

ORIGINAL



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February 17, 2004

BY HAND 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

RECEIVED 9:30
FEB 17 PM 4:49
COMMISSION
CLERK

Re: Docket No. 030851-TP

Dear Ms. Bayó:

Enclosed for filing are an original and 15 copies of AT&T Communications of the Southern States, LLC's General Objections to Verizon's First Set of Interrogatories and First Request for Production of Documents to AT&T in the above-referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning to me.

Thank you for your assistance with this filing.

Sincerely yours,

Tracy W. Hatch

- AUS _____
 - CAF _____
 - CMP _____
 - COM _____
 - CTR _____
 - ECR _____
 - GCL _____
 - OPC _____
 - MMS _____
 - SEC _____
 - OTH _____
- TWH/las
Enclosure
cc: Parties of Record

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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: February 17, 2004
Market Customers)
_____)**

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S
OBJECTIONS TO VERIZON FLORIDA, INC.'S
FIRST SET OF INTERROGATORIES (Nos. 1-12) AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 1-12)**

Subject to the Motion for Protective Order filed contemporaneously with these Objections, 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 Verizon Florida, Inc.'s (hereinafter "Verizon") First Set of Interrogatories and First 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, if so required by the Commission, or at any time prior to hearing, AT&T reserves the right

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to supplement, revise, and/or modify these objections.

GENERAL OBJECTIONS

AT&T makes the following general objections to the Interrogatories and Requests for Production of Documents which will be incorporated by reference into AT&T's specific responses when AT&T is ordered to respond to the Interrogatories and Requests for Production of Documents.

1. Instructions

A. AT&T objects to the "Instructions" section of Verizon's First Set of Interrogatories and First Request 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, if required, will be provided in accordance with the *Procedural Orders* and the applicable Florida Rules of Civil Procedure.

B. AT&T objects to the "Instructions" section of Verizon's First Set of Interrogatories and First Request 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 "Instructions" section of Verizon's First Set of Interrogatories and First Request 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 and Request 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 and Request 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.

2. Definitions

A. AT&T objects to the “Definitions” section of Verizon’s First Set of Interrogatories and First Request 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 and Requests for Production of Documents.

B. AT&T objects to the “Definitions” section of Verizon’s First Set of Interrogatories and First Request 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 Verizon’s First Set of Interrogatories and First Request 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 Verizon 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 Verizon’s First Set of Interrogatories and First Request 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 Verizon’s First Set of

Interrogatories and First Request 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 Verizon's First Set of Interrogatories and First Request 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," "your company," "AT&T," "person" and "persons" 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, if required, 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.

3. General Objections to Interrogatories and Request for Production of Documents

A. AT&T objects to Verizon's First Set of Interrogatories and First Request for Production of Documents to AT&T to the extent that the Interrogatories 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 Verizon's First Set of Interrogatories and First Request for Production of Documents to AT&T to the extent that the Interrogatories 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 Verizon's First Set of Interrogatories and First Request for Production of Documents to AT&T to the extent that the Interrogatories 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 Verizon 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 Verizon's First Set of Interrogatories and First Request for Production of Documents to AT&T to the extent that the Interrogatories 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 Verizon's First Set of Interrogatories and First Request for Production of Documents to AT&T to the extent that the Interrogatories 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.

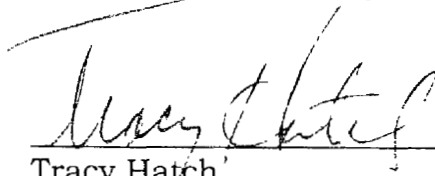
F. AT&T objects to Verizon's First Set of Interrogatories and First Request for Production of Documents to AT&T to the extent that the Interrogatories and Requests for Production of Documents purport to seek disclosure of information that is proprietary confidential information or a "trade secret" without 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 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 Verizon's First Set of Interrogatories and First Request for Production of Documents to AT&T to the extent that the Interrogatories 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 Verizon's Interrogatories and Requests for Production of Documents request 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 Interrogatories 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 17th day of February, 2004.



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States, LLC
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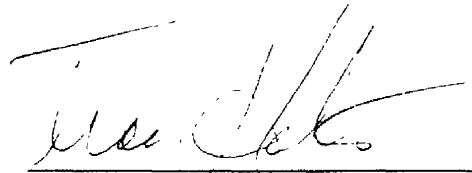
**CERTIFICATE OF SERVICE
DOCKET NO. 030851-TP**

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail and U.S. Mail or as indicated this 17th day of February 2004, to the following parties of record:

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| Sprint (NC) H. Edward Phillips, III 14111 Capital Blvd. Mailstop: NCWKFR0313-3161 Wake Forest, NC 27587-5900 Phone: 919-554-7870 | Xspedius Communications Ms. Rabinai E. Carson 5555 Wingham Blvd., Suite 300 O'Fallon, MO 63366-3868 Phone: (301) 361-4220 Fax: (301) 361-4277 Email: rabinai.carson@xspedius.com |
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Tracy W. Hatch