

**Dorothy Menasco**

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**From:** Woods, Vickie [vf1979@att.com]  
**Sent:** Monday, May 05, 2008 4:09 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** 000475-TP AT&T Florida's Motion to Compel  
**Importance:** High  
**Attachments:** MTC.pdf; LEGAL-#710761-v1-000475-TP\_AT&T's\_Motion\_to\_Compel.DOC

- A. Vickie Woods  
Legal Secretary to E. Earl Edenfield, Jr., Tracy W. Hatch  
and Manuel A. Gurdian  
AT&T Florida  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301  
(305) 347-5560  
[vf1979@att.com](mailto:vf1979@att.com)
- B. Docket No.: 000475-TP – Complaint Against Thrifty Call, Inc. Regarding Practices in Reporting PIU for Compensation For Jurisdictional Access Services
- C. AT&T Florida  
on behalf of Manuel A. Gurdian
- D. 23 pages total (including letter, certificate of service, pleading and Exhibits A and B)  
8 pages total (includes pleading)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Motion to Compel  
  
.pdf .word

<<MTC.pdf>> <<LEGAL-#710761-v1-000475-TP\_AT&T's\_Motion\_to\_Compel.DOC>>

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5/5/2008

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May 5, 2008

Ann Cole, Commission Clerk  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: **FL Docket 000475-TP - Complaint Against Thrifty Call, Inc.  
Regarding Practices in Reporting PIU for Compensation  
For Jurisdictional Access Services**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Motion to Compel, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Manuel A. Gurdian

cc: All Parties of Record  
Jerry D. Hendrix  
Gregory R. Follensbee  
E. Earl Edenfield, Jr.  
Lisa S. Foshee

DOCUMENT NUMBER-DATE

03703 MAY-5 8

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**Docket No. 000475-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Electronic Mail and First Class U.S. Mail this 5<sup>th</sup> day of May, 2008 to the following:

Charlene Poblete  
Rick Mann  
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Laura King  
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\_\_\_\_\_  
Manuel A. Gurdian

(+) Signed Protective Agreement

**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 reporting of percent interstate usage for )  
compensation for jurisdictional access services )  
 ) Filed: May 5, 2008

**AT&T FLORIDA'S MOTION TO COMPEL**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") submits this Motion to Compel Thrifty Call, Inc. ("Thrifty Call") to respond to AT&T Florida's First Request for Admissions Nos. 3, 4, 5, 6, 12, 13, 15, 16, 17 and Fifth Set of Interrogatories Nos. 106, 107, 108, 109, 115, 116, 118, 119 and 120. For the following reasons, the Florida Public Service Commission ("Commission") should compel Thrifty Call to respond to AT&T Florida's discovery.

**Argument**

Thrifty Call objects to responding to AT&T Florida's First Request for Admissions Nos. 3, 4, 5, 6, 12, 13, 15, 16, 17 and Fifth Set of Interrogatories Nos. 106, 107, 108, 109, 115, 116, 118, 119 and 120. See Thrifty Call's Objections to AT&T Florida's First Request for Admissions and Fifth Set of Interrogatories attached hereto as Exhibits "A" and "B".

As the Commission has previously recognized, the scope of discovery under the Florida Rules of Civil Procedure is liberal. Rule 1.280(b)(1), Florida Rules of Civil Procedure, provides:

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party...

DOCUMENT NUMBER-DATE

03703 MAY-5 8

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As the Commission is aware, the thrust of AT&T Florida's complaint against Thrifty Call is that Thrifty Call has misreported the jurisdictional nature of traffic terminated to AT&T Florida. AT&T Florida tailored its discovery requests to this specific issue. Applying the applicable standard, the information AT&T Florida seeks is relevant to the subject matter of the issues in this proceeding and is clearly reasonably calculated to lead to the discovery of admissible evidence. AT&T Florida specifically addresses each of the discovery requests to which Thrifty Call objected below.

