

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

Docket No. 981834-TP

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Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation

Docket No. 990321-TP Filed: June 13, 2003

AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S PRELIMINARY OBJECTIONS TO FPSC STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 6-40)

AT&T Communications of the Southern States, LLC (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, and Order No. PSC-02-1513-PCO-TP, issued in this docket on November 4, 2002, hereby submits the following Preliminary Objections to FPSC Staff's Second Request for Production of Documents to AT&T Communications of the Southern States, LLC.

The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. Order No. PSC-02-1513-PCO-TP, issued in this docket on November 4, 2002, by the Florida Public Service Commission (hereinafter the "Commission") in the

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above-referenced docket. Should additional grounds for objection be discovered as AT&T, prepares its Responses to the above-referenced set of requests, AT&T reserves the right to supplement, revise, or modify its objections at the time that it serves its Responses on FPSC Staff. Moreover, should AT&T determine that a Protective Order is necessary with respect to any of the material requested by FPSC Staff, AT&T reserves the right to file a motion with the Commission seeking such an order at the time that it serves its Responses on FPSC Staff.

General Objections

AT&T makes the following General Objections to FPSC Staff's Second Request for Production of Documents which will be incorporated by reference into AT&T's specific responses when its Responses are served on FPSC Staff.

1. AT&T objects to FPSC Staff's Second 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 FPSC 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 FPSC 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 FPSC 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 FPSC 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 FPSC 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 FPSC 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 FPSC Staff's requests should be taken to mean AT&T Communications of the Southern States, LLC.

12. AT&T object to the definitions of "you" and "your" 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 FPSC Staff's requests should be taken to mean AT&T Communications of the Southern States, LLC.

SUBMITTED this 13th day of June, 2003.

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