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July 21, 2003

VIA FEDERAL EXPRESS

Mrs. Blanca S. Bayo
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Petition by AT&T Communications of the Southern States, LLC
And TCG South Florida for Arbitration of Interconnection
Agreement with Sprint-Florida, Incorporated Under the
Telecommunications Act of 1996
Docket No.: 030296-TP

Dear Mrs. Bayo:

Please find enclosed for filing in your office the original and fifteen (15) copies of AT&T Communications of the Southern States, LLC and TCG of South Florida (collectively "AT&T") Objections to Staff's Second Set of Interrogatories and Second Request for Production of Documents in the above referenced docket.

Please stamp two (2) copies of the Objections in the usual manner and return to us via our courier.

If you have any questions, please do not hesitate to contact me at 404-888-7437.

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Sincerely yours,

Loretta A. Cecil

Enclosure(s)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Arbitration of)
Unresolved Issues Resulting From) Docket No.: 030296-TP
Negotiations with Sprint-Florida,)
Inc. for Interconnection Agreement,)
By AT&T Communications of the) Filed: July 21, 2003
Southern States, LLC d/b/a AT&T)
And TCG South Florida)

AT&T OBJECTIONS TO STAFF'S 2ND SET OF INTERROGATORIES (NOS. 9-19)

AT&T Communications of the Southern States, Inc. and TCG South Florida (collectively "AT&T"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, hereby submit the following Objections to Staff's Second Set of Interrogatories (Nos. 9-19).

I. OVERVIEW.

1. These AT&T Objections are preliminary in nature and are made for the purpose of complying with the five (5) day requirement set forth in Order No. PSC-03-0692-PCO-TP issued by the Florida Public Service Commission ("Commission") in this proceeding on June 9, 2003. Should additional grounds for Objections be discovered as AT&T prepares its responses, AT&T reserves the right to supplement, revise, or modify these Objections at the time that AT&T provides its responses to the Interrogatories.

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II. GENERAL OBJECTIONS.

AT&T makes the following general Objections to Staff's Interrogatories which will be incorporated by reference into AT&T's specific responses, where provided, when AT&T responds to the Interrogatories.

1. AT&T objects to each and every Interrogatory insofar as the request calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

2. AT&T objects to each and every Interrogatory 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 Interrogatories. Where provided, responses provided by AT&T to Staff's Interrogatories will be provided subject to, and without waiving, this general Objection.

3. AT&T objects to each and every Interrogatory 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 proceeding.

4. AT&T objects to each and every Interrogatory insofar as the request exceeds the requirements of the Florida Rules of Civil Procedure or Florida law.

5. AT&T objects to responding to any Interrogatory insofar as the request seeks responsive information already is in the public domain, or

otherwise on record with the Commission or the Federal Communications Commission ("FCC").

6. AT&T objects to each and every Interrogatory insofar as the request is unduly burdensome, expensive, oppressive, or excessively time consuming for response thereto as written.

7. AT&T objects to each Interrogatory insofar as the request seeks responsive information which constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. Insofar as the request seeks proprietary business information which is not subject to a "trade secrets" privilege, and AT&T makes such responsive information available to Staff, AT&T only will make responsive information available to counsel for Staff pursuant to an appropriate Protective Agreement, and subject to any requirements of the Commission relative to protecting such proprietary business information.

8. AT&T is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, AT&T creates numerous documents that are not subject to either 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. Therefore, it is impossible for AT&T to affirm that every responsive document in existence has been provided in response to an Interrogatory. Instead, where provided, AT&T's responses will provide all of the information obtained by AT&T after

a reasonable and diligent search conducted in connection the Interrogatory. Such search will include only a review 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 objects on the ground that compliance would be unduly burdensome.

III. SPECIFIC OBJECTIONS.

Subject to, and without waiving any of the foregoing general Objections, AT&T makes the following specific Objections with respect to the following Interrogatories:

INTERROGATORY NO. 9: Please refer to the rebuttal testimony of David Talbott, page 36, lines 11-14, where he states that “in its ‘intercarrier Compensation Notice of Proposed Rulemaking,’ the FCC will determine how all telecommunications carriers, including local and long distance carriers, will compensate each other.” During the pendency of that proceeding, how will Sprint be compensated, and at what rate will it be compensated, for interstate and interstate toll traffic that is terminated over local trunks using VoIP technology?

