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March 6, 2001

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 000075-TP

Dear Ms. Bayo:

On behalf of the Florida Competitive Carriers Association (FCCA), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Florida Competitive Carriers Association's Motion for Protective Order and Response in Opposition to BellSouth Telecommunications, Inc.'s Emergency Global Motion to Compel.

Please acknowledge receipt of the above on the extra copy and return the stamped copies to me. Thank you for your assistance.

Sincerely,



Joseph A. McGlothlin

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CAF _____
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CTR _____ JAM/kmr
ECR _____ Enclosure
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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEIN, P.A.

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into appropriate methods
to compensate carriers for exchange of
traffic subject to Section 251 of the
Telecommunications Act of 1996.

Docket No.: 000075-TP

**FCCA'S MOTION FOR PROTECTIVE ORDER AND RESPONSE
IN OPPOSITION TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
EMERGENCY GLOBAL MOTION TO COMPEL**

Pursuant to Rule 28-106.204(1), F.A.C., and Rule 1.280(c) of the Florida Rules of Civil Procedure, the Florida Competitive Carriers Association ("FCCA") moves for a Protective Order, files its Response in Opposition to BellSouth Telecommunications, Inc.'s ("BellSouth") Emergency Global Motion to Compel and states:

1. FCCA is an industry association formed for the purpose of advocating competition in all markets. FCCA as an entity does not provide service in Florida. It has no customers and no reserves. For this reason, nearly all of BellSouth's interrogatories are inapplicable to FCCA. While BellSouth includes FCCA in its "global" motion, in a series of footnotes BellSouth acknowledges that FCCA responded to numerous interrogatories and does not challenge the sufficiency of those responses. As the motion relates to FCCA, only FCCA's objection to Interrogatory No. 4 is at issue here.

2. Interrogatory No. 4 states:

Identify all documents which refer or relate to any issue raised in Phase I of the Generic ISP Proceeding.


The FCCA objects to this Interrogatory on the grounds that it is overbroad and vague. The

request is so vague and open-ended that it departs from standards of proper discovery. To attempt to comply with the request would be unduly burdensome, and oppressive.

3. Vague and overbroad interrogatories exceed the permissible bounds of Rule 1.280 Florida Rules of Civil Procedure (2000). Caterpillar Industrial, Inc. v. Keskes, 639 So. 2d 1129 (Fla. 5th DCA 1994); Comprehensive American Care, Inc. v. Health Care Center of Homestead, Inc., 578 So. 2d 898 (Fla. 3rd DCA 1991); Mazda Motor Corp. v. Quinn, 524 So. 2d 1021 (Fla. 1st DCA 1987); Toyota Motor Corp. v. Greene, 483 So. 2d 130 (Fla. 1st DCA 1986).

4. Further, interrogatories cannot be used as a fishing expedition. See Walker v. Walker, 439 So. 2d 963 (Fla. 1st DCA 1983). Discovery should be used to seek information that is reasonably calculated to lead to the discovery of evidence admissible in the proceedings before the court. Id. By failing to provide appropriate criteria and boundaries, Interrogatory 4 fails this standard.

WHEREFORE, the FCCA respectfully requests the Prehearing Officer to enter an appropriate Protective Order pursuant to Florida Rule of Civil Procedure 1.280(c), and to deny BellSouth's Emergency Global Motion to Compel as it relates to FCCA's answer to Interrogatory No. 4.



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Attorneys for Florida Competitive Carriers

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of FCCA's Motion for Protective Order and Response in Opposition to BellSouth's Emergency Global Motion to Compel has been furnished by hand delivery (*) or U.S. Mail this 6th day of March, 2001 to the following:

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