

ORIGINAL

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July 22, 2003

VIA HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

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13 JUL 22 PM 2:35
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Re: Docket No. 030296-TP

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of the Sprint's Preliminary Objections to AT&T's First Set of Interrogatories.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

J. Jeffrey Wahlen

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Enclosures

cc: All Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of unresolved issues resulting from negotiations with Sprint-Florida, Incorporated for interconnection agreement, by AT&T Communications of the Southern States, LLC d/b/a AT&T and TCG South Florida

DOCKET NO. 030296-TP
FILED: July 22, 2003

SPRINT'S PRELIMINARY OBJECTIONS TO AT&T'S FIRST SET OF INTERROGATORIES

Sprint-Florida, Incorporated ("Sprint" or the "Company"), pursuant to Order No. PSC-03-0692-PCO-TP, issued June 9, 2003, Rule 28-106.206, Florida Administrative Code, and Rules 1.340 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following Preliminary Objections to AT&T Communications of the Southern States, Inc. and TCG South Florida's ("AT&T") First Set of Interrogatories to Sprint ("Interrogatories").

I. INTRODUCTION

1. These Objections are preliminary in nature and are made for the purpose of complying with the five (5) day requirement set forth in Order No. PSC-03-0692-PCO-TP, issued by the Florida Public Service Commission ("Commission") in this proceeding on June 9, 2003. Should additional grounds for Objections be discovered as Sprint prepares its answers to any Interrogatories, Sprint reserves the right to supplement, revise, or modify these Objections at the time that Sprint provides its answers to the Interrogatories.

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2. Section 90.506, Florida Statutes, provides that a person or company has a privilege to refuse to disclose a trade secret. The scope of trade secret includes proprietary business information that would be commercially valuable to Sprint. In one form or another, AT&T has sought such information in certain Interrogatories. Discovery of such information is improper except as provided in Section 90.506, Florida Statutes. To the extent AT&T continues to seek such information, Sprint will move the Commission to issue a protective order pursuant to Rule 1.280(c)(7), Florida Rules of Civil Procedure, directing that discovery not be had.

II. GENERAL OBJECTIONS.

Sprint makes the following General Objections to the Interrogatories, which general objections will be incorporated by reference into Sprint's specific answers, where provided, when Sprint answers the Interrogatories.

1. Sprint objects to the Definitions of "Sprint," "you" and "your" in paragraphs 1 and 2 of the Definitions section of the Interrogatories to the extent that such Definitions seek to impose an obligation on Sprint to respond on behalf of subsidiaries, affiliates, or other persons which are not parties to this proceeding on the grounds that such Definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Without waiving this General Objection, and subject to other general and specific Objections, where provided, answers will be provided on behalf of Sprint-Florida, Incorporated, which is the certificated carrier authorized to provide regulated telecommunications services in Florida, and which is a party to this proceeding, relative, however, only to its intrastate operations in Florida.

2. Sprint objects to each and every Interrogatory and Instruction to the extent that such Interrogatory or Instruction calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

3. Sprint objects to each and every Interrogatory 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 Interrogatories. Where provided, answers provided by Sprint to AT&T's Interrogatories will be provided subject to, and without waiving, this General Objection.

4. Sprint objects to each and every Interrogatory 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 proceeding.

5. Sprint objects to AT&T's Definitions, Instructions, and Interrogatories to the extent they seek to impose obligations on Sprint that exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

6. Sprint objects to answering any Interrogatory to the extent such Interrogatory seeks responsive information already is in the public domain, or otherwise on record with the Commission or the Federal Communications Commission ("FCC").

7. Sprint objects to each Definition, Instruction, or Interrogatory to which it is unduly burdensome, expensive, oppressive, or excessively time consuming for response thereto as written.

8. Sprint objects to each Interrogatory to the extent such Interrogatory seeks responsive information that constitutes (a) "trade secrets" which are privileged pursuant

to Section 90.506, Florida Statutes and/or “proprietary confidential business information” within the meaning of Section 364.183(3), Fla. Stat. To the extent any Interrogatory seeks proprietary business information that is not subject to a “trade secrets” privilege, and Sprint makes such responsive information available to AT&T, Sprint only will make responsive information available to counsel for Sprint pursuant to an appropriate Protective Agreement, and subject to any requirements of the Commission relative to protecting such proprietary business information.

9. Sprint is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Sprint creates numerous documents that are not subject to either 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 impossible for Sprint to affirm that every responsive document in existence has been provided in response to an Interrogatory. Instead, where provided, Sprint's responses will provide all of the information obtained by Sprint after a reasonable and diligent search conducted in connection the Interrogatory. Such search will include only a review of those files that are reasonably expected to contain the requested information. To the extent that the discovery request purports to require more, Sprint objects on the ground that compliance would be unduly burdensome.

III. SPECIFIC OBJECTIONS.

1. Sprint hereby asserts each of its General Objections as to each of the individual Interrogatories propounded to Sprint.

2. Interrogatory No. 9. In addition to its general objections, which are incorporated herein by reference, Sprint objects to this Interrogatory as unduly broad and overly burdensome. In addition, the breadth of this request is beyond the scope of discovery in this case, i.e., not relevant and not calculated to lead to the discovery of admissible evidence. The interrogatory does not define "disputed," which in its broadest sense could be interpreted to require Sprint to identify every instance in which an ALEC has questioned a Sprint bill, clearly an excessively burdensome task for Sprint. In addition, the information requested is highly proprietary confidential information not only to Sprint but also to the telecommunications carriers who are Sprint's customers. Sprint's interconnection agreements provide that if information that is confidential to either party is required to be released to a third party as part of a legal proceeding, the party whose confidential information is to be released must be given sufficient advanced notification to allow the carrier the opportunity to seek proprietary protection of the information. Requiring Sprint to provide such notice to all carriers whose proprietary information might be included in Sprint's response would place an expensive and undue burden on Sprint.

3. Interrogatory No. 12. In addition to its general objections, which are incorporated herein by reference, Sprint objects on grounds that the requested information is in the possession, custody and control of AT&T and that requiring Sprint provide information that is equally available to AT&T is burdensome.

4. Interrogatory No. 13. In addition to its general objections, which are incorporated herein by reference, Sprint objects to this interrogatory on grounds that (a) it calls for information that is not relevant or calculated to lead to the discovery of

admissible evidence, (b) compiling the requested information would impose an undue burden on Sprint, and (c) the requested information would require Sprint to disclose information relating to third parties that may be considered by them to be trade secrets that Sprint is not a liberty to disclose without notice to the third parties involved. Specifically, Sprint's interconnection agreements provide that if information that is confidential to either party is required to be released to a third party as part of a legal proceeding, the party whose confidential information is to be released must be given sufficient advanced notification to allow the carrier the opportunity to seek proprietary protection of the information. Requiring Sprint to provide such notice to all carriers whose proprietary information might be included in Sprint's response would place an expensive and undue burden on Sprint.

DATED this 22nd day of July, 2003.

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ATTORNEYS FOR SPRINT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail or hand delivery (*) this 22^d day of July, 2003, to the following:

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