OBJECTION: AT&T objects to this Interrogatory on the grounds that the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, the request is overly broad, oppressive, and seeks information that is subject to the trade secrets privilege and that is beyond the scope of this proceeding.

With respect to the scope of this proceeding, in the June 19, 2003 testimony of David L. Talbott filed on behalf of AT&T in this proceeding ("Talbot Testimony"), AT&T set forth its position that determining compensation for Voice Over Internet Protocol ("VOIP") calls is not an appropriate issue to be decided in this proceeding.¹ As AT&T described in the Talbot Testimony, in Docket No. 000075-TP,² the Commission previously determined that compensation regarding VOIP traffic was not "ripe" for consideration.³ Subsequent to the Commission's Order in Docket No. 000075-TP, on October 18, 2002, AT&T filed with FCC its "Petition For Declaratory Ruling That Phone-To-Phone IP Telephony Services Are Exempt From Access Charges."⁴ Recognizing the pendency of AT&T's *FCC VOIP Petition*, on December 31, 2002 in Docket No. 0216061-TP,⁵ the Commission declined to address whether Phone-To-Phone IP telephony services constitute "telecommunications" under Florida law, noting that the ". . . the FCC currently considering a similar matter."⁶ In such Order, the Commission also specifically found that ". . . it would be administratively

¹ Talbot Testimony at Pages 64-71.

² *In Re: Investigation into Appropriate Methods to Compensate Carriers for Exchange of Traffic Subject to Section 251 of the Telecommunications Act of 1996*, Florida PSC Docket No. 000075-TP, FL PSC Order PSC-02-1248-FOF-TP, September 10, 2002, at Page 37 ("*Florida Reciprocal Compensation Order*").

³ *Id.* at Page 37.

⁴ *In the Matter of Petition for Declaratory Ruling That AT&T's Phone-To-Phone IP Telephony Services Are Exempt From Access Charges*; WC Docket No. 02-361 ("*AT&T FCC VOIP Petition*").

⁵ *In Re: Petition of CNM Networks, Inc. for Declaratory Statement that CNM's Phone-To-Phone Internet Protocol (IP) Technology Is Not "Telecommunications" and that CNM Is Not a "Telecommunications Company Subject to Florida Public Service Commission Jurisdiction*, FL PSC Docket No. 021061-TP, FL PSC Order PSC-02-1858-FOF-TP, December 31, 2002, at Page 1 (*Florida CNM Networks, Inc. Order*).

⁶ *Florida CNM Networks, Inc. Order* at Page 3.

inefficient” to make such a determination while this FCC proceeding was underway.”⁷

Additionally, as AT&T indicated in Talbott’s Testimony, Sprint is fully engaged in AT&T’s *FCC VOIP Petition*, having filed Comments with the FCC on December 18, 2002, Reply Comments on January 24, 2003, and an Exparte Presentation on March 13, 2003. In its Comments, Sprint indicated that it “. . . agree[d] with AT&T that there was a pressing need for the [FCC] to clarify whether Phone-To-Phone VOIP traffic should be subject to or exempt from access charges.”⁸ Moreover, in urging the FCC to so rule, Sprint specifically brought to the FCC’s attention that this Commission had dismissed CNM’s Petition. Sprint stated:

On December 17, 2002, the Florida PSC dismissed a petition filed by CNM Networks, Inc. for a declaratory statement that Phone-To-Phone IP telephony is not telecommunications (PSC Docket No. 0216061-TP). The PSC cited, among other factors, the instant proceeding before the FCC as a reason to defer action at the state level at this time. Thus, it is clear that at least some state PUC’s expect the FCC to assume a leadership role in this matter and clarify this *national policy*.⁹

Accordingly, because (1) Sprint is engaged in the current FCC proceeding dealing with VOIP traffic; (2) Sprint agrees that the FCC should decide compensation for VOIP as a matter of *national policy*, and (3) it is highly unlikely that the Commission will “overrule” itself and decide what

⁷ *Id.*

⁸ *AT&T FCC VOIP Petition*, Sprint Comments at Page 9.

⁹ *Id.* at Pages 9-10 [emphasis added].

compensation, if any, is appropriate for VOIP traffic only six (6) months after issuing its *Florida CNM Networks, Inc. Order*, AT&T objects to any Interrogatories dealing with VOIP calls because responding to such Interrogatories will not provide the Commission with relevant information regarding compensation for VOIP calls. In this respect, even if AT&T were capable of providing such information, AT&T's information would be that of only one ALEC operating in Florida, thus providing the Commission with incomplete information regarding an issue which the Commission already has determined will have industry-wide ramifications.¹⁰

INTERROGATORY NO. 19: For purposes of the following request, please refer to the rebuttal testimony of AT&T witness Talbott, page 40, lines 7-8. Please identify specifically where the FCC has asserted that phone-to-phone voice over internet protocol services is an information service.