Request for Admissions Nos. 3, 4, 5, 6, 12 and 13 and Interrogatory Nos. 106, 107, 108, 109, 115 and 116

AT&T Florida served the following Requests for Admissions upon Thrifty Call:

3. Admit that telephone voice traffic originating in Florida, routed through a switch in Orlando, Florida and delivered to an end-user in Florida is intrastate in nature.
4. Admit that telephone voice traffic originating in Florida, routed through a switch in Atlanta, Georgia and delivered to an end-user in Florida is intrastate in nature.
5. Admit that Thrifty Call did not correctly jurisdictionalize traffic delivered to AT&T Florida during the period of January 1, 1998 to December 1, 2000.
6. Admit that Thrifty Call did not correctly jurisdictionalize traffic delivered to AT&T Florida during the period of July 1999 to June 2000.
12. Admit that based upon the FCC's Declaratory Ruling issued in *In the Matter of Thrifty Call, Inc. Petition for Declaratory Ruling Concerning BellSouth Telecommunications, Inc. Tariff F.C.C. No. 1*, Thrifty Call did not correctly report PIUs to AT&T Florida for traffic delivered to AT&T Florida during the period of January 1, 1998 to December 1, 2000.
13. Admit that long distance telephone calls which originate and terminate within the State of Florida are intrastate calls subject to the Florida Public Service Commission's jurisdiction even though the calls may be routed through a switch located in another state.

In addition, AT&T Florida served the following Interrogatories to ascertain the reason for Thrifty Call's denial, if there was a denial, of Request for Admissions Nos. 3, 4, 5, 6, 12 and 13.

106. If you deny AT&T Florida's Request for Admission No. 3, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.
107. If you deny AT&T Florida's Request for Admission No. 4, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.
108. If you deny AT&T Florida's Request for Admission No. 5, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.
109. If you deny AT&T Florida's Request for Admission No. 6, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.
115. If you deny AT&T Florida's Request for Admission No. 12, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.
116. If you deny AT&T Florida's Request for Admission No. 13, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

In its objections, Thrifty Call erroneously contends that the above discovery is vague, ambiguous and calls for a legal conclusion. However, Thrifty Call's objections are not a valid basis for refusing to admit or deny the above Requests for Admissions.

First, the Requests and Interrogatories are not vague or ambiguous. From even a cursory review of the discovery, it is obvious that the above Requests and Interrogatories can be answered with a simple "admitted" or "denied" and a brief explanation if needed. Rule 1.370 of the Florida Rules of Civil Procedure, which governs Requests for Admissions served on a party, provides for a simple and straightforward procedure for admissions and denials. Rule 1.370(a) requires that a "denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder." Thrifty Call's objections should be overruled and it should admit or deny the above Requests. Moreover, if it believes that it needs to qualify a portion of its answer or denial it may do so per Rule 1.370(a).

Second, an objection on the basis that the Request may call for a legal conclusion is not valid. Rule 1.370(a) provides that "[a] party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not object to the request on that ground alone; the party may deny the matter or set forth reasons why the party cannot admit or deny it, subject to rule 1.380(c)." Thus, according to this provision of the rule, it would be proper to ask the opposing party to admit a proposition that would ultimately decide the case. *See Shaw v. State ex rel. Butterworth*, 616 So.2d 1094 (Fla.

4<sup>th</sup> DCA 1993); *Salazar v. Valle*, 360 So.2d 132 (Fla. 3d DCA 1978). Thrifty Call's objection should be overruled and it should admit or deny the above Requests.

Request for Admissions Nos. 15, 16 and 17 and Interrogatory Nos. 118, 119 and 120

AT&T Florida served the following Requests for Admissions upon Thrifty Call:

15. Admit that Thrifty Call was unable to accurately determine the PIU it provided to AT&T Florida during the period of January 1, 1998 to December 1, 2000.
16. Admit that Thrifty Call was unable to completely and accurately determine the PIU it provided to AT&T Florida during the period of January 1, 1998 to December 1, 2000.
17. Admit that Thrifty Call did not accurately determine the PIU it provided to AT&T Florida during the period of January 1, 1998 to December 1, 2000.

In addition, AT&T Florida served the following Interrogatories to ascertain the reason for Thrifty Call's denial, if there was a denial, of Request for Admissions Nos. 15, 16 and 17.

118. If you deny AT&T Florida's Request for Admission No. 15, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.
119. If you deny AT&T Florida's Request for Admission No. 16, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.
120. If you deny AT&T Florida's Request for Admission No. 17, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

In its objections, Thrifty Call erroneously contends that the above discovery is overly broad, vague, ambiguous and calls for a legal conclusion. To the contrary, the



information AT&T Florida seeks is relevant to the subject matter of the issues in this proceeding, is reasonably calculated to lead to the discovery of admissible evidence, is not overbroad, and is not vague or ambiguous. Moreover, Thrifty Call's objection that the information may call for a legal conclusion is not a valid objection.

