

**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: December 15, 2003**  
**Market Customers )**  
 \_\_\_\_\_ )

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S**  
**OBJECTIONS TO FLORIDA PUBLIC SERVICE COMMISSION STAFF'S**  
**SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (No. 9)**

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 (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 Florida Public Service Commission Staff's (hereinafter "FPSC Staff") Second Request for Production of Documents 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.

AUS \_\_\_\_\_  
 CAF \_\_\_\_\_  
 CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
 CTR \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 OPC \_\_\_\_\_  
 MMS \_\_\_\_\_  
 SEC   1   \_\_\_\_\_  
 OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

12995 DEC 15 8

FPSC-COMMISSION CLERK

## **GENERAL OBJECTIONS**

AT&T makes the following general objections to the FPSC Staff's Second Request for Production of Documents which will be incorporated by reference into AT&T's specific response when AT&T responds to the FPSC Staff's Second Request for Production of Documents.

A. AT&T objects to the FPSC Staff's Second Request for Production of Documents to AT&T to the extent that the Request is 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 and 1.350 of the Florida Rules of Civil Procedure.

B. AT&T objects to the FPSC Staff's Second Request for Production of Documents to AT&T to the extent that the Request purports 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 the FPSC Staff's Second Request for Production of Documents to AT&T to the extent that the Request purports 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.

D. AT&T objects to the FPSC Staff's Second Request for Production of Documents to AT&T to the extent that the Request purports to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Orders* and applicable Florida law.

E. AT&T objects to the FPSC Staff's Second Request for Production of Documents to AT&T to the extent that the Request purports 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.

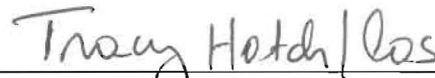
F. AT&T objects to the FPSC Staff's Second Request for Production of Documents to AT&T to the extent that the Request purports to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an appropriate Protective Order or Confidential Classification 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 Request to the extent that it requires 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 the FPSC Staff's Second Request for Production of Documents to AT&T to the extent that the Request seeks 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 and 1.350 of the Florida Rules of Civil Procedure, to the extent that FPSC Staff's Second Request for Production of Documents seeks 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 15<sup>th</sup> day of December, 2003.



---

Tracy W. Hatch, Esq.  
101 N. Monroe Street, Suite 700  
Tallahassee, FL 32301  
(850) 425-6360  
thatch@att.com

Attorney for AT&T Communications of the  
Southern States, LLC and TCG South Florida