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December 18, 2003

Ms. Blanca Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED : FPSC  
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COMMISSION  
CLERK

Re: Docket No. 030852-TP

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Allegiance Telecom of Florida, Inc.'s Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and Requests for Production.

Also enclosed is an extra copy of this letter. Please acknowledge receipt of this transmittal by date-stamping the extra copy and returning it to the undersigned in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,

Charles V. Gerkin, Jr.

CVG/s  
Enclosures  
cc: Parties of Record

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FPSC-BUREAU OF RECORDS

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

<p>In re:</p> <p>IMPLEMENTATION OF REQUIREMENTS ARISING FROM FEDERAL COMMUNICATIONS COMMISSION'S TRIENNIAL UNE REVIEW: LOCATION-SPECIFIC REVIEW FOR DS1, DS3 AND DARK FIBER LOOPS, AND ROUTE-SPECIFIC REVIEW FOR DS 1, DS3 AND DARK FIBER TRANSPORT</p>	<p>Docket No. 030852-TP</p> <p>Filed: December 18, 2003</p>
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**ALLEGIANCE TELECOM OF FLORIDA, INC.'S  
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S  
FIRST SET OF INTERROGATORIES AND  
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

Allegiance Telecom of Florida, Inc. ("Allegiance"), pursuant to the Order Establishing Procedure, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003, and Second Order on Procedure, Order No. PSC-03-1265-PCO-TP (hereinafter collectively "Procedural Orders"), issued November 7, 2003 by the Florida Public Service Commission (hereinafter "Commission"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.350 of the Florida Rules of Civil Procedure, hereby submits the following objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories and First Requests for Production of Documents. Allegiance's objections are preliminary in nature. Allegiance reserves the right to amend, supplement, or revise these objections, and assert additional objections, should Allegiance discover additional grounds for objecting as Allegiance prepares its responses to any discovery or at any time prior to hearing.

**General Objections to BellSouth's Interrogatories**

1. Allegiance objects to each interrogatory to the extent that it seeks to impose an obligation on Allegiance to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this

case on the grounds that such interrogatory is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. Allegiance objects to BellSouth's Interrogatories to Allegiance to the extent that the interrogatories are overly broad, lack specificity, unduly burdensome, irrelevant and not likely to lead to the discovery of admissible evidence.

3. Allegiance objects to BellSouth's Interrogatories to Allegiance to the extent that the interrogatories seek discovery of information protected by attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege.

4. Allegiance objects to BellSouth's Interrogatories to Allegiance to the extent that the interrogatories purport to impose discovery obligations on Allegiance beyond the scope of what is permitted under the Procedural and Scheduling Order.

5. Allegiance objects to BellSouth's Interrogatories to Allegiance to the extent that the interrogatories purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") or Florida law.

6. Allegiance objects to all Interrogatories which require the disclosure of information which already is in the public domain, information of or to which BellSouth already has possession or unrestricted access, and information that is otherwise on record with the Commission or the FCC.

7. Allegiance objects to BellSouth's Interrogatories to Allegiance to the extent that the interrogatories seek information and discovery of facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information.

8. Pursuant to the TRO, to the extent that BellSouth's interrogatories request specific financial, business or proprietary information regarding Allegiance's economic business model, Allegiance

objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon Allegiance's economic business model. The only probative evidence of whether competitive carriers are impaired without access to particular unbundled network elements is evidence of the actual operations of facilities-based competitors.

9. Allegiance objects to each interrogatory to the extent that it is vague, ambiguous, overly broad, imprecise, or to the extent that it utilizes terms that are subject to multiple interpretations and are not properly defined or explained for the purposes of this discovery. Any answers provided by Allegiance in response to the First Set will be provided subject to, and without waiver of, the foregoing objection.

10. Allegiance objects to each interrogatory to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Allegiance will attempt to state in its responses each instance where this objection applies.

11. Allegiance objects to each interrogatory to the extent that it seeks to have Allegiance create documents not in existence at the time of the request.

12. Allegiance objects to each interrogatory to the extent that responding to it would be unduly burdensome, expensive, oppressive, or excessively time consuming.

13. Allegiance objects to each interrogatory to the extent that it is not limited to any stated period of time and, therefore, is overly broad and unduly burdensome.

14. Allegiance objects to BellSouth's definition of "business case" as vague and overly broad.

#### **SPECIFIC OBJECTIONS TO INTERROGATORIES**

15. List all BellSouth wire centers in the Southeastern states where you have collocation, either virtual or physical. In Microsoft Excel format, list the 11-character wire center CLLI code and the

CLLI code designating each arrangement you have within that wire center. For each wire center listed identify:

- g. The number of active and inactive 2-fiber cross-connects
- h. The number of active and inactive 4-fiber cross-connects

Allegiance objects to these Interrogatories on the ground that they seek information that is not reasonably calculated to lead to the discovery of admissible evidence in that the number of active and inactive fiber cross-connects in Allegiance's collocation arrangements is not relevant to whether non-ILECs have deployed transport on any routes or deployed loops to any customer locations. Allegiance further objects to these Interrogatories on the ground that they are overly broad, unduly burdensome and oppressive.