First, the Requests and Interrogatories are not vague or ambiguous. From even a cursory review of the discovery, it is obvious that the above Requests and Interrogatories can be answered with a simple "admitted" or "denied" and a brief explanation if needed. Rule 1.370 of the Florida Rules of Civil Procedure, which governs Requests for Admissions served on a party, provides for a simple and straightforward procedure for admissions and denials. Rule 1.370(a) requires that a "denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder." Thrifty Call's objections should be overruled and it should admit or deny the above Requests. Moreover, if it believes that it needs to qualify a portion of its answer or denial it may do so per Rule 1.370(a).

Second, Thrifty Call has failed to quantify how the Requests are "overly broad" and its objection should be overruled on this basis alone. *See First City Developments of Florida, Inc. v. Hallmark of Hollywood Condominium Ass'n, Inc.*, 545 So.2d 502, 503 (Fla. 4<sup>th</sup> DCA 1989)("it is incumbent upon [the objecting party] to quantify for the trial court the manner in which such discovery might be overly broad or burdensome. They must be able to show the volume of documents, or the number of man-hours required in their production, or some other quantitative factor that would make it so."). In any event,

the Requests are not over broad and are narrowly tailored to an issue in the case, whether the PIU that Thrifty Call reported to AT&T Florida was accurate or not. This is clearly information that is relevant to the subject matter of the issues in this proceeding and can be answered with a simple “admitted” or “denied”.

Third, an objection on the basis that the Request may call for a legal conclusion is not valid. Rule 1.370(a) provides that “[a] party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not object to the request on that ground alone; the party may deny the matter or set forth reasons why the party cannot admit or deny it, subject to rule 1.380(c).” Thus, according to this provision of the rule, it would be proper to ask the opposing party to admit a proposition that would ultimately decide the case. *See Shaw v. State ex rel. Butterworth*, 616 So.2d 1094 (Fla. 4<sup>th</sup> DCA 1993); *Salazar v. Valle*, 360 So.2d 132 (Fla. 3d DCA 1978). Thrifty Call’s objection should be overruled and it should admit or deny the above Requests.

### Conclusion

By objecting to afore-mentioned discovery, Thrifty Call is, in essence, attempting to play “keep away” with the facts by refusing to answer AT&T Florida’s First Request for Admissions Nos. 3, 4, 5, 6, 12, 13, 15, 16, 17 and Fifth Set of Interrogatories Nos. 106, 107, 108, 109, 115, 116, 118, 119 and 120. This discovery is relevant, is reasonably calculated to lead to the discovery of admissible evidence and is not ambiguous, vague or overbroad. AT&T Florida is in need of the information requested in the above-referenced discovery to properly prepare its case for hearing and respectfully requests that the Commission grant its Motion to Compel.

Undersigned counsel conferred with Thrifty Call's counsel in an attempt to resolve the issues raised by the Motion; however, the parties were unable to resolve Thrifty Call's objections prior to the filing of the Motion.

WHEREFORE, for the foregoing reasons, AT&T Florida respectfully requests that the Commission grant its Motion to Compel.

Respectfully submitted this 5<sup>th</sup> day of May, 2008.

AT&T FLORIDA



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E. Earl Edenfield, Jr.  
Manuel A. Gurdian  
c/o Gregory R. Follensbee  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5558



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Lisa S. Foshee  
John T. Tyler  
AT&T Southeast  
Suite 4300, AT&T Midtown Center  
675 W. Peachtree St., NE  
Atlanta, GA 30375

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 FIRST REQUEST FOR ADMISSIONS

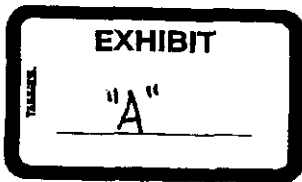
Thrifty Call, Inc. ("Thrifty Call"), hereby files these objections to BellSouth Telecommunications, Inc. d/b/a AT&T Florida's ("AT&T") First Request for Admissions, pursuant to Florida Public Service Commission Order No. PSC-07-1027-PCO-TP.

GENERAL OBJECTIONS AND RESERVATION OF RIGHTS

1. Any response to a Request for Admission 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 Response or the subject thereof, in this or any subsequent or other proceeding; and (b) the right to object on any ground to other

CMP Request for Admissions, document requests, or other discovery proceedings involving or relating
COM to the subject matter of the Request for Admission.
CTR

ECR 2. Thrifty Call will make a reasonable effort to respond to each and every individual
GCL 2 Request for Admission not objected to. If AT&T should assert an interpretation of any Request
OPC for Admission that differs from Thrifty Call's, Thrifty Call reserves the right to supplement or
RCA amend its Specific Objections.
SCR
SGA
SEC
OTH



DOCUMENT NUMBER DATE
03103 APR 18 08

3. Thrifty Call objects to each and every one of the Request for Admissions 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. Thrifty Call in no way intends to waive claims of confidentiality, subject to the executed Agreement.

