

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into pricing of )  
unbundled network elements - Sprint )  
and Verizon track )

Docket No. 990649B-TP  
Filed: February 25, 2002

**AT&T, MCI AND FDN'S OBJECTIONS TO  
VERIZON FLORIDA, INC.'S SECOND SET OF INTEROGATORIES**

AT&T Communications of the Southern States, LLC (hereinafter "AT&T"), MCI WorldCom, Inc. (hereinafter "MCI") and Florida Digital Network, Inc. (hereinafter "FDN"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code and Rules 1.350 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following Objections to Verizon Florida, Inc.'s (hereinafter "Verizon") Second Set of Interrogatories to AT&T Communications of the Southern States, LLC, MCI WorldCom, Inc., and Florida Digital Network, Inc.

**The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. PSC-01-1592-PCO-TP issued by the Florida Public Service Commission (hereinafter the "Commission") in the above-referenced docket. Should additional grounds for objection be discovered as AT&T, WorldCom and FDN prepare its Responses to the above-referenced set of requests, AT&T/MCI/FDN reserve the right to supplement, revise, or modify its objections at the time that it serves its Responses on Verizon. Moreover, should AT&T/MCI/FDN determine that a Protective Order is necessary with respect to any of the material requested by**

DOCUMENT NUMBER - DATE

02212 FEB 25 02

FPSC-COMMISSION CLERK

**Verizon, AT&T/MCI/FDN reserve the right to file a motion with the Commission seeking such an order at the time that it serves its Responses on Verizon.**

General Objections

AT&T/MCI/FDN make the following General Objections to Verizon's Second Set of Interrogatories which will be incorporated by reference into AT&T, WorldCom and FDN's specific responses when its Responses are served on Verizon.

1. AT&T/MCI/FDN object to Verizon's Second Set of Interrogatories to the extent that it is overly broad, unduly burdensome, oppressive, not permitted by applicable discovery rules, and would require AT&T, WorldCom or FDN to disclose information which is privileged.

2. AT&T/MCI/FDN have interpreted Verizon's requests to apply to AT&T/MCI/FDN's regulated intrastate operations in Florida and will limit its Responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, AT&T/MCI/FDN object to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. AT&T/MCI/FDN object to each and every request and instruction to the extent that such request or instruction calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege.

4. AT&T/MCI/FDN object to each and every request insofar as the request 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 these requests. Any Responses provided by AT&T/MCI/FDN in response to Verizon's requests will be provided subject to, and without waiver of, the foregoing objection.

5. AT&T/MCI/FDN object to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. AT&T/MCI/FDN will attempt to note each instance where this objection applies.

6. AT&T/MCI/FDN object to Verizon's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on AT&T, WorldCom and FDN which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. AT&T/MCI/FDN object to providing information to the extent that such information is already in the public record before the Florida Public Service Commission.

8. AT&T/MCI/FDN object to each and every request, general instruction, or definition insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. AT&T/MCI/FDN object to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that Verizon's requests seek proprietary

confidential business information which is not the subject of the "trade secrets" privilege, AT&T/MCI/FDN will make such information available to counsel for Verizon pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. AT&T/MCI/FDN are large corporations with employees located in many different locations in Florida and in other states. In the course of its business, AT&T/MCI/FDN create countless documents that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Rather, these responses will provide all of the information obtained by AT&T/MCI/FDN after a reasonable and diligent search conducted in connection with this discovery request. AT&T/MCI/FDN will comply with Verizon's request that a search be conducted of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more, AT&T/MCI/FDN object on the grounds that compliance would impose an undue burden or expense.

11. AT&T/MCI/FDN object to the definitions of "AT&T", "MCI" and "FDN" to the extent that such definitions seek to impose an obligation on AT&T Communications of the Southern States, LLC, MCI WorldCom, Inc. or Florida Digital Network, Inc. to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definition is overly broad, unduly

burdensome, oppressive, and not permitted by applicable discovery rules. Without waiver of its general objection, and subject to other general and specific objections, Answers will be provided on behalf of AT&T Communications of the Southern States, LLC, MCI WorldCom, Inc. or Florida Digital Network, Inc. which is the entity certificated to provide regulated telecommunications services in Florida and which is a party to this docket. All references to "AT&T", "MCI" or "FDN" in responding to Verizon's requests should be taken to mean AT&T Communications of the Southern States, LLC, MCI WorldCom, Inc. or Florida Digital Network, Inc.

