

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review and cancellation
of BellSouth Telecommunications, Inc.'s Key
Customer promotional tariffs and for investigation
of BellSouth's promotional pricing and marketing
practices, by Florida Digital Network, Inc.

Docket No.: 020119-TP

In Re: Petition for expedited review and cancellation
Of BellSouth Telecommunications, Inc.'s Key
Customer promotional tariffs by Florida Competitive
Carriers Association.

Docket No.: 020578-TP

Filed: October 28, 2002

ACCESS INTEGRATED NETWORKS, INC.'S
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES (NOS. 1 - 30) TO
ACCESS INTEGRATED NETWORKS, INC.

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, Access Integrated Networks, Inc. ("Access") Objects to the BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories (Nos. 1-30) and states as follows:

General Objections

1. Access objects to any interrogatory that calls for information 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 interrogatories or is later determined to be applicable based on the discovery of documents, investigation or analysis. Access in no way intends to waive any such privilege or protection.

2. In certain circumstances, the Access may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced

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only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information in response to such interrogatory, the Access is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. Access hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. The Access objects to these interrogatories and any definitions and instructions that purport to expand the Access's obligations under applicable law. The Access will comply with applicable law.

4. Further, the Access objects to these interrogatories to the extent they purport to require Access to conduct an analysis or create information not prepared by Access's experts or consultants in their preparation for this case. The Access will comply with its obligations under the applicable rules of procedure.

5. Access objects to any interrogatory that requires the identification of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be identified.

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

Specific Objections

7. BellSouth's Interrogatory No. 1 states:

Please identify all documents (including without limitation meeting minutes, e-mail, memos, and letters that discuss or are related to: (a) the FDN petition; (b) the FDN petition; (c) the January Key Customer Offering; (d) the June Key Customer Offering; (e) any matter that is at issue in this proceeding.

Access objects to this interrogatory as it seeks information protected by the attorney-client and work product privileges.

8. BellSouth's Interrogatory No. 2 states:

Please explain in detail how you contend Section 364.01, Florida Statutes, should be interpreted in evaluation of each of the following items for compliance with Chapter 364, Florida Statutes: (a) a BellSouth promotional tariff; (b) an ALEC promotional tariff; (c) a BellSouth tariff that is not a promotional tariff; and (d) an ALEC tariff that is not a promotional tariff.

Access objects to this interrogatory as it seeks information protected by the work product privilege. Further, Access objects to this interrogatory as irrelevant and not reasonably calculated to the discovery of admissible evidence as it requests information regarding ALEC tariffs, which are not at issue in this case.

9. BellSouth's Interrogatory No. 3(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it seeks information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

10. BellSouth's Interrogatory No. 4(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it seeks information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

11. BellSouth's Interrogatory No. 5 states:

Please identify: (a) each section of your Florida tariffs that has been in effect at any time after January 1, 2001 that sets forth termination liability terms and conditions; and (b) any contract for telecommunications services between you and any Florida end user for telecommunications services that has been in effect at any time after January 1, 2001 and that sets forth termination liability terms and conditions.

Access objects to this interrogatory as irrelevant and not reasonably calculated to the discovery of admissible evidence as it requests information regarding Access' tariffs, which are not at issue in this case.

12. BellSouth's Interrogatory No. 6(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it seeks information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

13. BellSouth's Interrogatory No. 7 states:

(a) Please state whether you have made any local service offerings available to Florida end users for a limited time only (i.e. in order to avail itself of the offer, the end user was required to sign-up for or otherwise accept the offering before a given date or within a given amount of time after the offer was extended).

(b) If your response to (a) is anything other than an unqualified "no," please describe each such limited-time offer in detail and produce a copy of any and all documents associated with each such limited-time offers (including without limitation tariffs, documents sent to or filed with the Commission and/or its Staff; contracts, etc.).

Access objects on the basis that the information sought by the interrogatory is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence, as it requests information regarding Access' tariffs, which are not at issue in this case. In addition, the information sought by the interrogatory is irrelevant because under Florida law, which is designed to encourage nascent competition, the standard governing the regulation of the promotions and offerings of a dominant incumbent differs from that applicable to a new entrant

that has no ability to control the market. Further, interrogatory 7(b) impermissibly requests Access to produce documents.

14. BellSouth's Interrogatory No. 8(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it requests information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

15. BellSouth's Interrogatory No. 9(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it seeks information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

16. BellSouth's Interrogatory No. 10(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it seeks information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

17. BellSouth's Interrogatory No. 11(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it seeks information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

18. BellSouth's Interrogatory No. 12(e) and (f) state:

(e) Describe in detail each and every communication between you and your representatives with regard to the resale of the BellSouth promotional tariff offering; and

(f) Identify all documents associated with each such contact.

Access objects to this interrogatory as unduly burdensome in that it requires Access to describe "each and every communication" or the identification of "all documents."

19. BellSouth's Interrogatory No. 14(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it seeks information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

20. BellSouth's Interrogatory No. 15(b) states:

Identify all authority (including without limitation federal and state statutes, federal and state agency decisions, and federal and state caselaw) that supports each of the criteria set forth in your response to (a).

Access objects to this interrogatory as it seeks information protected by the work product privilege. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all authority."

21. BellSouth's Interrogatory No. 18 states:

(a) Do you offer telecommunications services to any business end users in Florida at rates, terms and /or conditions that vary from the rates, terms,

and/or conditions set forth in the tariffs you have filed with the Florida Public Service Commission?

