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ORIGINAL

December 3, 2003

VIA OVERNIGHT MAIL

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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Re: Docket No. 030851-TP – Mass Market Switching

Dear Ms. Bayo:

Enclosed for filing are an original and 15 copies of Allegiance Telecom of Florida, Inc.'s Objections to Staff's First Set of Interrogatories and Requests for Production in the above-referenced docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Very Truly Yours,

RECEIVED & FILED

Th
FPSC-BUREAU OF RECORDS

Charles V. Gerkin, Jr.
by TPL

Charles V. Gerkin, Jr.

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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: December 3, 2003
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**ALLEGIANCE TELECOM OF FLORIDA, INC.'S
OBJECTIONS TO STAFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION**

Allegiance Telecom of Florida, Inc. ("Allegiance"), 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 (hereinafter collectively "Procedural Orders"), issued November 7, 2003 by the Florida Public Service Commission (hereinafter "Commission"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.350 of the Florida Rules of Civil Procedure, hereby submits the following objections to Commission Staff's ("Staff") First Set of Interrogatories and First Request for Production of Documents to Allegiance.

These objections are preliminary in nature. Should additional grounds for objection be discovered as Allegiance prepares its responses to any discovery, Allegiance reserves the right to supplement these objections.

General Objections

Allegiance makes the following General Objections to Staff's First Set of Interrogatories and First Request for Production of Documents ("Staff Discovery"), including the definitions and general instructions therein, which as appropriate will be incorporated into each relevant response when Allegiance serves its responses to the Staff Discovery.

1. Allegiance objects to the “Definitions” section and the individual items of the Staff Discovery to Allegiance to the extent that they are overly broad, unduly burdensome and oppressive, and/or excessively time consuming and expensive.

2. Allegiance objects to the Staff Discovery to the extent that such discovery seeks to impose an obligation on Allegiance to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Allegiance further objects to any and all Staff Discovery that seeks to obtain information from Allegiance for Allegiance subsidiaries, affiliates, or other related Allegiance entities that are not certificated by the Commission.

3. Allegiance has interpreted the Staff Discovery to apply to Allegiance’s regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any Staff Discovery is intended to apply to matters that take place outside the state of Florida and which are not related to Florida intrastate operations subject to the jurisdiction of the Commission, Allegiance objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

4. Allegiance objects to the Staff Discovery to the extent that such discovery calls for information which is exempt from discovery by the attorney/client privilege, the work product doctrine, the accountant/client privilege, and any other applicable privilege.

5. Allegiance objects to the Staff Discovery insofar as such discovery 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 Allegiance in response to the Staff Discovery will be provided subject to, and without waiver of, the foregoing objection.

6. Allegiance objects to the Staff Discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of

this action. In that regard, Allegiance objects, among other things, to any discovery request that seeks information that is unrelated to or inconsistent with the methodology and parameters of the analysis of impairment prescribed by the FCC in its Triennial Review Order.

7. Allegiance objects to the Staff Discovery insofar as it seeks information or documents, or seek to impose obligations on Allegiance which exceed the requirements of the Florida Rules of Civil Procedure or Florida law. By way of illustration and not limitation, Allegiance objects to interrogatories and requests for documents that would require Allegiance to create information or a document that does not exist or prepare information in a manner in which Allegiance does not maintain it.

8. Allegiance objects to providing information to the extent that such information is already in the public record before the Commission or which is already in the possession, custody, or control of Staff.

9. Allegiance objects to the Staff Discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

10. Allegiance 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 Staffs requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, Allegiance will make such information available to the Staff pursuant to the terms of the Commission's Protective Order and the requirements of section 364.183 and Florida Administrative Code Rule 25-24.006, subject to any other general or specific objections contained herein.

11. Allegiance is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, Allegiance creates countless documents that are not subject to 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 not every document has been identified in response to these requests. Allegiance will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the Staff Discovery purports to require more, Allegiance objects on the grounds that compliance would impose an undue burden or expense.

12. Allegiance objects to the Staff Discovery that seeks to obtain “all,” “each,” or “every” document, item, customer, or other such piece of information to the extent that such discovery is overly broad and unduly burdensome. Any answers that Allegiance may provide in response to the Staff Discovery will be provided subject to, and without waiver or, this objection.

13. Allegiance objects to the Staff Discovery to the extent that such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. Allegiance objects to the terms “hot cut,” “batch,” or “batch hot cut” and each and every interrogatory or request for production that includes such terms, as these terms are vague and undefined, and in that it is not clear whether or to what extent such terms are or may be consistent with the FCC’s use of such terms, however such terms may be defined by the FCC. Thus, such discovery is overly broad, and it would be unduly burdensome for Allegiance to respond to such ambiguous discovery. Allegiance further objects to such discovery as Allegiance is not privy to each and every process or procedure associated with using or implementing hot cut processes.

15. Allegiance objects to each and every interrogatory or request for production that seeks information regarding Allegiance’s projections regarding future services, revenues, marketing strategies, equipment deployments, or other such future business plans as such requests are trade

secrets and, for purposes of this proceeding, would be highly speculative and irrelevant to the issues to be decided in this docket.

16. In light of the short period of time Allegiance has been afforded to respond to the Staff Discovery, the development of Allegiance's positions and potentially responsive information to the Staff Discovery is necessarily ongoing and continuing. Accordingly, these are preliminary objections to comply with the Procedural Order, and Allegiance reserves the right to supplement, revise, or modify its objections at the time that it serves its actual responses to the Staff Discovery. However, Allegiance does not assume an affirmative obligation to supplement its answers on an ongoing basis.

Specific Objections

4. (b) Please identify the projected number of needed hot cuts per month you will require for each of the years 2003, 2004 and 2005.

Allegiance objects to this Interrogatory as requesting information that is entirely speculative and requiring Allegiance to develop projections that it does not have or maintain in the course of its operations.

Respectfully submitted,

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**Certificate of Service
Docket No. 030851-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and US Mail on December 3, 2003 to the following:

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