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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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FLORIDA PUBLIC  
SERVICE COMMISSION

98 JAN 16 AM 6 22  
MAIL ROOM

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. 98-22-TI

Filed. 1-15-98

AT&T'S RESPONSE AND OBJECTIONS TO OPC'S  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (14-23)

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 Second Request for Production of Documents to AT&T Communications of the Southern States, Inc. filed by the Office of the Public Counsel (OPC) on December 5, 1997. The response time has been extended by agreement with Public Counsel.

General Response

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

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP ( ) \_\_\_\_\_  
CAF 2 \_\_\_\_\_  
CMU 2 \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
LIN 5 \_\_\_\_\_  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

Specified Confidential Classification and Request for Temporary Protective Order, AT&T will produce responsive documents by delivering copies to the Office of the Public Counsel.

Objections

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

DOCUMENT NUMBER-DATE  
~~98-22-TI~~ JAN 16 8  
FPSC-RECORDS/REPORTING

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. AT&T agrees to produce documents relating to AT&T Communications of the Southern States, Inc.'s provision of intrastate telecommunications service in Florida.

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; AT&T has operations worldwide with thousands of employees, most of whose job responsibilities bear no relationship to the provision of regulated intrastate telecommunications services in Florida. AT&T will produce documents related to the scope of this proceeding.

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.

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. However, AT&T will produce such information pursuant to subpoena as required by Section 364.24, Florida Statutes, subject to claims of confidentiality and trade secret.

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.

**Responses and Additional Objections to Specific Requests**

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

**Request No. 14:** This request calls for "every LOA . . . whose true purpose is difficult or impossible to ascertain" as described in the testimony of AT&T's witness, Jerry Watts. AT&T will supply some LOAs in its possession that it considers to be examples of such LOAs, but such LOAs are not used by or on behalf of AT&T, nor does AT&T collect and store such LOAs in the ordinary

course of its business. It therefore would be burdensome to require AT&T to search its records to determine whether some of its employees may be in possession of such LOAs, and AT&T objects to this interrogatory to the extent it requires AT&T to do so.

**Request No. 15:** AT&T will produce responsive documents.

**Request No. 16:** AT&T will produce responsive documents, subject to its notice of intent to request specified confidential classification and request for temporary and permanent protective order.

**Request No. 17:** AT&T will produce responsive documents to the extent they relate to its regulated Florida intrastate operations and subject to its notice of intent to request specified confidential classification and request for temporary and permanent protective order. However, AT&T objects to the production of customer account record information, disclosure of which is prohibited by Section 364.24, Florida Statutes, and further objects to the extent such information is in a customer list that constitutes a "trade secret" under Section 364.24, Florida Statutes. Upon receipt of a subpoena for such information, AT&T will produce such information and will file a Request for Temporary and Permanent Protective Order more specifically setting forth any objections to individual records. In order to facilitate Public Counsel's discovery, AT&T will produce redacted copies of such documents.

**Request No. 18:** AT&T will produce responsive documents.

**Request No. 19:** AT&T will produce responsive documents.

**Request No. 20:** This request calls for "every document . . . evaluating or describing the problem of slamming by AT&T". AT&T objects to this request as overly broad; it essentially seeks to have AT&T examine every document that could relate to slamming to determine whether it evaluates or describes the problem in some way. While AT&T will produce documents it believes to

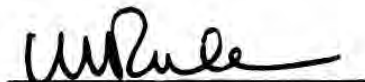
be responsive after a search conducted in connection with this discovery request, it would be unduly burdensome and oppressive to require AT&T to comply with the request as written.

