

Ruth Nettles

From: Slaughter, Brenda [bs3843@att.com]
Sent: Tuesday, November 27, 2007 3:58 PM
To: Filings@psc.state.fl.us
Cc: Woods, Vickie; Holland, Robyn P; Carver, J; Smith, Debbie N.
Subject: Docket 050863-TP
Attachments: 050863-TP Response Objection to dPi 2nd RFI.pdf

- A. Brenda Slaughter
Assistant to Dorian Denburg and Kim Fadel
AT&T Florida
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(404) 335-0714
bs3843@att.com
- B. Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.
on behalf of J. Phillip Carver
- D. 6 pages total (includes letter, certificate of service and pleading)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Response and Objection to dPi's Second Set of Requests for Information

<<050863-TP Response Objection to dPi 2nd RFI.pdf>>

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J. Phillip Carver
Senior Attorney
Legal Department

AT&T Florida
150 South Monroe Street
Suite 400
Tallahassee, FL 32301

T: 404.335.0710
F: 404.614.4054
j.carver@att.com

November 27, 2007

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth
Telecommunications, Inc.**

Dear Ms. Cole:

Enclosed is AT&T Florida's Response and Objection to dPi's Second Set of Requests for Information, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

J. Phillip Carver

cc: All parties of record
Chris Malish
Gregory Follensbee
E. Earl Edenfield, Jr.
Lisa S. Foshee

DOCUMENT NUMBER-DATE

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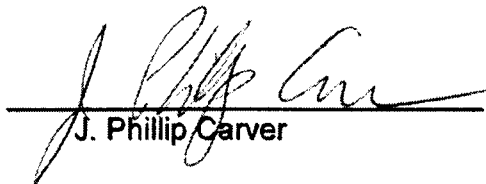
**CERTIFICATE OF SERVICE
DOCKET NO. 050863-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and First Class U. S. Mail this 27th day of November, 2007 to the
following:

Theresa Tan
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ltan@psc.state.fl.us

Christopher Malish
Steven Tepera (+)
Foster Malish Blair & Cowan LLP
1403 West Sixth Street
Austin, TX 78703
Tel. No. (512) 476-8591
Fax. No. (512) 477-8657
chrismalish@fostermalish.com
steventepera@fostermalish.com
Counsel for dPi

DPI-Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234-7627
Tel. No. (972) 488-5500 x4001
Fax No (972) 488-8636
ddorwart@dpiteleconnect.com



J. Phillip Carver

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: dPi Teleconnect, L.L.C. v.)
BellSouth Telecommunications, Inc.)
_____)

Docket No. 050863-TP
Filed: November 27, 2007

**AT&T FLORIDA'S RESPONSE AND OBJECTION TO dPi'S
SECOND SET OF REQUESTS FOR INFORMATION**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida"), files pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, its Response and Objection to dPi's Second Set of Requests for Information dated November 7, 2007.

GENERAL OBJECTIONS

AT&T Florida makes the following General Objections.

1. AT&T Florida objects to the Requests to the extent they seek to impose an obligation on AT&T Florida to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. AT&T Florida objects to the Requests to the extent they are intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. AT&T Florida objects to such requests as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. AT&T Florida objects to the Requests and instruction to the extent that such requests or instruction calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

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4. AT&T Florida objects to the Requests insofar as the requests are 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 answers provided by AT&T Florida in response to the requests will be provided subject to, and without waiver of, the foregoing objection.

5. AT&T Florida objects to the Requests insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. AT&T Florida will attempt to note in its responses each instance where this objection applies.

6. AT&T Florida objects to providing information to the extent that such information is already in the public record before the Commission.

7. AT&T Florida objects to the Requests to the extent that the information requested constitutes trade secrets, pursuant to the *Florida Statutes*. To the extent that the Staff's requests ask for proprietary information, AT&T Florida will make such information available to Staff at a mutually agreeable time and place pursuant to a Motion for Protective Order, or subject to a Request for Confidential Classification.

8. AT&T Florida objects to the Requests, instructions and definitions, insofar as they seek to impose obligations on AT&T Florida that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

9. AT&T Florida objects to the Requests, insofar as any of them is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

10. AT&T Florida objects to providing again any documents that it has already produced to Staff in this proceeding.

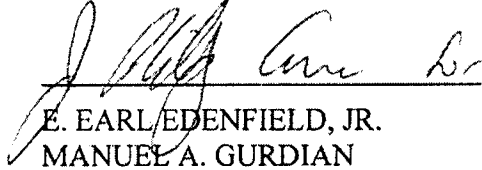
11. AT&T Florida is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, AT&T Florida creates countless documents that are not subject to Commission or FCC retention of records requirements. These documents are kept in numerous locations that 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. AT&T Florida will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the requests purport to require more, AT&T Florida objects on the grounds that compliance would impose an undue burden or expense.

SPECIFIC RESPONSE

1. In response to Request for Information Number 2-1, including all sub-parts, AT&T Florida objects to this Request. The Order Modifying Procedure (Order No. PSC-07-0571-PCO-TP) issued July 9, 2007 provided a discovery deadline in this proceeding of September 24, 2007. That date passed almost two months ago. Further, dPi has not requested that the discovery deadline be extended, nor has it requested that it be granted leave to belatedly file discovery. Thus, dPi's Request for Information is untimely and in direct contravention of the procedural schedule set forth in the Order Modifying Procedure. For this reason, AT&T is under no obligation to respond to this unauthorized discovery, and specifically objects to doing so.

Respectfully submitted this 27th day of November, 2007.

AT&T FLORIDA



E. EARL EDENFIELD, JR.

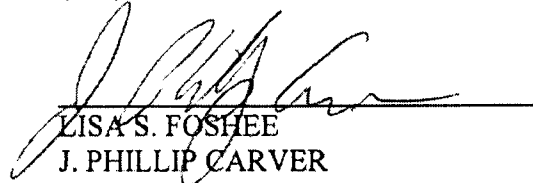
MANUEL A. GURDIAN

c/o Gregory R. Follensbee

150 So. Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5558



LISA S. FOSHEE

J. PHILLIP CARVER

AT&T Southeast

Suite 4300, AT&T Midtown Center

675 W. Peachtree St., NE

Atlanta, GA 30375

(404) 335-0710

697175