(b) If your answer to (a) is anything other than an unqualified "no," please describe in detail the rates, terms, and conditions under which you provide service to business end users in Florida that vary in any way from the rates, terms, and conditions set forth in the tariffs you have filed with the Florida Public Service Commission.

(c) If your answer to (a) is anything other than an unqualified "no," please identify all contracts or other documents related to your provision of rates terms and conditions under which you provide service to business end users in Florida that vary in any way from the rates, terms, and conditions set forth in the tariffs you have filed with the Florida Public Service Commission.

Access objects on the basis that the information sought by the interrogatory is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence, as it requests information regarding Access' tariffs, which are not at issue in this case. In addition, the information sought by the interrogatory is irrelevant because under Florida law, which is designed to encourage nascent competition, the standard governing the regulation of the promotions and offerings of a dominant incumbent differs from that applicable to a new entrant that has no ability to control the market. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all contracts or other documents."

22. BellSouth's Interrogatory No. 20 states:

(a) Do you offer any telecommunications services to business customers under contract?

(b) If your answer to (a) is anything other than an unqualified "no," please describe all services that you provide under contract, identify the contract term lengths available, describe in detail any charges, liability, or penalty that the contract requires the end user to pay if the end user terminates the contract prior to the expiration of its term.

Access objects on the basis that the information sought by the interrogatory is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence, as it requests

information regarding Access' tariffs, which are not at issue in this case. In addition, the information sought by the interrogatory is irrelevant because under Florida law, which is designed to encourage nascent competition, the standard governing the regulation of the promotions and offerings of a dominant incumbent differs from that applicable to a new entrant that has no ability to control the market. Access further objects to this interrogatory as unduly burdensome in that it requires the identification of "all services."

23. BellSouth's Interrogatory No. 21 states:

Please identify any documents or other information in your possession regarding any offering by which you have made available (or are currently making available) rates, terms, conditions, discounts, rebates, checks, or other items only to persons and/or entities who were not your end user customers (either generally or with regard to any particular telecommunications service) as of the time of the offer.

Access objects on the basis that the information sought by the interrogatory is irrelevant and is not calculated to lead to the discovery of admissible evidence as it requests information regarding Access' tariffs, which are not at issue in this case. In addition, the information sought by the interrogatory is irrelevant because under Florida law, which is designed to encourage nascent competition, the standard governing the regulation of the promotions and offerings of a dominant incumbent differs from that applicable to a new entrant that has no ability to control the market.

24. BellSouth's Interrogatory No. 22 states:

Please identify any documents in your possession regarding any offering by which discuss, address, or relate to the use of special contracts, contract service arrangements and/or special promotions by BellSouth, by any other ILEC, by you, by any ALEC, or by ALECs generally.

Access objects on the basis that the information sought by the interrogatory is irrelevant and is not calculated to lead to the discovery of admissible evidence as it requests information

regarding Access' tariffs, which are not at issue in this case. In addition, the information sought by the interrogatory is irrelevant because under Florida law, which is designed to encourage nascent competition, the standard governing the regulation of the promotions and offerings of a dominant incumbent differs from that applicable to a new entrant that has no ability to control the market.

25. BellSouth's Interrogatory No. 23 states:

Please identify all documents by which you market any telecommunications products and/or services in Florida (including without limitation: advertisements in newspapers, periodicals, and trade publications; copies of billboard advertisements; transcripts of radio or television advertisements; direct mailings, faxes, and e-mails; "leave-behind" materials; telemarketing scripts; web pages; marketing brochures; and comparable materials.)

Access objects to this interrogatory as unduly burdensome in that it requires the identification of "all documents."

26. BellSouth's Interrogatory No. 24 states:

Please identify a copy of all materials that you have used between June 2001 and the present to train any person(s) who is or may be selling telecommunications services to end users in BellSouth's operating territory in the state of Florida.

Access objects on the basis that the information sought by the interrogatory is irrelevant and is not calculated to lead to the discovery of admissible evidence as it requests information that does not relate to any issue in this case. Further, Access objects on the basis that the requested information is proprietary and confidential. In addition, Access objects to this interrogatory as unduly burdensome in that it requires the identification of "all materials."

27. BellSouth's Interrogatory No. 28 states:

Please identify any documents in your possession that discuss, address, or relate to: (a) your share of the Florida local telecommunications market (or any segment thereof); (b) the ALECs share of the Florida local

telecommunications market (or any segment thereof); (BellSouth's share of the Florida local telecommunications market (or any segment thereof).

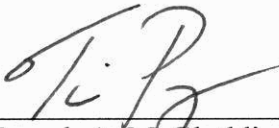
Access objects on the basis that the requested information is proprietary and confidential.

28. BellSouth's Interrogatory No. 29 states:

(a) In the past twelve months, have you sought to fund your telecommunications operations in the state of Florida by borrowing money (including without limitation the issuance of bonds) or by selling equity?

(b) If the answer to (a) is anything but an unqualified "no," please identify all documents associated with any such borrowing of money or sale of equity in which you have described in any manner whatsoever the anticipated results of your operations in Florida.

Access objects on the basis that the information sought by the interrogatory is irrelevant and is not calculated to lead to the discovery of admissible evidence as it requests information that does not relate to any issue in this case.

 for JAM

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Access Integrated Networks, Inc.'s Objections to BellSouth's First Set of Interrogatories (Nos. 1-30) to Access Integrated Networks, Inc. has been furnished by (*) hand delivery, (**) e-mail or by U.S. Mail on this 28th day of October 2002 to the following:

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