**Request No. 21: AT&T will provide responsive documents.**

**Request No. 22: AT&T will provide responsive documents that relate to its Florida regulated intrastate operations.**

**Request No. 23: AT&T will provide responsive documents subject to its notice of intent to request specified confidential classification and request for temporary and permanent protective order.**

**DATED this 15th day of January, 1998.**



**Marsha E. Rule**  
101 N. Monroe St.  
Suite 700  
Tallahassee, FL 32301  
(904) 425-6365

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

**CERTIFICATE OF SERVICE**

**Docket No. 970882-TI**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail this 15<sup>th</sup> day of July, 1998, to the following parties:

**Michael A. Gross**  
Assistant Attorney General  
Department of Legal Affairs  
PL-01, The Capitol  
Tallahassee, FL 32399-1050

**Charles J. Beck**  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

**Diana Caldwell**  
Division of Appeals  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**C. Everett Boyd, Jr.**  
Ervin Varn Jacobs & Ervin  
Post Office Drawer 1170  
Tallahassee, FL 32302

**Patrick K. Wiggins**  
Wiggins & Villacorta, P.A.  
501 East Tennessee Street, Suite B  
Post Office Drawer 1657  
Tallahassee, FL 32302

**Thomas K. Bond**  
MCI Telecommunications Corp.  
780 Johnson Ferry Road, Suite 700  
Atlanta, GA 30342

**Robert G. Beatty**  
**Nancy B. White**  
c/o Nancy Sims  
BellSouth Telecommunications  
150 South Monroe Street, #400  
Tallahassee, FL 32301

**Walter D'Haeseleer**  
Director of Communications  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Benjamin Fincher**  
Sprint Communications Company  
3100 Cumberland Circle  
Atlanta, GA 30339

**Ky E. B. Kirby**  
**Warren A. Fitch**  
**Don W. Blevins**  
Swidler & Berlin, Chtd.  
3000 K Street, NW  
Washington, D.C. 20007

**Richard D. Melson**  
Post Office Box 6526  
Tallahassee, FL 32314

**Suzanne Fannon Summerlin**  
1311-B Paul Russell Road, Suite 201  
Tallahassee, FL 32301

**Andrew Isar**  
P. O. Box 2461  
Gig Harbor, WA 98335-4461

**Charles Rehwinkel**  
Sprint/United Florida  
Post Office Box 2214  
Tallahassee, FL 32316

**Michael L. Gleaser**  
Canora T. Podd  
Haligman & Lottner, P.C.  
First Interstates Tower, North  
633 Seventeenth Street, Suite 2700  
Denver, CO 80202

**Angela Green**  
Florida Public Telecommunications Assoc.  
125 South Gadsden Street  
Tallahassee, FL 32301

**Pamela Melton**  
Regulatory Counsel  
LCI International Telecom Corp.  
8181 Greensboro Drive, Suite 800  
McLean, VA 22101

**Benjamin Ochshorn**  
Florida Legal Services  
2121 Delta Boulevard  
Tallahassee, FL 32303

**Technologies Management, Inc.**  
P. O. Drawer 200  
Winter Park, FL 32790-0200

**Ms. Amy Gross**  
100 West Lucerne Circle, #100  
Orlando, FL 32801

**Scheffel Wright**  
Landers & Parsons  
P. O. Box 271  
Tallahassee, FL 32302

**Joseph A. McGlothlin**  
McWhirter, Reeves, McGlothlin, Rief  
& Bakas, P.A.  
117 South Gadsden Street  
Tallahassee, FL 32301

**Bruce May**  
Holland & Knight  
P. O. Drawer 810  
Tallahassee, FL 32302

**Greg Eriksen**  
Levine & Eriksen  
2560 North Santiago Boulevard  
Orange, CA 92667

**Brandon Peters**  
Dean Mead  
800 North Magnolia Avenue, Suite 1500  
Orlando, FL 32803

**Kenneth Hoffman**  
P. O. Box 551  
Tallahassee, FL 32302

**Jill Butler**  
Cox Communications  
4585 Village Avenue  
Norfolk, VA 23502

**Floyd Self**  
Messer, Caparello & Self  
P. O. Box 1876  
Tallahassee, FL 32302

**Chan Bryant Abney**  
TreeCom USA, Inc.  
200 East Broward Boulevard  
Ft. Lauderdale, FL 33301-1963



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**Marsha E. Rule**