25. For each arrangement identified in response to Interrogatory 24 and in response to Interrogatory 16, please list the types of services that are provided utilizing such an arrangement.

- a. List all types of services you offer to your end users from each collocation space describe or demand and the quantity of each service you provide and/or offer.
- b. For each service identified in (a), list the average monthly revenue associated with each type of service.

Allegiance objects to this Interrogatory on the ground that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence in that the services that Allegiance offers to end users and the revenue associated with those services is not relevant to whether non-ILECs have deployed transport on any routes or deployed loops to any customer locations. Allegiance further objects to this Interrogatory on the ground that it is overly broad, unduly burdensome and oppressive.

27. Describe with particularity all factors you consider when deciding whether to extend high capacity loop or transport facilities to:

- a. pick up additional traffic;
- b. pick up additional or new customers;
- c. pick up additional or new buildings.

Allegiance objects to this Interrogatory on the ground that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence in that the factors that Allegiance considers when deciding to extend high capacity loops or transport are not relevant to whether non-ILECs have deployed transport on any routes or deployed loops to any customer locations. Allegiance further objects to this Interrogatory on the ground that it is overly broad, unduly burdensome and oppressive.

#### **Specific Objections to Requests for Production**

3. Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyzes or otherwise refers or relates to your actual or planned deployment of high capacity transport and/or loop facilities within the Southeastern states.

Allegiance objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. To the extent that this Request seeks documents containing specific financial, business or proprietary information regarding Allegiance's economic business model, Allegiance objects to providing or producing any such documents on the ground that the Request presumes that the market entry analysis is contingent upon Allegiance's economic business model. The only probative evidence of whether competitive carriers are impaired without access to particular unbundled network elements is evidence of the actual operations of facilities-based competitors. As a result, discovery of Allegiance financial information or business plans will not lead to the discovery of admissible evidence in this proceeding. Allegiance also objects on the ground that the Request seeks the disclosure of commercially sensitive, confidential and proprietary business information. Allegiance also objects because as defined within the Requests the term "business case"

is overly broad and burdensome. Allegiance also objects because, particularly in view of the fact the information is irrelevant, requiring Allegiance to disclose its internal analyses would be oppressive and unduly burdensome. Additionally, Allegiance objects to this Request to the extent it seeks or may be deemed to seek or require the production or disclosure of documents subject to the attorney/client privilege or other privileges, the work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege.

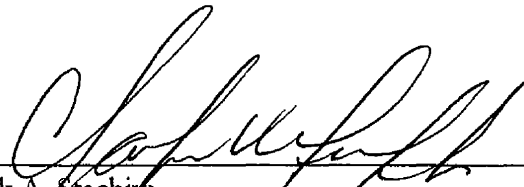
4. Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyzes or otherwise refers or relates to your obtaining high capacity transport and/or loop facilities from other persons.

Allegiance objects to this Request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. To the extent that this Request seeks documents containing specific financial, business or proprietary information regarding Allegiance's economic business model, Allegiance objects to providing or producing any such documents on the ground that the Request presumes that the market entry analysis is contingent upon Allegiance's economic business model. The only probative evidence of whether competitive carriers are impaired without access to particular unbundled network elements is evidence of the actual operations of facilities-based competitors. As a result, discovery of Allegiance financial information or business plans will not lead to the discovery of admissible evidence in this proceeding. Allegiance also objects on the ground that the Request seeks the disclosure of commercially sensitive, confidential and proprietary business information. Allegiance also objects because as defined within the Requests the term "business case" is overly broad and burdensome. Allegiance also objects because, particularly in view of the fact the information is irrelevant, requiring Allegiance to disclose its internal analyses would be oppressive and unduly burdensome. Additionally, Allegiance objects to this Request to the extent it seeks or may be deemed to seek or require the production or disclosure of documents subject to the

attorney/client privilege or other privileges, the work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege.

5. Produce all documents from 2000 to present referring or relating to how you determine whether or not to deploy high capacity transport and/or loop facilities.

Allegiance objects to this Request on the ground that it seeks documents that are not reasonably calculated to lead to the discovery of admissible evidence in that how Allegiance determines whether or not to deploy high capacity transport or loop facilities is not relevant to whether non-ILECs have deployed transport on any routes or deployed loops to any customer locations. Allegiance further objects to this Interrogatory on the ground that it is overly broad, unduly burdensome and oppressive.



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