

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of	)	EB Docket No. 03-85
	)	
BUSINESS OPTIONS, INC.	)	File No. EB-02-TC-151
	)	NAL/Acct. No. 30033217002
Order to Show Cause and	)	FRN: 0007179054
Notice of Opportunity for Hearing	)	

To: Chief Administrative Law Judge  
Richard L. Sippel

**ENFORCEMENT BUREAU'S OBJECTIONS  
TO BUSINESS OPTIONS' FIRST INTERROGATORIES**

On June 27, 2003, Business Options, Inc. ("BOI") filed its "First Interrogatories" in the captioned proceeding. The Enforcement Bureau (the "Bureau"), pursuant to Section 1.323(b) of the Commission's rules, 47 C.F.R. § 1.323(b), hereby submits its objections to the Interrogatories.

**General Objections**

By the subject Interrogatories, BOI seeks information from the Bureau that is not relevant to any issue designated in the captioned proceeding or reasonably calculated to lead to the discovery of admissible evidence. Generally, BOI's Interrogatories may be divided into two groups. By its first two Interrogatories, BOI requests that the Bureau identify all staff who "communicated" with other Commission or Bureau staff relating to the Show Cause Order. Such information is clearly irrelevant to the resolution of any of the designated issues in this case and, indeed, goes to the core of the Commission's deliberative process. BOI's second group of Interrogatories is similarly improper. By its 16 subsequent Interrogatories (Interrogatories 3-18), BOI would have the Bureau conduct BOI's legal research by finding and listing past Commission

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cases involving violations of the various rules that BOI appears to have violated. The precedent that BOI seeks, however, is publicly available to any party, including BOI, and will not lead to the introduction of any relevant evidence. Accordingly, BOI's attempt to have the Bureau do its work constitutes an impermissible use of discovery and should summarily be rejected.

### **Specific Objections**

#### **Interrogatory Number 1**

*Identify all employees or agents of the Enforcement Bureau who communicated with employees or agents of the Commission or the Enforcement Bureau relating to the Show Cause Order, either prior to or subsequent to April 7, 2003.*

#### **Response to Interrogatory Number 1**

The Bureau objects to this Interrogatory on the grounds that it seeks information that is not relevant to any designated issue in the captioned proceeding in that it is not formulated to discover information pertaining to any fact at issue. The Bureau further objects to this Interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is also objectionable because it seeks information that goes to the essence of the Commission's deliberative processes

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to the employees or agents with knowledge of the Show Cause Order, and would necessarily include employees or agents whose responsibilities, no matter how ancillary to the deliberation, writing or release of the Show Cause Order, required them to communicate with

another employee or agent regarding the Order. Likewise, the Bureau further objects to this Interrogatory on the grounds that it is unduly burdensome in that a virtually limitless number of employees or agents “communicated” with others regarding the Show Cause Order.

The Bureau also objects to this Interrogatory on the grounds that it is vague and ambiguous in that the word “communicated” in this context is indefinite and open to several possible meanings.

**Interrogatory Number 2**

*For each employee or agent of the Enforcement Bureau identified in response to Interrogatory Number 1, identify the employee or agent of the Commission of the Enforcement Bureau with whom the communication occurred.*

**Response to Interrogatory Number 2**

The Bureau objects to this Interrogatory on the grounds that it seeks information that is not relevant to any designated issue in the captioned proceeding in that it is not formulated to discover information pertaining to any fact at issue. The Bureau further objects to this Interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is also objectionable because it seeks information that goes to the essence of the Commission’s deliberative processes

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to the employees or agents with knowledge of the Show Cause Order, and would necessarily include employees or agents whose responsibilities, no matter how ancillary to

the deliberation, writing or release of the Show Cause Order, required them to communicate with another employee or agent regarding the Order. Likewise, the Bureau further objects to this Interrogatory on the grounds that it is unduly burdensome in that a virtually limitless number of employees or agents “communicated” with others regarding the Show Cause Order.

The Bureau also objects to this Interrogatory on the grounds that it is vague and ambiguous in that the word “communicated” in this context is indefinite and open to several possible meanings.

### **Interrogatory Number 3**

*Identify all individuals or entities that the Enforcement Bureau or the Commission has found to be in violation of Sections 64.1100-64.1190 of the Commission’s rules regarding changing customers’ long distance carriers.*

#### **Response to Interrogatory Number 3**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to

the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

#### **Interrogatory Number 4**

*For each individual or entity identified in response to Interrogatory 3, identify the number of violations of Sections 64.1100-64.1190 that occurred.*

#### **Response to Interrogatory Number 4**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 5**

*Identify the penalty assessed on each individual or entity identified in response to Interrogatory 3, for each violation of Sections 64.1100-64.1190 of the Commission's rules.*

**Response to Interrogatory Number 5**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 6**

*Identify all instances where an individual or entity's authority to operate as a common carrier has been revoked for a violation of Sections 64.1100-64.1190 of the Commission's rules.*

**Response to Interrogatory Number 6**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 7**

*Identify all instances where any individual or entity has had its operating authority revoked as a result of a violation of the Commission's rules.*

**Response to Interrogatory Number 7**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time. The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a relevant class of licensee.

