

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In Re: Implementation of Requirements)
Arising From Federal Communications)
Commission Triennial UNE Review:)
Local Circuit Switching for Mass)
Market Customers)**

Docket No.: 030851-TP

Filed: October 16, 2003

**AT&T'S OBJECTIONS TO BELLSOUTH'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (1-21)**

AT&T Communications of the Southern States, LLC and TCG South Florida (hereinafter "AT&T"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 (hereinafter "*Procedural Order*"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, object generally and specifically to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") First Requests for Production of Documents to AT&T Communication of the Southern States, LLC, served on October 9, 2003, as described below.

Overview

1. AT&T files these objections for purposes of complying with the seven (7) day requirement set forth in the *Procedural Order*. These objections are preliminary in nature. Should additional grounds for objection be discovered as AT&T prepares its responses to any discovery, or at any time prior to hearing, AT&T reserves the right to supplement, revise or modify these objections.

2. At the time of the filing of these Objections, the issues to be addressed in this proceeding have not yet been identified pursuant to the *Procedural Order*. Accordingly, should additional grounds for objections develop as the Commission identifies the issues to be addressed in this proceeding, AT&T reserves the right to supplement, revise, or modify these objections.

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GENERAL OBJECTIONS

AT&T makes the following general objections to the Requests which will be incorporated by reference into AT&T's specific responses when AT&T responds to the Requests.

1. Definitions

A. AT&T objects to the lengthy "Definitions" section of BellSouth's First Requests for Production of Documents to AT&T to the extent that such terms are overly broad, unduly burdensome, irrelevant, oppressive and not likely to lead to the discovery of admissible evidence pursuant to the *Procedural Order*, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure. Furthermore, AT&T objects to the "Definitions" section to the extent that it utilizes terms that are subject to multiple interpretations, but are not properly defined or explained for purposes of these Requests

B. AT&T objects to the "Definitions" section of BellSouth's First Set of Requests for Production to AT&T to the extent that the definitions operate to include the discovery of documents and other information protected by attorney/client privilege, the work product doctrine, the accountant/client privilege, or any other applicable privilege.

C. AT&T objects to the "Definitions" section to the extent that the definitions operate to include the discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of AT&T concerning the subject of the proceeding and prepared and developed in anticipation of litigation pursuant to Rule 1.280(b)(3) of the Florida Rules of Civil Procedure without the requisite showing from BellSouth that it needs the requested information and materials in the preparation of its case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means.

D. AT&T objects to the "Definitions" section of BellSouth's First Set of Requests for Production to AT&T to the extent that the definitions operate to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Order* and the applicable Florida Rules of Civil Procedure.

E. AT&T objects to the "Definitions" section of BellSouth's First Set of Requests for Production to AT&T to the extent that the definitions operate to seek discovery of documents and/or materials other than those subject to the jurisdiction of the Commission pursuant to the FCC's Triennial Review Order, Florida Administrative Code and Florida Statutes.

F. AT&T objects to the "Definitions" section of BellSouth's First Set of Requests for Production to AT&T to the extent that the definitions operate to seek disclosure of documents, materials and other information that is proprietary confidential information without the issuance of an appropriate Protective Order or Confidential Classification as outlined by the *Procedural Order*, §364.183 of the Florida Statutes, §90.506 of the Florida Statutes, and Rule 25-22.006.

G. AT&T objects to the definitions of "you and your," "AT&T," and "person" to the extent that the definitions include natural persons or entities which are not parties to this proceeding, not subject to the jurisdiction of the Commission, and not subject to the applicable discovery rules. Subject to the foregoing, and without waiving any objection, general or specific, unless otherwise ordered, responses will be provided on behalf of AT&T Communications of the Southern States, LLC and TCG South Florida, which are certificated carriers authorized to provide regulated communications services in Florida and which are parties to this proceeding. Unless otherwise ordered, production responses will be limited to intrastate operations in Florida.

2. Instructions

A. AT&T objects to the "General Instructions" section of BellSouth's First Set of Requests for Production to AT&T to the extent that the "instructions" operate to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Order* and the applicable Florida Rules of Civil Procedure. Subject to the foregoing, and without waiving any objection, responses will be provided in accordance with the *Procedural Order* and the applicable Florida Rules of Civil Procedure.

B. AT&T objects to the "General Instructions" section of BellSouth's First Set of Requests for Production to AT&T to the extent that the "instructions" operate to seek disclosure of documents or other materials containing the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of AT&T relating to the subject of litigation without the requisite showing under Rule 1.280(b)(3) of the Florida Rules of Civil Procedure.

