



allegiancetelecom, inc.

Legal Department
9201 Central Expressway
Dallas, TX 75231

ORIGINAL

CHARLES V. GERKIN, JR.
Direct Dial: (469) 259-4051
charles.gerkin@algx.com

December 15, 2003

Ms. Blanca Bayó, Director
Division of the Commission Clerk
and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED FPSC
03 DEC 16 AM 11:47
COMMISSION
CLERK

Re: Docket No. 030851-TP

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Allegiance Telecom of Florida's Objections to Staff's Second Set of Interrogatories and Request for Production of Documents.

Also enclosed is an extra copy of this letter. Please acknowledge receipt of this transmittal by date-stamping the extra copy and returning it to the undersigned in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,

Charles V. Gerkin, Jr.

CVG/s
Enclosures
cc: Parties of Record

DISTRIBUTION CENTER
03 DEC 16 AM 10:20

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____

DOCUMENT NUMBER-DATE

13049 DEC 16 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

<p>In re:</p> <p>IMPLEMENTATION OF REQUIREMENTS ARISING FROM FEDERAL COMMUNICATIONS COMMISSION TRIENNIAL UNE REVIEW: LOCAL CIRCUIT SWITCHING FOR MASS MARKET CUSTOMERS</p>	<p>Docket No. 030851-TP</p> <p>Filed: December 15, 2003</p>
--	---

**ALLEGIANCE TELECOM OF FLORIDA, INC.'s
OBJECTIONS TO STAFF'S SECOND 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") Second Set of Interrogatories and Second 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 Second Set of Interrogatories and Second 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.

DOCUMENT NUMBER-DATE
13049 DEC 16 8
FPSC-COMMISSION CLERK

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 of, 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 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.

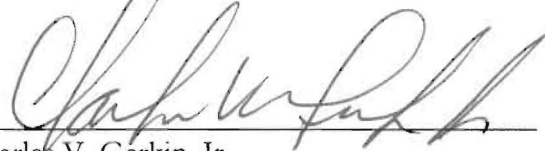
15. In light of the short period of time Allegiance has been afforded to respond to the Staff Discovery, the development of Allegiance’s positions and potentially responsive information to the Staff Discovery is necessarily ongoing and continuing. Accordingly, these are preliminary objections to comply 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

8.(s) What is the total available capacity on your company's network to provide transport?

Allegiance objects to this Data Request as vague and ambiguous to the extent that Allegiance is uncertain what information is being requested. It is unclear whether this question, like all of the other subparts of Data Request 8, relates only to transport connected to switches to which Allegiance has connected self-provisioned loops, or whether it relates to Allegiance's transport between ILEC wire centers, or to some other transport. Further, it is unclear whether the question relates to the total capacity of Allegiance's transport facilities, the capacity that could be made available on those transport facilities, the capacity that Allegiance is not currently using or some other measure of capacity. It would be onerous and unduly burdensome for Allegiance to attempt to answer this Data Request without further clarification of the question.

Respectfully submitted,



Charles V. Gerkin, Jr.
Georgia Bar No. 291625
Mark A. Stachiw
Allegiance Telecom, Inc.
9201 North Central Expressway
Dallas, TX 75231
469-259-4051
469-259-9122 (fax)
770-855-0466 (cell)
charles.gerkin@algx.com

Attorneys for ALLEGIANCE TELECOM OF
FLORIDA, INC.