

Eric Fryson

From: Kim Hancock [khancock@kagmlaw.com]
Sent: Tuesday, January 31, 2012 12:23 PM
To: Filings@psc.state.fl.us
Cc: Ann Cole; Lee Eng Tan; sm6526@att.com; Thatch@att.com; mark@mfoosterlaw.com; Vicki Gordon Kaufman
Subject: Docket No. 110087-TP
Attachments: Ltr AT&T re objections to PODs & ROGs 1.31.12.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

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b. This filing is made in Docket No. 110087-TP.

c. The document is filed on behalf of Express Phone Service, Inc.

d. The total pages in the document are 2 pages.

e. The attached document is Express Phone's response to AT&T's objections and request for clarification.

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DOCUMENT NUMBER / DATE

00624 JAN 31 2012

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1/31/2012

January 31, 2012

Via Email and U.S. Mail

Suzanne L. Montgomery
Tracy W. Hatch
150 South Monroe Street, Suite 400
Tallahassee, FL 32301

Re: Docket No. 110087-TP, Express Phone discovery requests to AT&T

Dear Suzanne and Tracy:

This will confirm our conversation this morning regarding AT&T's requests for clarification of Express Phone's 1st Set of Interrogatories and 1st Request for Production to AT&T. Specific clarifications and our agreements thereto are set out below.

Preliminarily, regarding all objections to providing information that AT&T claims is protected by the attorney-client or work product privilege, please see the directions for identifying such information on page 3 of Express Phone's Interrogatories and page 3 of Express Phone's Request for Production.

Interrogatory Nos. 1 & 2: These interrogatories seek information as to both expert and fact witnesses. To the extent a question is inapplicable to a fact witness, we've agreed, you will simply so note.

Interrogatory No. 4: "BellSouth ILEC in the BellSouth region" is intended to refer to Bellsouth Telecommunications, LLC and encompasses the AT&T ILECs, including but not limited to AT&T Florida, AT&T Georgia, AT&T South Carolina etc. This clarification is applicable to all requests where AT&T has raised this question.

Further, as we discussed, one of the core issues in dispute in this case is whether AT&T may attach additional conditions to a CLEC's right to adopt an ICA. Thus, we do not agree with your attempt to reword Express Phone's question to incorporate your position. We've agreed

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that you will include your view in your response and respond to the question, subject to other objections.

Interrogatory No. 5: We've agreed to limit the timeframe of the question to January 1, 2006 to present. We've agreed to define "jurisdiction of adoption" as the regulatory authority (i.e., Florida Public Service Commission, Georgia Public Service Commission, etc.) where the adoption was approved.

Interrogatory Nos. 6, 7, 8, 9: See clarification of Interrogatory No. 4.

Interrogatory No. 10, 11: "Issues identified in this docket" refers to the issues listed on Attachment A to Order No. PSC-12-0031-PCO-TP.

Production Request Nos. 1, 5: These production requests seek information as to both expert and fact witnesses. To the extent, a question is inapplicable to a fact witness, we've agreed that you will simply so note.

Production Request Nos. 2, 3, 7, 8, 9, 10: See clarification of Interrogatory No. 4.

I believe this resolves AT&T's requests for clarification. We look forward to receiving complete responses to our discovery.

Sincerely,



Vicki Gordon Kaufman

cc: Ann Cole
Lee Eng Tan
Mark Foster