C. AT&T objects to the "General Instructions" section BellSouth's First Set of Requests for Production to AT&T to the extent that the "instructions" operate to seek disclosure of "all" documents, materials or information in AT&T's "possession, custody or control" and to the extent that said "instruction" requires AT&T to provide information or materials beyond its present knowledge, recollection or possession. With respect

thereto, AT&T has employees located in many different locations in Florida and other states. In the course of its conducting business on a nationwide basis, AT&T creates numerous documents that are not subject to either Commission or FCC record retention requirements. These documents are kept in numerous locations and frequently are moved from location to location as employees change jobs or as business objectives change. Therefore, it is impossible for AT&T to affirm that every responsive document in existence has been provided in response to all Requests. Instead, where provided, AT&T's responses will provide all nonprivileged and otherwise discoverable information obtained by AT&T after a reasonable and diligent search conducted in connection the Requests. Such search will include only a review of those files that are reasonably expected to contain the requested documents and/or information. To the extent that "instructions" require more, AT&T objects on the ground that compliance would be unduly burdensome, expensive, oppressive, or excessively time consuming to provide responsive information.

3. General Objections to Requests

A. AT&T objects to BellSouth's First Set of Requests for Production to AT&T to the extent that the requests are overly broad, unduly burdensome, irrelevant, oppressive and not likely to lead to the discovery of admissible evidence pursuant to the *Procedural Order*, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure.

B. AT&T objects to BellSouth's First Set of Requests for Production to AT&T to the extent that the requests purport to seek discovery of materials and/or information protected by attorney/client privilege, the work product doctrine, the accountant/client privilege, or any other applicable privilege.

C. AT&T objects to BellSouth's First Set of Requests for Production to AT&T to the extent that the requests purport to seek discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of AT&T concerning the subject of the proceeding and prepared and developed in anticipation of litigation pursuant to Rule 1.280(b)(3) of the Florida Rules of Civil Procedure without the requisite showing from BellSouth that it has need of the requested information and materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means.

D. AT&T objects to BellSouth's First Set of Requests for Production to AT&T to the extent that the requests purport to impose discovery

obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Order* and the applicable Florida Rules of Civil Procedure.

E. AT&T objects to BellSouth's First Set of Requests for Production to AT&T to the extent that the requests purport to seek discovery of documents and/or materials other than those subject to the jurisdiction of the Commission pursuant to the FCC's Triennial Review Order, Florida Administrative Code and Florida Statutes.

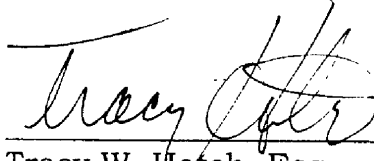
F. AT&T objects to the "Definitions" section of BellSouth's First Set of Requests for Production to AT&T to the extent that the requests purport to seek disclosure of information that is proprietary confidential information without the issuance of an appropriate Protective Order or Confidential Classification as outlined by the *Procedural Order*, §364.183 of the Florida Statutes, §90-506 of the Florida Statutes and Rule 25-22.006.

G. AT&T objects to all requests which require the production of materials and/or information which is already in the public domain, or otherwise on record with the Commission or the Federal Communications Commission ("FCC").

H. AT&T objects to BellSouth's First Set of Requests for Production to AT&T to the extent that the requests seek materials or other documents containing information relating to facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information pursuant to Rule 1.280(4) of the Florida Rules of Civil Procedure.

I. Pursuant to the *Procedural Order*, the Triennial Review Order, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, to the extent that BellSouth's interrogatories request specific financial, business or proprietary information regarding AT&T's economic business model, AT&T objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon AT&T's economic business model instead of the hypothetical business model contemplated by the Triennial Review Order.

Respectfully submitted, this the 16th day of October, 2003.

A handwritten signature in cursive script, appearing to read "Tracy Hatch", written over a horizontal line.

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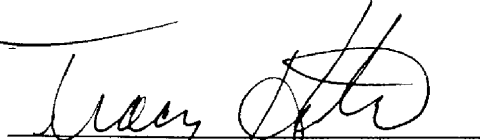
**CERTIFICATE OF SERVICE
DOCKET NO. 030851-TP**

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail or as indicated this 16th day of October 2003, to the following parties of record:

<p>Adam Teitzman Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 (Via electronic and U.S. Mail)</p>	<p>BellSouth Telecommunications, Inc. Nancy B. White c/o Ms. Nancy H. Sims 150 South Monroe Street, Suite 400 Tallahassee, FL 32301-1556 Phone: (850) 224-7798 Fax: 222-8640 Email: nancy.sims@bellsouth.com (Via electronic and Overnight Mail)</p>
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