5. Thrifty Call objects to the Instructions and to each Request for Admission 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.

6. Thrifty Call objects to providing information to the extent such information is already in the public record.

7. Thrifty Call objects to each Request for Admission 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 proceeding.

8. Thrifty Call expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the information provided pursuant to the Interrogatories.

9. Many of the Specific Objections that Thrifty Call makes are applicable to several of the Interrogatories. 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 for Admission 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 information relevant to resolution of these issues, or the Interrogatory applies to matters other than those subject to the jurisdiction of the Commission.

b. Unduly Burdensome: the Request for Admission 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 information relevant to resolution of the specific issue and either (a) the value of providing the information is outweighed by the burden of production or (b) AT&T can obtain the information through publicly available information.

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

d. Vague and Ambiguous: the Request for Admission is vague and ambiguous in that it does not describe the information sought with sufficient precision or particularity, fails to convey with reasonable clarity what is being requested, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of the specific Interrogatory. As such Thrifty Call cannot reasonably determine the intended meaning, scope or limits of the Request for Admission.

10. The information supplied herein is for use in this litigation and for no other purpose.

11. 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 ADMISSIONS**

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:

3. Admit that telephone voice traffic originating in Florida, routed through a switch in Orlando, Florida and delivered to an end-user in Florida is intrastate in nature.

Objection: Vague and Ambiguous and calls for a legal conclusion.

4. Admit that telephone voice traffic originating in Florida, routed through a switch in Atlanta, Georgia and delivered to an end-user in Florida is intrastate in nature.

Objection: Vague and Ambiguous and calls for a legal conclusion.

5. Admit that Thrifty Call did not correctly jurisdictionalize traffic delivered to AT&T Florida during the period of January 1, 1998 to December 1, 2000.

Objection: Vague and Ambiguous and calls for a legal conclusion.

6. Admit that Thrifty Call did not correctly jurisdictionalize traffic delivered to AT&T Florida during the period of July 1999 to June 2000.

Objection: Vague and Ambiguous and calls for a legal conclusion.

12. Admit that based upon the FCC's Declaratory Ruling issued in *In the Matter of Thrifty Call, Inc. Petition for Declaratory Ruling Concerning BellSouth Telecommunications, Inc. Tariff F.C.C. No. 1*, Thrifty Call did not correctly report PIUs to AT&T Florida for

traffic delivered to AT&T Florida during the period of January 1, 1998 to December 1, 2000.

Objection: Vague and Ambiguous and calls for a legal conclusion.

13. Admit that long distance telephone calls which originate and terminate within the State of Florida are intrastate calls subject to the Florida Public Service Commission's jurisdiction even though the calls may be routed through a switch located in another state.

Objection: Vague and Ambiguous and calls for a legal conclusion.

14. Admit that Thrifty Call has not paid AT&T North Carolina the amount of \$1,898,685 as ordered by the North Carolina Utilities Commission in its April 11, 2001 Recommended Order on Complaint in Docket No. P-447, SUB 5.

Objection: Irrelevant.

15. Admit that Thrifty Call was unable to completely and accurately determine the PIU it provided to AT&T Florida during the period of January 1, 1998 to December 1, 2000.

Objection: Overly Broad, Vague and Ambiguous and calls for legal conclusion.

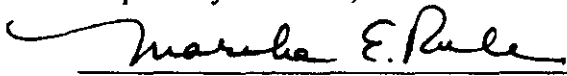
16. Admit that Thrifty Call was unable to completely and accurately determine the PIU it provided to AT&T Florida during the period of January 1, 1998 to December 1, 2000.

Objection: Overly Broad, Vague and Ambiguous and calls for legal conclusion.

17. Admit that Thrifty Call did not accurately determine the PIU it provided to AT&T Florida during the period of January 1, 1998 to December 1, 2000.

Objection: Overly broad, vague and ambiguous and calls for legal conclusion.

