

**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: January 23, 2004  
Market Customers )  
\_\_\_\_\_ )

**MCI's PRELIMINARY OBJECTIONS TO  
STAFF'S THIRD REQUEST FOR  
PRODUCTION OF DOCUMENTS (Nos. 10-15)**

MCImetro Access Transmission Services, LLC and MCI WorldCom Communications, Inc. (hereinafter "MCI"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 (hereinafter "*Procedural Order*") by the Florida Public Service Commission ("Commission"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, hereby generally and specifically objects to Public Service Commission Staff (hereinafter "Staff") Third Request for Production of Documents (Nos. 10-15) to MCI, served on January 16, 2004. As indicated, MCI notes that the Staff separately served MCImetro Access Transmission Services, LLC and MCI WorldCom Communications, Inc., but MCI shall object and respond to these separate discovery requests on a combined basis unless directed otherwise.

**A. General Objections**

MCI makes the following General Objections to Staff's Third Request for Production of Documents, including the applicable definitions and general instructions contained therein.

1. MCI objects to the Staff discovery to the extent that such discovery seeks to impose an obligation on MCI 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. MCI further objects to any and all Staff discovery that seeks to obtain information from MCI for MCI subsidiaries, affiliates, or other related MCI entities that are not certificated by the Commission.

2. MCI has interpreted the Staff discovery to apply to MCI'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, MCI objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. MCI objects to the Staff discovery to the extent that such discovery calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. MCI 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 MCI in response to the Staff discovery will be provided subject to, and without waiver of, the foregoing objection.

5. MCI 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.

6. MCI objects to the Staff discovery insofar as it seeks information or documents, or seek to impose obligations on MCI which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. MCI objects to providing information to the extent that such information is already

in the public record before the Florida Public Service Commission or which is already in the possession, custody, or control of Staff.

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

9. MCI 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 Staff's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, MCI 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.

10. MCI is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, MCI creates countless documents that are not subject to Florida Public Service 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. MCI 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, MCI objects on the grounds that compliance would impose an undue burden or expense.

11. MCI 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 MCI may provide in response to the Staff

discovery will be provided subject to, and without waiver or, this objection.

12. MCI objects to the Staff discovery to the extent such discovery seeks to have MCI create documents not in existence at the time of the request.

13. MCI 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. In light of the short period of time MCI has been afforded to respond to the Staff discovery, the development of MCI's positions and potentially responsive information to the Staff requests is necessarily ongoing and continuing. Accordingly, MCI reserves the right to supplement, revise, or modify its objections and responses to Staff discovery. However, MCI does not assume an affirmative obligation to supplement its answers on an ongoing basis.

#### **B. Specific Objection**

MCI makes the following Specific Objection to Staff's Third Request for Production of Documents, including the applicable definitions and general instructions contained therein.

15. MCI objects to each and every interrogatory or request for production that seeks information regarding MCI'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.

Respectfully submitted this 23<sup>rd</sup> day of January, 2004.



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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Hand Delivery (\*), electronic mail, and/or U. S. Mail this 23<sup>rd</sup> day of January, 2004.

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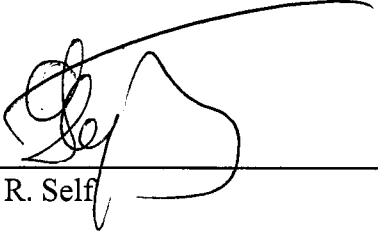
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