



Susan S. Masterton  
Attorney

**Law/External Affairs**  
FTLH00103  
1313 Blair Stone Rd.  
Tallahassee, FL 32301  
Voice 850 599 1560  
Fax 850 878 0777  
susan.masterton@mail.sprint.com

July 16, 2004

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
& Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 031047-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint-Florida, Incorporated are Sprint's General and Specific Objections to KMC's First Set of Interrogatories and First Request for Production of Documents.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

A handwritten signature in black ink that reads "Susan S. Masterton".

Susan S. Masterton

Enclosure

**CERTIFICATE OF SERVICE  
DOCKET NO. 031047-TP**

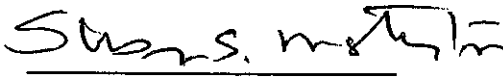
I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic and U.S. mail on this 16<sup>th</sup> day of July, 2004 to the following:

Carris (Lee) Fordham  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0870

KMC Data LLC/KMC Telecom III LLC/KMC Telecom V, Inc.  
John McLaughlin, Jr./Marva B. Johnson  
1755 North Brown Road  
Lawrenceville, GA 30043-8119

Kelley Drye & Warren LLP  
Yorkgitis/Mutschelknaus/Soriano/Klein  
1200 19th Street, N.W.,  
Fifth Floor  
Washington, DC 20036

Messer Law Firm  
Floyd R. Self, Esq.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

  
\_\_\_\_\_  
Susan S. Masterton

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In the Matter of Petition of KMC Telecom III )  
LLC, KMC Telecom V, Inc., and KMC Data )  
LLC For Arbitration of an Interconnection )  
Agreement with Sprint- Florida, Incorporated )  
\_\_\_\_\_ )

Docket No. 031047-TP

**SPRINT'S GENERAL AND SPECIFIC OBJECTIONS TO  
KMC'S FIRST SET OF INTERROGATORIES AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340, 1.350 and 1.280(b), Florida Rules of Civil Procedure, Sprint-Florida, Incorporated (hereinafter "Sprint") hereby submits the following General and Specific Objections to KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC's (KMC's) First Set of Interrogatories and First Request for Production of Documents, which were served on Sprint by e-mail on July 6, 2004.

**INTRODUCTION**

The objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. PSC-04-0563-PCO-TP ("Procedural Order") issued by the Florida Public Service Commission ("Commission") in the above-referenced docket. Should additional grounds for objection be discovered as Sprint prepares its responses to the above-referenced requests, Sprint reserves the right to supplement, revise, or modify its objections at the time that it serves its responses on KMC. Moreover, should Sprint determine that a Protective Order is necessary with respect to any of the material requested by KMC, Sprint reserves the right to file a motion with the Commission seeking such an order at the time that it serves its answers and responses on KMC.

## GENERAL OBJECTIONS

Sprint makes the following General Objections to KMC's First Set of Interrogatories ("First IRR") and First Request for Production of Documents ("First POD"). These general objections apply to instructions and definitions and to each of the individual requests and interrogatories in the First IRR and First POD, respectively, and will be incorporated by reference into Sprint's answers when they are served on KMC.

1. Sprint objects to the requests to the extent that such requests seek to impose an obligation on Sprint to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. The party subject to this arbitration is Sprint-Florida, Incorporated and, without waiver of this objection and subject to any other applicable objection set forth herein, Sprint will respond accordingly.

2. Sprint has interpreted KMC's requests to apply to Sprint's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, Sprint objects to such request to produce as irrelevant, overly broad, unduly burdensome, and oppressive.

3. Sprint objects to each and every request and instruction to the extent that such request or instruction calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. Sprint objects to each and every request insofar as the request 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 Sprint to KMC's requests will be provided subject to, and without waiver of, the foregoing objection.

5. Sprint objects to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. Sprint will attempt to note in its responses each instance where this objection applies.

6. Sprint objects to KMC's discovery requests, instructions and definitions, insofar as they seek to impose obligation on Sprint that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

7. Sprint objects to providing information to the extent that such information is already in the public record before the Commission, or elsewhere.

