida), LLC, and its affiliate, Bright House Networks, LLC.

DOCKET NO. 070691-TP

Dated: May 21, 2008

**COMCAST'S PRELIMINARY OBJECTIONS TO VERIZON FLORIDA LLC'S  
FIRST SET OF INTERROGATORIES**

Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast"), pursuant to the *Order Establishing Procedure*, Order No. PSC-08-0235-PCO-TP, issued April 10, 2008 (hereinafter "*Procedural Order*"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, hereby generally and specifically objects to Verizon Florida LLC's (hereinafter "Verizon") First Set of Interrogatories to Comcast, served via e-mail at 5:01 p.m., May 9, 2008. The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the twelve-day requirement set forth in The procedural Order, by the Florida Public Service Commission (hereinafter the "Commission") in the above-referenced docket.

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## A. General Objections

Comcast makes the following General Objections to Verizon's First Set of Interrogatories, including the applicable definitions and general instructions therein ("Verizon discovery"), which as appropriate will be incorporated into each relevant response when Comcast's responses are served on Verizon.

1. Comcast objects to the Verizon discovery to the extent that such discovery seeks to impose an obligation on Comcast to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Comcast further objects to any and all Verizon discovery that seeks to obtain information from Comcast for Comcast subsidiaries, affiliates, or other related Comcast entities that are not certificated by the Commission.

2. Comcast has interpreted the Verizon discovery to apply to Comcast's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any Verizon discovery is intended to apply to matters that take place outside the state of Florida and which are not related to Florida intrastate operations subject to the jurisdiction of the Commission, Comcast objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. Comcast objects to the Verizon discovery to the extent that such discovery calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. Comcast objects to the Verizon discovery insofar as such discovery 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 these requests. Any responses provided by Comcast in response to the Verizon discovery will be provided subject to, and without waiver of, the foregoing objection.

5. Comcast objects to the Verizon discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. Comcast objects to the Verizon discovery insofar as it seeks information or documents, or seeks to impose obligations on Comcast which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. Comcast objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission or which is already in the possession, custody, or control of Verizon.

8. Comcast objects to the Verizon discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. Comcast objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that Verizon's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, Comcast will make such information available to counsel for Verizon pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. Comcast is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Comcast creates countless documents

that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. Comcast will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the Verizon discovery purports to require more, Comcast objects on the grounds that compliance would impose an undue burden or expense.

11. Comcast objects to the Verizon discovery that seeks to obtain “any,” “all,” “each,” or “every” document, item, customer, or other such piece of information to the extent that such discovery is overly broad and unduly burdensome. Any answers that Comcast may provide in response to the Verizon discovery will be provided subject to, and without waiver or, this objection.

12. Comcast objects to the Verizon discovery to the extent such discovery seeks to have Comcast create documents not in existence at the time of the request.

13. Comcast objects to the Verizon discovery to the extent that such discovery 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.

14. In light of the short period of time Comcast has been afforded to respond to the Verizon discovery, the development of Comcast’s positions and potentially responsive information to the Verizon requests is necessarily ongoing and continuing. This process is further complicated since at this point in time, there is a pending Motion by Verizon to add additional issues. Accordingly, these are preliminary objections to comply with the Procedural Order and are based upon the current approved issues list which does not include the Verizon

additional issues. Comcast reserves the right to supplement, revise, or modify its objections at the time that it serves its actual responses to the Verizon discovery. However, Comcast does not assume an affirmative obligation to supplement its answers on an ongoing basis, contrary to the Verizon General Instruction.

15. Comcast objects to any questions regarding broadband internet access service or video service as such matters are outside the currently approved issues list in this proceeding.

B. Specific Objections

Comcast makes the following Specific Objections to Verizon's First Set of Interrogatories, including the applicable definitions and general instructions expressed therein ("Verizon discovery"), which as appropriate will be incorporated into each relevant response when Comcast's responses are served on Verizon.

Interrogatory No. 1. Comcast incorporates objections 1, 2, 5, 9, 12, and 14.

Interrogatory No. 2. Comcast incorporates objections 1, 2, 5, 9, 10, 12, and 14.

Interrogatory No. 3. Comcast incorporates objections 2, 9, 12, and 14.

Interrogatory No. 4. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15.

Interrogatory No. 5. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15.

Interrogatory No. 6. Comcast incorporates objections 1, 2, 5, 6, 9, 10, 13, and 14.

Interrogatory No. 7. Comcast incorporates objections 1, 2, 5, 6, 9, 10, 13, and 14.

Interrogatory No. 8. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15.

Interrogatory No. 9. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14,

and 15.

Interrogatory No. 10. Comcast incorporates objections 1, 2, 5, 6, 7, 9, 10, 12, and 14.

Interrogatory No. 11. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14,  
and 15.

Interrogatory No. 12. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14,  
and 15.

Interrogatory No. 13. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14,  
and 15.

Interrogatory No. 14. Comcast incorporates objections 1, 2, 4, 5, 6, 7, and 9.

Interrogatory No. 15. Comcast incorporates objections 1, 2, 5, 9, 10, 11, and 13.

Interrogatory No. 16. Comcast incorporates objections 2, 5, 6, 7, 8, 10, and 13.

Interrogatory No. 17. Comcast incorporates objections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 13.

Interrogatory No. 18. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14,  
and 15.

Interrogatory No. 19. Comcast has not objection to this interrogatory at this time.

Interrogatory No. 20. Comcast has not objection to this interrogatory at this time.

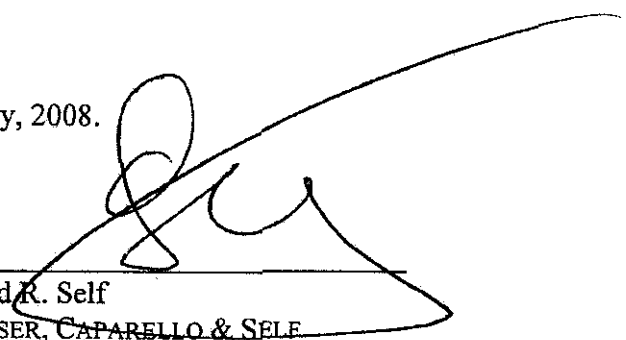
Interrogatory No. 21. Comcast has not objection to this interrogatory at this time.

Interrogatory No. 22. Comcast incorporates objections 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14,  
and 15.

Interrogatory No. 23. Comcast incorporates objections 1, 2, 5, 6, 8, 9, 10, 11, and 13.



Respectfully submitted this 21<sup>st</sup> day of May, 2008.



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*Counsel for the Comcast Phone of Florida, L.L.C.  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail (\*) and/or U. S. Mail this 21<sup>st</sup> day of May, 2008 upon the following:

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