OBJECTION: Same Objection as for Interrogatory 9.

¹⁰ *Florida CNM Networks, Inc. Order* at Page 3.

Respectfully submitted this 21st day of July, 2003.

Loretta A. Cecil /SK

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Attorney for AT&T Communications of
the Southern States, LLC and
TCG South Florida

CERTIFICATE OF SERVICE
DOCKET NO. 030296-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically and U.S. Mail this 21st day of July, 2003 to the following:

AT&T
& TCG South Florida
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Email: lisariley@att.com

AT&T Communications of the Southern States, LLC
Tracy Hatch
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Womble Carlyle Law Firm (GA)
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Loretta A. Cecil, Esq.

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Arbitration of)
Unresolved Issues Resulting From) Docket No.: 030296-TP
Negotiations with Sprint-Florida,)
Inc. for Interconnection Agreement,)
By AT&T Communications of the) Filed: July 21, 2003
Southern States, LLC d/b/a AT&T)
And TCG South Florida)

AT&T OBJECTIONS TO STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 3-7)

AT&T Communications of the Southern States, Inc. and TCG South Florida ("AT&T"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, hereby submit the following Objections to Staff's Second Request for Production of Documents (Nos. 3-7).

I. OVERVIEW.

1. These AT&T Objections are preliminary in nature and are made for the purpose of complying with the five (5) day requirement set forth in Order No. PSC-03-0692-PCO-TP issued by the Florida Public Service Commission ("Commission") in this proceeding on June 9, 2003. Should additional grounds for Objections be discovered as AT&T prepares its responses, AT&T reserves the right to supplement, revise, or modify these Objections at the time that AT&T provides its responses to the Requests.

II. GENERAL OBJECTIONS.

AT&T makes the following general Objections to the Request for

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Production of Documents which will be incorporated by reference into AT&T's specific responses, where provided, when AT&T responds to the Request for Production of Documents.

1. AT&T objects to Staff's First Request for Production of Documents to the extent that it is overly broad, unduly burdensome, oppressive, not permitted by applicable discovery rules, and would require AT&T to disclose information which is privileged.

2. AT&T has interpreted Staff's requests to apply to AT&T'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 objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. AT&T objects 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 objects 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 in response

to Staff's requests will be provided subject to, and without waiver of, the foregoing objection.

5. AT&T objects 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 will attempt to note each instance where this objection applies.

6. AT&T objects to Staff's general instructions, definitions or specific discovery requests insofar as they seek to impose obligations on AT&T which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

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

8. AT&T objects 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 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 Staff's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, AT&T will make such information

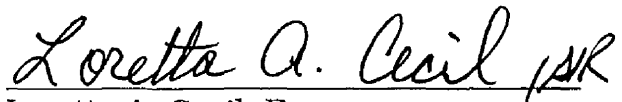
available to counsel for Staff pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. AT&T is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, AT&T 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 after a reasonable and diligent search conducted in connection with this discovery request. AT&T will comply with Staff'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 object on the grounds that compliance would impose an undue burden or expense.

11. AT&T object to the definitions of "AT&T" to the extent that such definitions seek to impose an obligation on AT&T Communications of the Southern States, LLC 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 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" in responding to Staff's requests should be taken to mean AT&T Communications of the Southern States, LLC.

Respectfully submitted this 21st day of July, 2003.

A handwritten signature in cursive script that reads "Loretta A. Cecil" followed by a stylized monogram "WR".

Loretta A. Cecil, Esq.
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Attorney for AT&T Communications of
the Southern States, LLC and
TCG South Florida

CERTIFICATE OF SERVICE
DOCKET NO. 030296-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically and U.S. Mail this 21st day of July, 2003 to the following:

AT&T
& TCG South Florida
Ms. Lisa A. Riley
1200 Peachtree Street, N.E., Ste. 8026
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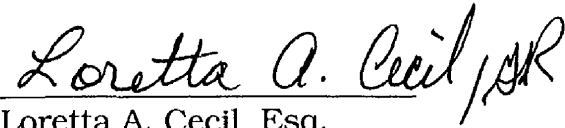
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