12. AT&T/MCI/FDN object to the definitions of "you" and "your" to the extent that such definitions seek to impose an obligation on AT&T Communications of the Southern States, LLC, MCI WorldCom, Inc. or Florida Digital Network, Inc. to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Without waiver of its general objection, and subject to other general and specific objections, Answers will be provided on behalf of AT&T Communications of the Southern States, LLC, MCI WorldCom, Inc. or Florida Digital Network, Inc. which is the entity certificated to provide regulated telecommunications services in Florida and which is a party to this docket. All references to "AT&T", "MCI" or FDN in responding to Verizon's requests should be taken to mean AT&T Communications of the Southern States, LLC, MCI WorldCom, Inc. or Florida Digital Network, Inc.

**SPECIFIC OBJECTIONS**

**INTERROGATORY NO. 25: What cost of capital does each member of the ALEC Coalition use to evaluate local exchange projects? As to each member of the ALEC Coalition, please specify whether this cost of capital is after-tax or before-tax. Please fully describe the cost of equity models that each member of the ALEC Coalition uses to develop the cost of capital and specify all model assumptions and inputs.**

**OBJECTION:** AT&T, and WorldCom object to this interrogatory on the grounds that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Florida Digital objects to this interrogatory on the basis that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory seeks cost of capital information which Florida Digital uses to evaluate local exchange projects. As a small ALEC, Florida Digital's corporate structure, business profile, investment risk, and cost of capital are so drastically different from the corresponding characteristics of a large LEC like Verizon that information regarding Florida Digital's cost of capital is irrelevant to the issues in this case. The Commission

ruled in the BellSouth phase of this docket that only information on companies comparable to the LEC may be germane to an evaluation of LEC cost of capital when setting UNE prices. See Order No. PSC-01-1181-FOF-TP at 169. Florida Digital also objects to this interrogatory on the grounds that the interrogatory requests highly sensitive, confidential, proprietary information and is designed to harass Florida Digital rather than being reasonably tailored to obtain information that could be of any relevance or use in this proceeding.

**INTERROGATORY NO. 26: Please identify all suppliers that have available for purchase NGDLC RT equipment that has the functionality to support multi-carrier operation and 2-wire analog loop unbundling.**

**OBJECTION:** AT&T, WorldCom, and FDN object to this interrogatory on the grounds that it is overly broad and unduly burdensome.

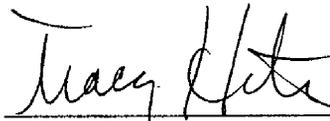
**INTERROGATORY NO. 27: Please identify all switch vendors that have available for purchase digital circuit switching equipment and associated application software that has the functionality to support multi-carrier GR-303 operation and 2-wire analog loop unbundling.**

**OBJECTION:** AT&T, WorldCom, and FDN object to this interrogatory on the grounds that it is overly broad and unduly burdensome.

**INTERROGATORY 31: Please specify what value for the number of equivalent business days Dr. Ankum believes should be used in a switching cost study.**

**OBJECTION:** AT&T, WorldCom and FDN object to this interrogatory on the grounds that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

SUBMITTED this 25th day of February 2002.



---

TRACY W. HATCH, ESQ.  
FLOYD R. SELF, ESQ.  
MESSER, CAPARELLO & SELF, P. A.  
Post Office Box 1876  
Tallahassee, FL 32302-1876  
(850) 222-0720

Attorney for AT&T Communications of the  
Southern States, LLC

and

Donna McNulty, Esq.  
MCI WorldCom, Inc.  
The Atrium Building, Suite 105  
325 John Knox Road  
Tallahassee, FL 32303

and

Matthew Feil, Esq.  
Florida Digital Network, Inc.  
390 North Orange Avenue, Suite 2000  
Orlando, Florida 32801

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of AT&T, MCI and FDN's Objections to Verizon Florida, Inc.'s Second Set of Interrogatories in Docket 990649B-TP has been served on the following parties by Hand Delivery (\*) and/or U. S. Mail this 25<sup>th</sup> day of February, 2002.

