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WESLEY R. PARSONS

WRITER'S DIRECT NO

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May 13, 1998

Ms. Blanca Bayó, Director
Public Service Commission
Division of Records and Reporting
Room 110, Easley Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

ATC v. TSI
Docket No.: 951232-TI

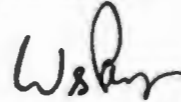
Dear Ms. Bayó:

Enclosed for filing with the Public Service Commission are an original and fifteen copies of TSI's Response to Transcall's Notice of Taking Deposition Duces Tecum (including Motion for Protective Order).

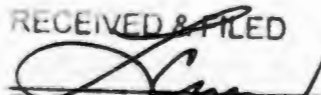
Also enclosed is an additional copy of the filing, and a self-addressed stamped envelope. Please file-stamp and return the copy in the envelope.

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Sincerely,



Wesley R. Parsons

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FPSC-RECORDS/REPORTING

BEFORE THE STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION

**DOCKET NO. 951232-TI
FILED: October 17, 1995**

In Re: Dade County Circuit Court referral of)
certain issues in Case No. 92-11654 CA 11)
(Transcall America, Inc. vs. Telecommunications)
Services, Inc. and Telecommunications Services,)
Inc. vs. Transcall America, Inc. and Advanced)
Telecommunications Corp.) that are within the)
Commission's jurisdiction.)
_____)

**TSI'S RESPONSE TO TRANSCALL'S
NOTICE OF TAKING DEPOSITION DUCES TECUM
(INCLUDING MOTION FOR PROTECTIVE ORDER)**

Telecommunication Services, Inc. ("TSI"), pursuant to Rules 1.310(b)(5) and 1.350, Florida Rules of Civil Procedure, responds to the Notice of Taking Deposition Duces Tecum of Transcall America, Inc. d/b/a ATC Long Distance ("Transcall"), served May 7, 1998. TSI has no objection to the noticed depositions, but objects to the document request contained in the notice on the following grounds:

1. Rule 1.310(b)(5) provides that a deposition notice to a party deponent may be accompanied by a document request, which must be made in compliance with Rule 1.350. Transcall's request fails to comply with Rule 1.350 because it requires that the deponents (not the party, TSI) have with them at their deposition the requested documents 21 days after the request. The request is thus defective in numerous respects: (a) there is no "party deponent" --- the deponents are non-parties, and accordingly Rule 1.310(b)(5) may not be used; (b) the time provided is inadequate; (c) the place of production--the deposition--is improper because TSI has already invoked

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Rule 1.350(b) to produce documents as they are kept in the ordinary course of business at TSI's warehouse and expert's office; (d) many of the documents requested have already been produced by TSI to Transcall on March 25, 1998, and counsel have a second appointment to review them on May 20, 1998; (e) all the requests simply duplicate prior requests contained in Transcall's Second Request for Production of Documents, served April 29, 1998; and (f) the requests are objectionable for other reasons set forth below.

2. Pursuant to Rule 1.280(c), TSI moves for a protective order against the document request and prays that the discovery not be had because the requests are not in compliance with the rules.

3. As to the specific requests, TSI responds as follows, reserving the right to amend its response if necessary in light of the insufficient notice provided by Transcall:

a. Request 1. TSI objects to this request on the grounds it is overbroad in apparently requesting all "documents that reflect customer lists," is ambiguous in referring to "successor companies," and seeks discovery not tending to lead to the discovery of admissible evidence to the extent it requests documents reflecting customers of "successor companies," and does not specify a terminating date for the request. Notwithstanding these objections, and without waiving them, documents satisfying this request during the term of the parties' business relationship have previously been produced on March 25, 1998, to Transcall's counsel as they are kept in the ordinary course of business.

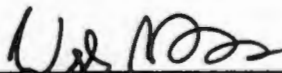
b. Request 2. TSI objects to this request on the grounds that documents satisfying this request have previously been produced on March 25, 1998, to Transcall's counsel as they are kept in the ordinary course of business.

c. **Request 3.** TSI objects to this request on the grounds it is overbroad in apparently requesting all "documents that reflect customers lost," and seeks discovery not tending to lead to the discovery of admissible evidence. Notwithstanding these objections, and without waiving them, some documents satisfying this request have previously been produced on March 25, 1998, to Transcall's counsel as they are kept in the ordinary course of business.

d. **Request 4.** TSI objects to this request on the grounds it is overbroad in apparently requesting all "documents that reflect customer migration," is ambiguous in referring to TSI having "moved its customers," and seeks discovery not tending to lead to the discovery of admissible evidence.

e. **Request 5.** TSI objects to this request on the grounds it is overbroad and ambiguous in apparently requesting all "documents relating to the financial condition of TSI [and] business records", and seeks discovery not likely to lead to the discovery of admissible evidence, and does not specify a terminating date for the request. Notwithstanding these objections, and without waiving them, some documents satisfying this request during the term of the parties' business relationship have previously been produced on March 25, 1998, to Transcall's counsel as they are kept in the ordinary course of business.

ADORNO & ZEDER, P.A.



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Attorneys for TSI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S.

Mail this 13 day of May, 1998 to:

**Albert T. Gimbel
Messer, Caparello & Self, P.A.
215 South Monroe Street, Suite 701
Tallahassee, Florida 32302-1878**

**Beth Keating
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32301**

