

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rule 25-24.845, F.A.C. )  
Customer Relations; Rules Incorporated, )  
and proposed amendments to Rules )  
25-4.003, F.A.C., Definitions; 25-4.110, )  
F.A.C., Customer Billing; 25-4.118, F.A.C., )  
Interexchange Carrier Selection; 25-24.490, )  
F.A.C., Customer Relations; Rules )  
Incorporated. )

Docket No. 970882-TI

Filed: 10-10-97

**AT&T'S RESPONSE AND OBJECTIONS TO OPC'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (1-13)**

AT&T Communications of the Southern States, Inc. (hereinafter "AT&T"), 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 Responses and Objections to the First Request for Production of Documents to AT&T Communications of the Southern States, Inc. filed by the Office of the Public Counsel (OPC) on September 10, 1997.

Response

Subject to the following objections and its separately-filed Notice of Intent to Request

Specified Confidential Classification and Request for Temporary Protective Order, AT&T will

produce responsive documents by agreement with the Office of the Public Counsel at 9:00 a.m. on

October 14, 1997 at the offices of AT&T, 101 N. Monroe Street, Suite 700, Tallahassee, Florida

92301.

Objections

AT&T makes the following Objections to OPC's First Request for Production of

Documents.

RECEIVED & FILED

*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10438 OCT 10 97

FPSC-RECORDS/REPORTING

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP Adwell  
CAF \_\_\_\_\_  
CIR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
LIT 5  
OFC \_\_\_\_\_  
RCH 1  
WFS \_\_\_\_\_  
DTH \_\_\_\_\_

1. AT&T objects to paragraph 2 of the "Definitions" section of the Requests for Production of Documents to the extent that the definitions of "you", "your", "Company" or "AT&T" seek to impose an obligation on AT&T Communications of the Southern States, 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, responses will be provided on behalf of AT&T Communications of the Southern States, 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" in responding to the requests for production of documents should be taken to mean AT&T Communications of the Southern States, Inc.

2. AT&T has interpreted OPC'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, voluminous, 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 these 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.

6. AT&T objects to OPC's 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 to comply with as written. However, in an attempt to be responsive to OPC's request, AT&T has complied information for review by OPC and will attempt to work with OPC to provide that type and level of information required by OPC in this docket.

9. AT&T objects 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 the 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 OPC pursuant to an appropriate Protective Order, subject to any other general or specific objections contained herein.

10. AT&T objects to each and every request on the grounds that AT&T is not a party to this proceeding.

11. AT&T objects to each and every request to the extent that it seeks information that AT&T is prohibited from disclosing pursuant to Section 364.24, Florida Statutes.

12. 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 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. Therefore, it is possible that every document may not be provided in response to these discovery requests. 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 is complying with OPC'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 objects on the grounds that compliance would impose an undue burden or expense.

#### Additional Objections to Specific Requests

In addition to, and without waiver of, the foregoing general objections, AT&T enters the following specific objections with respect to OPC's requests:

Requests No. 3, 7, 8, 10: These requests call for customer account records and information such as customer name, address and telephone numbers. Pursuant to Section 364.24, Florida Statutes, AT&T is unable to produce such information without subpoena.

SUBMITTED this 10th day of October, 1997.



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**ATTORNEY FOR AT&T  
COMMUNICATIONS OF THE SOUTHERN  
STATES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished by U.S. Mail this 10th day of  
October, 1997, to:

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Marsha E. Rule