

ORIGINAL



Tracy Hatch  
Senior Attorney  
Law and Government Affairs  
Southern Region

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

February 5, 2004

**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

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COMMISSION  
CLERK

Re: Docket Nos. 030851-TP

Dear Ms. Bayó:

Enclosed for filing are an original and 15 copies of AT&T's Objections to BellSouth's Eighth Set of Interrogatories and Requests for Admission and Eighth Request for Production of Documents to AT&T the above-referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to Lisa Sapper in the enclosed stamped envelope.

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

DOCUMENT NUMBER-DA  
01708 FEB-5  
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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 and U.S. Mail or as indicated this 5<sup>th</sup> day of February 2004, to the following parties of record:

<p>Jeremy Susac 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: <a href="mailto:nancy.sims@bellsouth.com">nancy.sims@bellsouth.com</a></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: <a href="mailto:mgross@fcta.com">mgross@fcta.com</a></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: <a href="mailto:donna.mculty@wcom.com">donna.mculty@wcom.com</a></p>
<p>Sprint – Florida* Susan S.Masterton 1313 Blairstone Road MC: FLTLHO0107 Tallahassee, FL 32301 Phone: (850) 847-0244 Fax: 878-0777 Email: <a href="mailto:susan.masterton@mail.sprint.com">susan.masterton@mail.sprint.com</a></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: <a href="mailto:marva.johnson@kmctelecom.com">marva.johnson@kmctelecom.com</a></p>
<p>Covad Communications Company* Charles E. Watkins 1230 Peachtree Street, NE 19<sup>th</sup> Floor Atlanta, GA 30309 Phone: (404) 942-3492 Email: <a href="mailto:gwatkins@covad.com">gwatkins@covad.com</a></p>	<p>ITC^DeltaCom * Nanette Edwards 4092 South Memorial Parkway Huntsville, AL 35802 Phone: (256) 382-3856</p>
<p>McWhirter Reeves McGlothlin Davidson* Kaufman &amp; Arnold, PA Vicki Gordon Kaufman 117 South Gadsden Street Tallahassee, FL 32301 Phone: (850) 222-2525 Email: <a href="mailto:ykaufman@mac-law.com">ykaufman@mac-law.com</a></p>	<p>Verizon Florida Inc.* Mr. Richard Chapkis/Kim Caswell 201 N. Franklin Street, MCFLTC0007 Tampa, FL 33601 Phone: (813) 483-2606 Fax: (813) 204-8870 Email: <a href="mailto:richard.chapkis@verizon.com">richard.chapkis@verizon.com</a></p>
<p>Allegiance Telecom of Florida, Inc. Charles V. Gerkin, Jr. 9201 North Central Expressway Dallas, TX 75231 Phone: (469) 259-4051 Fax: 770-234-5965 Email: <a href="mailto:charles.gerkin@algx.com">charles.gerkin@algx.com</a></p>	<p>Allegiance Telecom, Inc. Terry Larkin 700 East betterfield Road Lombard, IL 60148 Phone: 630-522-6453 Email: <a href="mailto:terry.larkin@algx.com">terry.larkin@algx.com</a></p>

