

ORIGINAL



Tracy Hatch
Senior Attorney
Law and Government Affairs
Southern Region

Suite 700
101 N. Monroe Street
Tallahassee, FL 32301
850-425-6360

November 24, 2003

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BY OVERNIGHT DELIVERY

Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 030851-TP

Dear Ms. Bayó:

Enclosed for filing are an original and 15 copies of AT&T Communications of the Southern States, LLC's General Objections to BellSouth's Third Set of Interrogatories, First Requests for Admission, and Third Request for Production of Documents to AT&T in the above-referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning to me.

Thank you for your assistance with this filing.

Sincerely yours,

Tracy Hatch/las
Tracy W. Hatch

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TWH/las
Enclosure
cc: Parties of Record

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DISTRIBUTION CENTER DOCUMENT NUMBER DATE

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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 24th day of November 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</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</p>
<p>Florida Cable Telecom. Assoc., Inc. Michael A. Gross 246 E. 6th Avenue, Suite 100 Tallahassee, FL 32303 Phone: 850-681-1990 Fax: 681-9676 Email: mgross@fcta.com</p>	<p>MCI WorldCom Communications, Inc. Ms. Donna C. McNulty 1203 Governors Square Blvd., Suite 201 Tallahassee, FL 32301-2960 Phone: (850) 219-1008 Fax: 219-1018 Email: donna.mculty@wcom.com</p>
<p>Sprint – Florida Susan S.Masterton 1313 Blairstone Road MC: FLTLHO0107 Tallahassee, FL 32301 Phone: (850) 847-0244 Fax: 878-0777 Email: susan.masterton@mail.sprint.com</p>	<p>KMC Telecom III, LLC Marva Brown Johnson, Esq. 1755 North Brown Road Lawrenceville, GA 30043-8119 Phone: (678) 985-6261 Fax: (678) 985-6213 Email: marva.johnson@kmctelecom.com</p>
<p>Covad Communications Company Charles E. Watkins 1230 Peachtree Street, NE 19th Floor Atlanta, GA 30309 Phone: (404) 942-3492 Email: gwatkins@covad.com</p>	<p>ITC^DeltaCom Nanette Edwards 4092 South Memorial Parkway Huntsville, AL 35802 Phone: (256) 382-3856</p>
<p>McWhirter Reeves McGlothlin Davidson Kaufman & Arnold, PA Vicki Gordon Kaufman 117 South Gadsden Street Tallahassee, FL 32301 Phone: (850) 222-2525 Email: vkaufman@mac-law.com</p>	<p>Verizon Florida Inc. Mr. Richard Chapkis 201 N. Franklin Street, MCFLTC0007 Tampa, FL 33601 Phone: (813) 483-2606 Fax: (813) 204-8870 Email: richard.chapkis@verizon.com</p>
<p>Allegiance Telecom of Florida, Inc. Jeffrey J. Binder 1919 M Street, N.W. Washington, DC 20037 Phone: (202) 464-1792 Fax: (202) 464-0762 Email: Jeff.binder@algx.com</p>	<p>Allegiance Telecom, Inc. Terry Larkin 700 East betterfield Road Washington, DC 60148 Phone: 630-522-6453 Email: terry.larkin@algx.com</p>
<p>Messer Law Firm Floyd Self/Norman Horton P.O. Box 1876 Tallahassee, FL 32302-1876 Phone: 850-222-0720 Fax: 224-4359</p>	<p>MCI WorldCom Communications, Inc.(GA) De O'Roark, Esq. Six Concourse Parkway, Suite 600 Atlanta, GA 30328 Email: de.oroark@wcom.com</p>

<p>Granite Telecommunications, LLC Rand Currier/Geoff Cookman 234 Copeland Street Quincy, MA 02169-4005 Phone: (617) 847-1500 Fax: (617) 847-0931 Email: rcurrier@granitenet.com</p>	<p>Miller Isar, Inc. Andrew O. Isar 7901 Skansie Avenue, St. 240 Gig Harbor, WA 98335 Phone: (253) 851-6700 Fax: (253) 851-6474 Email: aisar@millerisar.com</p>
<p>Moyle Law Firm (Tall) Jon Moyle, Jr. The Perkins House 118 North Gadsden Street Tallahassee, FL 32301 Phone: (850) 681-3828 Fax: 681-8788 Email: jmoylejr@moylelaw.com</p>	<p>NewSouth Communications Corp. Jake E. Jennings Two North Main Center Greenville, SC 29601-2719 Phone: (864) 672-5877 Fax: (864) 672-5313 Email: jejennings@newsouth.com</p>
<p>BellSouth Telecommunications, Inc. R. Douglas Lackey 675 W. Peachtree Street, Suite 4300 Atlanta, GA 30375</p>	<p>Supra Telecommunications and Info. Systems Jorge Cruz-Bustillo 2620 S.W. 27th Avenue Miami, FL 33133 Phone: (305) 476-4252 Fax: (305) 443-1078 Email: Jorge.cruz-bustillo@stis.com</p>
<p>Supra Telecommunications and Info. Systems Jonathan Audu 1311 Executive Center Drive, Suite 220 Tallahassee, FL 32301-5027 Phone: (850) 402-0510 Fax: (850) 402-0522 Jonathan.audu@stis.com</p>	

