

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida,
Inc. for arbitration of
Unresolved issues with BellSouth
Telecommunications, Inc.

Docket No.: 011119-TP
Filed: April 19, 2002

**XO FLORIDA, INC.'S OBJECTIONS TO STAFF'S FIRST SET OF
INTERROGATORIES (Nos. 1-9) TO XO FLORIDA, INC.**

Pursuant to Rule 28-106.206, Florida Administrative Code and Rule 1.340, Florida Rules of Civil Procedure, XO Florida, Inc. (XO) Objects to Staff's First Set of Interrogatories (Nos. 1-9) to XO Florida, Inc., and states as follows:

General Objections

1. XO objects to any request that calls for responses or production of documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these requests or is later determined to be applicable based on the discovery of documents, investigation or analysis. XO in no way intends to waive any such privilege or protection.

2. In certain circumstances, XO may determine upon investigation and analysis that information or documents that respond to certain requests to which objections are not otherwise asserted are confidential and proprietary and should be provided or produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide responses or produce documents in response to a request, XO is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. XO hereby asserts its right to require such protection of any and all responses and/or documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. XO objects to the definitions and instructions to the extent they purport to require

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XO to provide responses or documents or other information on diskette. XO will entertain specific requests to produce electronic copies of documents that so exist in the normal course of business in a format designed to preserve the integrity of these documents.

4. XO objects to any requests to the extent they purport to require XO to prepare information or documents or perform calculations that XO has not prepared or performed in the normal course of business as an attempt to expand XO's obligations under applicable law. XO will comply with applicable law.

5. XO further objects to any requests and any definitions or instructions that purport to expand XO's obligations under applicable law. XO will comply with applicable law.

6. XO objects to any request that requires the production of "all" or "each" responsive document. It may well be impossible to assure compliance with this request with the exercise of reasonable diligence.

7. XO objects to each and every request insofar as 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 request. Any answers provided by XO in response to these requests will be provided subject to, and without waiver of, the foregoing objection.

8. XO objects to each and every request insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and are not relevant to the subject matter of this action.

9. XO objects to each request insofar as any request is unduly burdensome, expensive, oppressive or excessively time consuming as written.

10. For each specific objection made below, XO incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.

Specific Objections

Interrogatory No. 3

11. Interrogatory No 3 requests XO to: "Identify each occurrence where BellSouth

has modified an existing unbundled loop causing disruption to an XO end-user's service." XO objects to this interrogatory as unduly burdensome, expensive, oppressive, and excessively time consuming. The information sought is not readily accessible. The specific information requested would require XO to prepare detailed compilations, lists, and/or research individual Purchase Order Numbers. XO does not maintain the information requested in such formats. Subject to and without waiving the foregoing objections, XO will provide all information related to this request upon which it intends to rely at the hearing.

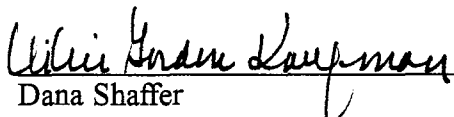
Interrogatory Nos. 5(b), (d) and (f)

12. Interrogatory No. 5(b) requests XO to, "identify all documents that support that XO has prepared and marketed services throughout the area served by BellSouth's Miami tandem." XO objects to this request to the extent that requires the production of "all" responsive documents. It may well be impossible to assure compliance with this request with the exercise of reasonable diligence. Subject to and without waiving the foregoing objections, XO will identify documents responsive to this request.

13. Interrogatory No. 5(d) requests XO to, "identify all documents that support that XO is providing local exchange service in each of the rate centers served by BellSouth's Miami tandem." XO objects to this request to the extent that requires the production of "all" responsive documents. It may well be impossible to assure compliance with this request with the exercise of reasonable diligence. Subject to and without waiving the foregoing objections, XO will identify documents responsive to this request.

14. Interrogatory No. 5(d) requests XO to, "identify all documents that support that XO is currently holding itself out as offering local exchange services to requesting customers throughout the rate centers served by BellSouth's Miami tandem." XO objects to this request to

the extent that requires the production of "all" responsive documents. It may well be impossible to assure compliance with this request with the exercise of reasonable diligence. Subject to and without waiving the foregoing objections, XO will identify documents responsive to this request.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing XO Florida, Inc.'s Objections to Staff's First Set of Interrogatories (Nos. 1-9) to XO Florida, Inc. has been furnished by (*) hand delivery or by U. S. Mail on this 19th day of April, 2002, to the following:

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