**Interrogatory Number 8**

*Identify all individuals or entities that the Enforcement Bureau or the Commission has found to be in violation of Section 64.1195 of the Commission's rules regarding registration requirements.*

**Response to Interrogatory Number 8**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 9**

*For each individual or entity identified in response to Interrogatory 8, identify the number of violations of Section 64.1195 that occurred.*

**Response to Interrogatory Number 9**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 10**

*Identify the penalty assessed on each individual or entity identified in response to Interrogatory 8, for each violation of Section 64.1195 of the Commission's rules.*

**Response to Interrogatory Number 10**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 11**

*Identify all instances where an individual or entity's authority to operate as a common carrier has been revoked for a violation of Sections 64.1195 of the Commission's rules.*

**Response to Interrogatory Number 11**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 12**

*Identify all individuals or entities that the Enforcement Bureau of the Commission has found to be in violation of Sections 63.71 and 63.505 of the Commission's rules regarding discontinuance procedures and customer notification requirements related to discontinuance of service.*

**Response to Interrogatory Number 12**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 13**

*For each individual or entity identified in response to Interrogatory 12, identify the number of violations of Section 63.71 and 63.505 that occurred.*

**Response to Interrogatory Number 13**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 14**

*Identify the penalty assessed on each individual or entity identified in response to Interrogatory 12, for each violation of Section 63.71 or 63.505 of the Commission's rules.*

**Response to Interrogatory Number 14**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 15**

*Identify all instances in where an individual or entity's authority to operate as a common carrier has been revoked for a violation of Section 63.71 or 63.505 of the Commission's rules.*

**Response to Interrogatory Number 15**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

The Bureau further objects to this Interrogatory on the grounds that it is not relevant to the facts at issue in this proceeding. Moreover, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time.

**Interrogatory Number 16**

*Identify all individuals or entities that the Enforcement Bureau or the Commission has found to have engaged in misrepresentation or lack of candor to the Commission, under Section 1.17 of the Commission's rules or otherwise.*

**Response to Interrogatory Number 16**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

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The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time, is not limited to a particular Commission rule, and is not limited to a relevant class of licensee.

**Interrogatory Number 17**

*Identify the penalty assessed on each individual or entity identified in response to Interrogatory 16.*

**Response to Interrogatory Number 17**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

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The Bureau further objects to this Interrogatory on the grounds that it is overly broad in that it is not limited to a reasonable period of time, is not limited to a particular Commission rule, and is not limited to a relevant class of licensee.

**Interrogatory Number 18**

*Identify all instances in where an individual or entity's authority to operate as a common carrier has been revoked for engaging in a misrepresentation or lack of candor to the Commission, under Section 1.17 of the Commission's rules or otherwise.*

**Response to Interrogatory Number 18**

The Bureau objects to this Interrogatory on the grounds that it is unduly burdensome in that it essentially seeks to have the Bureau perform legal research on behalf of BOI. Moreover, this Interrogatory would require the Bureau to survey all Commission enforcement actions to acquire information unrelated to the facts at issue in this proceeding. In this regard, the Bureau further objects to this Interrogatory on the grounds that the information sought is readily available to BOI and is a matter of public record. Stated simply, should BOI seek this information, it is free to conduct the research itself.

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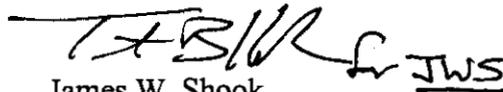
Respectfully submitted,



Maureen F. Del Duca

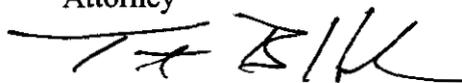
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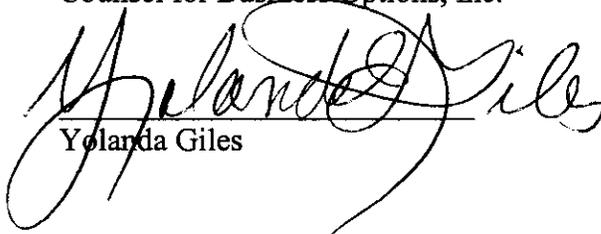
July 11, 2003

CERTIFICATE OF SERVICE

Yolanda Giles, a staff assistant in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 11th of July, 2003, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Objections to Business Options' First Interrogatories" to:

\* Chief Administrative Law Judge Richard L. Sippel  
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\* Hand-delivered