Tracy Hatch / las

Tracy W. Hatch

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Implementation of Requirements)
Arising From Federal Communications) Docket No.: 030851-TP
Commission Triennial UNE Review:)
Local Circuit Switching for Mass) Filed: November 24, 2003
Market Customers)
_____)

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S THIRD
SET OF INTERROGATORIES AND FIRST REQUESTS FOR ADMISSION
(Nos. 113-130)**

AT&T Communications of the Southern States, LLC (hereinafter "AT&T"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003, and *Second Order on Procedure*, Order No. PSC-03-1265-PCO-TP issued November 7, 2003 (hereinafter collectively "*Procedural Orders*"), by the Florida Public Service Commission (hereinafter "Commission"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280, 1.340, and 1.370 of the Florida Rules of Civil Procedure, objects generally to Bellsouth Telecommunications, Inc.'s (hereinafter "BellSouth") Third Set of Interrogatories and First Requests for Admission to AT&T Communications of the Southern States, LLC.

OVERVIEW

AT&T files these objections for purposes of complying with the seven (7) day requirement set forth in the *Procedural Orders*. 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, and/or modify these objections.

DOCUMENT NUMBER-DATE

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GENERAL OBJECTIONS

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

1. Definitions

A. AT&T objects to the "Definitions" section of BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that such terms are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence pursuant to the *Procedural Orders*, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280, 1.340, and 1.370 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 Interrogatories and Requests for Admission.

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

C. AT&T objects to the "Definitions" section of BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T 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 has substantial 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 the "Definitions" section of BellSouth's Third Set of Interrogatories and First Requests for Admission 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 Orders* and other applicable Florida law.

E. AT&T objects to the "Definitions" section of BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the

extent that the definitions operate to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's (hereinafter "FCC") Triennial Review Order, Florida Administrative Code and Florida Statutes.

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

G. AT&T objects to the terms "you," "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, which is a certificated carrier authorized to provide regulated communications services in Florida and which is a party to this proceeding.

2. Instructions

A. AT&T objects to the "General Instructions" section of BellSouth's Third Set of Interrogatories and First Requests for Admission 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 Orders* and the applicable Florida Rules of Civil Procedure. Subject to the foregoing, and without waiving any objections, responses will be provided in accordance with the *Procedural Orders* and the applicable Florida Rules of Civil Procedure.

B. AT&T objects to the "General Instructions" section of BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that the "instructions" operate to seek disclosure of the mental impressions, conclusions, opinions, or legal theories of any attorney or other representative of AT&T concerning 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 of BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that the "instructions" operate to seek disclosure of "all" 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 conducting business on a nationwide basis, AT&T creates numerous documents that are not subject to either the 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 those Interrogatories and Requests for Admission. Instead, where provided, AT&T's responses will provide all information obtained by AT&T after a reasonable and diligent search conducted in connection with those Interrogatories and Requests for Admission. Such search will include only a review of those files that are reasonably expected to contain the requested information. To the extent that the instructions require more, AT&T objects on the grounds that compliance would be unduly burdensome, expensive, oppressive, or excessively time consuming to provide such responsive information.

3. General Objections to Interrogatories and Admissions

A. AT&T objects to BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that the Interrogatories and Requests for Admission are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence pursuant to the *Procedural Orders*, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280, 1.340, and 1.370 of the Florida Rules of Civil Procedure.

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

C. AT&T objects to BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that the Interrogatories and Requests for Admission 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 substantial 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 Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that the Interrogatories and Requests for Admission purport to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Orders* and the applicable Florida Rules of Civil Procedure.

E. AT&T objects to BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that the Interrogatories and Requests for Admission purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the FCC's Triennial Review Order, Florida Administrative Code and Florida Statutes.

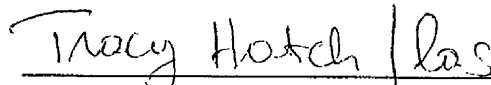
F. AT&T objects to BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that the Interrogatories and Requests for Admission purport to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an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

G. AT&T objects to all Interrogatories and Requests for Admission which require the disclosure of information which already is in the public domain or otherwise on record with the Commission or the FCC.

H. AT&T objects to BellSouth's Third Set of Interrogatories and First Requests for Admission to AT&T to the extent that the Interrogatories and Requests for Admission seek information and discovery of 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 Orders*, the Triennial Review Order, Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280, 1.340, and 1.370 of the Florida Rules of Civil Procedure, to the extent that BellSouth's Interrogatories and Requests for Admission 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 Interrogatories and Requests for Admission 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 24th day of November, 2003.

Handwritten signature of Tracy Hatch in cursive script, written over a horizontal line.

TRACY W. HATCH, ESQ.

101 N. Monroe Street

Suite 700

Tallahassee, Florida 32301

(850) 425-6360

Attorney for AT&T Communications of
the Southern States, LLC