8. Sprint objects to each and every request, insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. Sprint 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 KMC requests proprietary confidential business information which is not subject to the "trade secrets" privilege, Sprint will make such information available to counsel for KMC pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. Sprint is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Sprint creates countless documents that are not subject to Commission or FCC retention of records requirements. These documents are kept in numerous locations that 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 will be provided in response to these discovery requests. Rather, Sprint's responses will provide, subject to any applicable objections, all of the information obtained by Sprint after a reasonable and diligent search conducted in connection with these requests. Sprint shall conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the discovery requests purport to require more, Sprint objects on the grounds that compliance would impose an undue burden or expense.

**SPECIFIC OBJECTIONS TO FIRST IRR AND FIRST POD**

In addition to the General Objections set forth above, Sprint asserts the following specific objections to the First IRR and First POD.

**Interrogatory No. 14. Please identify and provide copies of the relevant provisions of each agreement or other document governing or describing the terms and conditions under which Sprint, in Florida, interconnects and exchanges traffic with:**

- a. Each ILEC**
- b. Each CLEC, and**
- c. Each and every other carrier not included under subparts (a) and (b) above.**

**OBJECTION:** Sprint objects to this Interrogatory to the extent that the requested information is available in the public records of the Commission. In addition, Sprint has entered into hundreds of interconnection agreements with carriers in Florida and identifying, describing and copying

the requested provisions of each agreement would be oppressive and unduly burdensome to Sprint.

**Interrogatory No. 21. Please identify and describe**

- a) what discrete activities Sprint believes are encompassed within the requirement that ILECs perform routine network modifications in connection with the provision of loops and/or transport, specifying which activities are already included in Sprint's recurring or nonrecurring loop or transport charges and which Sprint contends are not included, and
- b) Sprint's proposed rates for routine network modifications for both loops and transport.

**Interrogatory No. 22. How many, or what percentage, of Sprint's existing loops in Florida would, as of the date of your response, require routine network modifications in order to be provided to a CLEC on an unbundled basis?**

**Interrogatory No. 23 How many, or what percentage, of Sprint's existing transport circuits in Florida would, as of the date of your response, require routine network modifications in order to be provided to a CLEC on an unbundled basis?**

**OBJECTION:** Sprint objects to Interrogatories Nos. 21, 22 and 23, because, according to the Rebuttal Testimony of Mr. Gates (at page 12), routine network modifications are no longer an issue in this proceeding and, therefore, the information sought in these interrogatories is not

either reasonably calculated to lead to the discovery of admissible evidence or relevant to the subject matter of this arbitration proceeding.

**Interrogatory No. 24. Identify those situations, whether in Florida or elsewhere, in which Sprint has either paid another carrier, received from another carrier, been billed by another carrier, or billed to another carrier, compensation for the transport and termination of VoIP calls. Include with such identification the carrier involved, the type of traffic involved (e.g., whether CLP – or Sprint-originated, local exchange, toll, interLATA, etc.), the type of compensation paid or billed (e.g., reciprocal compensation, access charges), and the per minute rate paid or billed.**

**OBJECTION:** Sprint objects to this interrogatory because it is ambiguous and overbroad and as such responding to this Interrogatory would be oppressive and unduly burdensome to Sprint. In addition, the information requested includes nonparty proprietary account information that Sprint is prohibited by contract and/or law from disclosing.

**POD No. 1 Produce all documents identified in response to each interrogatory in KMC's First Set of Interrogatories to Sprint. In producing documents, please identify and group documents by each individual interrogatory number.**

**OBJECTION:** Please see specific objections to Interrogatories No. 16, 21-23 and 24.



DATED this 16 day of July 2004.

*Susan S. Masterton*

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SUSAN S. MASTERTON  
P.O. Box 2214  
Tallahassee, FL 32316-2214  
(850) 599-1560 (phone)  
(850) 878-0777 (fax)  
[susan.masterton@mail.sprint.com](mailto:susan.masterton@mail.sprint.com)

ATTORNEY FOR SPRINT-FLORIDA,  
INCORPORATED