<p>Messer Law Firm *  Floyd Self/Norman Horton  P.O. Box 1876  Tallahassee, FL 32302-1876  Phone: 850-222-0720  Fax: 850-224-4359</p>	<p>MCI WorldCom Communications, Inc.(GA)*  De O'Roark, Esq.  Six Concourse Parkway, Suite 600  Atlanta, GA 30328  Email: <a href="mailto:de.oroark@wcom.com">de.oroark@wcom.com</a></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: <a href="mailto:rcurrier@granitenet.com">rcurrier@granitenet.com</a></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: <a href="mailto:aisar@millerisar.com">aisar@millerisar.com</a></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: <a href="mailto:jmoylejr@moylelaw.com">jmoylejr@moylelaw.com</a></p>	<p>NewSouth Communications Corp.*  Jake E. Jennings/Keiki Hendrix  Two North Main Center  Greenville, SC 29601-2719  Phone: (864) 672-5877  Fax: (864) 672-5313  Email: <a href="mailto:jejennings@newsouth.com">jejennings@newsouth.com</a></p>
<p>BellSouth Telecommunications, Inc.*  R. Douglas Lackey  675 W. Peachtree Street, Suite 4300  Atlanta, GA 30375  Phone: (404) 335-0747</p>	<p>Supra Telecommunications and Info. Systems  Jorge Cruz-Bustillo  2620 S.W. 27<sup>th</sup> Avenue  Miami, FL 33133  Phone: (305) 476-4252  Fax: (305) 443-1078  Email: <a href="mailto:Jorge.cruz-bustillo@stis.com">Jorge.cruz-bustillo@stis.com</a></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  Email: <a href="mailto:Jonathan.audu@stis.com">Jonathan.audu@stis.com</a></p>	<p>Sprint (KS)  Kenneth A. Schifman  6450 Sprint Parkway  Mailstop: KSOPHN0212-2A303  Overland Park, KS 66251-6100  Phone: 913-315-9783</p>
<p>Sprint (NC)  H. Edward Phillips, III  14111 Capital Blvd.  Mailstop: NCWKFR0313-3161  Wake Forest, NC 27587-5900  Phone: 919-554-7870</p>	<p>Xspedius Communications  Ms. Rabinai E. Carson  5555 Winghamen Blvd., Suite 300  O'Fallon, MO 63366-3868  Phone: (301) 361-4220  Fax: (301) 361-4277  Email: <a href="mailto:rabinai.carson@xspedius.com">rabinai.carson@xspedius.com</a></p>
<p>Matthew Feil  FDN Communications  390 North Orange Avenue  Suite 2000  Orlando, FL 32801  (407) 835-0460  <a href="mailto:mfeil@mail.fdn.com">mfeil@mail.fdn.com</a></p>	<p>Scott A. Kassman  FDN Communications  390 North Orange Avenue  Suite 2000  Orlando, FL 32801  (407) 447-6636  <a href="mailto:skassman@mail.fdn.com">skassman@mail.fdn.com</a></p>

<p>Charles J. Beck Deputy Public Counsel Office of Public Counsel C/O The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399-1400 Phone: 850-487-8240 Fax: 850-488-4491 <a href="mailto:Beck.charles@leg.state.fl.us">Beck.charles@leg.state.fl.us</a></p>	<p>Casey &amp; Gentz, L.L.P. Bill Magness 919 Congress Avenue, Suite 1060 Austin, TX 78701 Phone: 512-225-0019 Fax: 512-480-9200</p>
<p>Pat Lee Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 <a href="mailto:plee@psc.state.fl.us">plee@psc.state.fl.us</a></p>	

Tracy Hatch/Co.

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 )  
Market Customers )**  
\_\_\_\_\_)

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S  
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S EIGHTH  
SET OF INTERROGATORIES AND REQUESTS FOR ADMISSION (Nos.  
281-300) AND EIGHTH REQUEST FOR PRODUCTION OF DOCUMENTS  
(No. 39)**

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 1.350 of the Florida Rules of Civil Procedure, objects generally to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") Eighth Set of Interrogatories, Requests for Admissions and Requests 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.

## **GENERAL OBJECTIONS**

AT&T makes the following general objections to BellSouth's Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents which will be incorporated by reference into AT&T's specific responses when AT&T responds to BellSouth's Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents.

### **1. Definitions**

A. AT&T objects to the "Definitions" section of BellSouth's Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents 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 1.350 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, Requests for Admissions and Requests for Production of Documents.

B. AT&T objects to the "Definitions" section of BellSouth's Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production

of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and

Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents 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, Requests for Admissions and Requests for Production of Documents. 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, Requests for Admissions and Requests for Production of Documents. 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 Set of Interrogatories, Requests for Admissions and Requests for Production of Documents**

A. AT&T objects to BellSouth's Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to AT&T to the extent that the Interrogatories, Requests for Admissions and Requests for Production of Documents 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 1.350 of the Florida Rules of Civil Procedure.

B. AT&T objects to BellSouth's Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to



AT&T to the extent that the Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to AT&T to the extent that the Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to AT&T to the extent that the Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to AT&T to the extent that the Interrogatories, Requests for Admissions and Requests for Production of Documents 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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to AT&T to the extent that the Interrogatories, Requests for Admissions and Requests for Production of Documents 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.

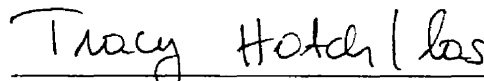
G. AT&T objects to all Interrogatories, Requests for Admissions and Requests for Production of Documents which require the disclosure of

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 Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to AT&T to the extent that the Interrogatories, Requests for Admissions and Requests for Production of Documents 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 1.350 of the Florida Rules of Civil Procedure, to the extent that BellSouth's Eighth Set of Interrogatories, Requests for Admissions and Requests for Production of Documents requests 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 the Interrogatories, Requests for Admissions and Requests for Production of Documents 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 5<sup>th</sup> day of February, 2004.



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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