Jason Fudge, Esq.\*  
Division of Legal Services, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Nancy B. White  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

Claudia Davant-DeLoach, Esq.  
AT&T  
101 N. Monroe St., Suite 700  
Tallahassee, FL 32301

Virginia Tate, Esq.  
AT&T  
1200 Peachtree St., Suite 8068  
Atlanta, GA 30309

Jeffrey Whalen, Esq.  
John Fons, Esq.  
Ausley Law Firm  
P.O. Box 391  
Tallahassee, FL 32302

Michael A. Gross  
Vice President, Regulatory Affairs  
& Regulatory Counsel  
Florida Cable Telecommunications Assoc., Inc.  
246 E. 6<sup>th</sup> Avenue  
Tallahassee, FL 32301

Kimberly Caswell  
Verizon Select Services  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110

Donna McNulty, Esq.  
WorldCom  
The Atrium Building, Suite 105  
325 John Knox Road  
Tallahassee, FL 32303

Mr. Brian Sulmonetti  
WorldCom, Inc.  
6 Concourse Parkway, Suite 3200  
Atlanta, GA 30328

Marc W. Dunbar, Esq.  
Pennington, Moore, Wilkinson, Bell &  
Dunbar, P.A.  
P.O. Box 10095  
Tallahassee, FL 32302-2095

Charles J. Rehwinkel  
Sprint-Florida, Incorporated  
MC FLTHO0107  
P.O. Box 2214  
Tallahassee, FL 32399-2214

Mark Buechele  
Supra Telecom  
1311 Executive Center Drive, Suite 200  
Tallahassee, FL 32301

Carolyn Marek  
Vice President of Regulatory Affairs  
Southeast Region  
Time Warner Communications  
233 Bramerton Court  
Franklin, TN 37069

Ms. Wanda Montano  
US LEC of Florida, Inc.  
6801 Morrison Blvd  
Charlotte, NC 28211-3599

Vicki Kaufman, Esq.  
Joe McGlothlin, Esq.  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 S. Gadsden Street  
Tallahassee, FL 32301

Patrick Wiggins  
Charles Pellegrini  
Katz, Kutter Law Firm  
106 East College Avenue, 12<sup>th</sup> Floor  
Tallahassee, FL 32301

Richard D. Melson  
Hopping Green Sams & Smith, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314

BlueStar Networks, Inc.  
Norton Cutler/Michael Bressman  
5 Corporate Centre  
801 Crescent Centre Drive, Suite 600  
Franklin, TN 37067

Mr. John Spilman  
Broadslate Networks of Florida, Inc.  
675 Peter Jefferson Parkway, Suite 310  
Charlottesville, VA 22911

Ms. Catherine F. Boone  
Covad Communications Company  
10 Glenlake Parkway, Suite 650  
Atlanta, GA 30328-3495

Florida Digital Network, Inc.  
390 North Orange Avenue, Suite 2000  
Orlando, Florida 32801

Mr. Don Sussman  
Network Access Solutions Corporation  
Three Dulles Tech Center  
13650 Dulles Technology Drive  
Herndon, VA 20171-4602

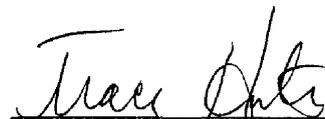
Rodney L. Joyce  
Shook, Hardy & Bacon LLP  
600 14<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20005-2004

Michael Sloan  
Swidler & Berlin  
3000 K Street, NW #300  
Washington, DC 20007-5116

George S. Ford  
Z-Tel Communications, Inc.  
601 S. Harbour Island Blvd.  
Tampa, FL 33602-5706

Lisa Korner Butler  
Vice President Regulatory & Industry Affairs  
Network Plus, Inc.  
41 Pacella Park Drive  
Randolph, MA 01063

Andrew O. Isar  
Miller Isar, Inc.  
7901 Skansie Avenue, Suite 240  
Gig Harbor, WA 98335

  
\_\_\_\_\_  
Tracy W. Hatch