Respectfully submitted,

  
for KENNETH A. HOFFMAN, ESQUIRE  
MARTIN P. MCDONNELL, ESQUIRE  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
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[Marty@reuphlaw.com](mailto:Marty@reuphlaw.com)



**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  
Rick Mann  
Nancy Pruitt  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Tracy W. Hatch  
Manuel Gurdian  
AT&T Florida Legal Department  
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John T. Tyler  
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E. Earl Edenfield, Jr.  
c/o Greg Follensbee  
150 S. Monroe Street, Suite 400  
Tallahassee, Florida 32301

*for* Martina E. Phee  
MARTIN P. MCDONNELL, ESQ.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: )  
 )  
Complaint by BellSouth Telecommunications, Inc. ) Docket No. 000475-TP  
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 SET OF INTERROGATORIES TO THRIFTY CALL**

Thrifty Call, Inc. ("Thrifty Call"), hereby files these objections to BellSouth Telecommunications, Inc. d/b/a AT&T Florida's ("AT&T") Fifth Set of Interrogatories to Thrifty Call, pursuant to Florida Public Service Commission Order No. PSC-07-1027-PCO-TP.

**GENERAL OBJECTIONS AND RESERVATION OF RIGHTS**

1. Any response to an Interrogatory 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 Response or the subject thereof, in this or any subsequent or other proceeding; and (b) the right to object on any ground to other interrogatories, document requests, or other discovery proceedings involving or relating to the subject matter of the Interrogatory.

2. Thrifty Call will make a reasonable effort to respond to each and every individual Interrogatory that is not subject to a Specific Objection as Thrifty Call understands and interprets such Interrogatory. If AT&T should assert an interpretation of any Interrogatory 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 Interrogatories 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 invoke 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. Thrifty Call objects to the Instructions and to each Interrogatory 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.

6. Thrifty Call objects to providing information to the extent such information is already in the public record.

7. Thrifty Call objects to each Interrogatory 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 proceeding.

8. Thrifty Call expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the information provided pursuant to the Interrogatories.

9. Many of the Specific Objections that Thrifty Call makes are applicable to several of the Interrogatories. 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 Interrogatory 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 information relevant to resolution of these issues, or the Interrogatory applies to matters other than those subject to the jurisdiction of the Commission.

b. Unduly Burdensome: the Interrogatory 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 information relevant to resolution of the specific issue and either (a) the value of providing the information is outweighed by the burden of production or (b) AT&T can obtain the information through publicly available information.

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

d. Vague and Ambiguous: the Interrogatory is vague and ambiguous in that it does not describe the information sought with sufficient precision or particularity, fails to convey with reasonable clarity what is being requested, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of the specific

Interrogatory. As such Thrifty Call cannot reasonably determine the intended meaning, scope or limits of the Interrogatory.

10. The information supplied herein is for use in this litigation and for no other purpose.

11. 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 INTERROGATORIES**

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:

106. If you deny AT&T Florida's Request for Admission No. 3, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Vague and Ambiguous, and calls for a legal conclusion.

107. If you deny AT&T Florida's Request for Admission No. 4, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Vague and Ambiguous, and calls for a legal conclusion.

108. If you deny AT&T's Florida's Request for Admission No. 5, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Vague and Ambiguous, and calls for a legal conclusion.

109. If you deny AT&T Florida's Request for Admission No. 6, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Vague and Ambiguous, and calls for a legal conclusion.

115. If you deny AT&T's Florida's Request for Admission No. 12, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection. Vague and Ambiguous, and calls for a legal conclusion.

116. If you deny AT&T's Florida's Request for Admission No. 13, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Vague and Ambiguous, and calls for a legal conclusion.

117. If you deny AT&T's Florida's Request for Admission No. 14, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Irrelevant.

118. If you deny AT&T's Florida's Request for Admission No. 15, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Overly Broad, Vague and Ambiguous, and calls for legal conclusion.

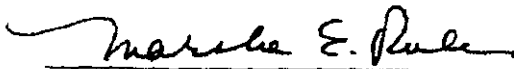
119. If you deny AT&T's Florida's Request for Admission No. 16, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Overly Broad, Vague and Ambiguous, and calls for legal conclusion.

120. If you deny AT&T's Florida's Request for Admission No. 17, please state each reason and basis for this denial. In answering this Interrogatory, please identify all sources for your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

Objection: Overly Broad, Vague and Ambiguous, and calls for legal conclusion.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

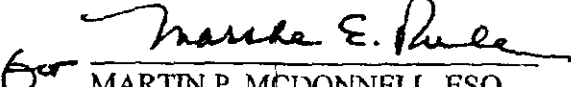
I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to the following this 18 day of April, 2008:

Charlene Poblete  
Rick Mann  
Nancy Pruitt  
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MARTIN P. MCDONNELL, ESQ.

FAUSERS\Marty\Thrifty Call\objectionsto AT&T\fbInterrogatories.doc