

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rule 25-24.845, F.A.C.)
Customer Relations; Rules Incorporated,)
and proposed amendments to Rules)
25-4.003, F.A.C., Definitions; 25-4.110,)
F.A.C., Customer Billing; 25-4.118, F.A.C.,)
Interexchange Carrier Selection; 25-24.490,)
F.A.C., Customer Relations; Rules)
Incorporated.)

Docket No. 970882-TI

Filed: 12-15-97

**AT&T'S PRELIMINARY OBJECTIONS TO THE SECOND
REQUEST FOR PRODUCTION OF DOCUMENTS
BY THE ATTORNEY GENERAL AND THE CITIZENS OF FLORIDA**

AT&T Communications of the Southern States, Inc. (hereinafter "AT&T"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code and Rules 1.350 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following preliminary objections to the Second Request for Production of Documents to AT&T Communications of the Southern States, Inc. filed by the Office of the Public Counsel (OPC) on December 5, 1997. AT&T will submit its final objections when it files its Response to Public Counsel's Second Request for Production of Documents on or before January 5, 1998.

OBJECTIONS

AT&T makes the following general objections to OPC's Second Request for Production of Documents:

1. AT&T objects to the definitions of "you," "your," and "AT&T" to the extent such definitions seek to impose an obligation on AT&T Communications of the Southern States, Inc.

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to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case, and on the grounds that such definitions are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Without waiver of its general objection, and subject to other general and specific objections, responses will be provided on behalf of AT&T Communications of the Southern States, Inc. which is the entity certificated to provide regulated telecommunications services in Florida and which is a party to this docket. All references to "AT&T" in responding to the requests for production of documents should be taken to mean AT&T Communications of the Southern States, Inc.

2. AT&T has interpreted OPC's requests to apply to AT&T's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, AT&T objects to such requests as irrelevant, overly broad, unduly burdensome, and oppressive.

3. AT&T objects to requests for production 14 through 23 and all instructions to the extent that these requests or instructions call for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege. AT&T also objects to the extent that the request calls for a comprehensive privilege log of every document and e-mail that might be responsive to these requests as the search for all such documents and preparation of such a log would be unduly burdensome and oppressive. Any production of privileged or otherwise protected documents is inadvertent and shall not constitute a waiver of any claim of privilege or other protection.

4. AT&T objects to requests for production 14 through 23 on the grounds that the requests are vague, ambiguous, voluminous, overly broad, imprecise, and utilize terms that are

subject to multiple interpretations and are not properly defined or explained for purposes of these requests. Any responses provided by AT&T in response to these requests will be provided subject to, and without waiver of, the foregoing objection.

5. AT&T objects to OPC's general instructions, definitions and specific discovery requests insofar as they seek to impose obligations on AT&T that exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

6. AT&T objects to requests for production 14 through 23 to the extent that these requests require information that is already in the public record before the Florida Public Service Commission.

7. AT&T objects to requests for production 17, 20 and 23 as being unduly burdensome, expensive, oppressive, or excessively time consuming as written. AT&T asserts this same objection with respect to each and every general instruction and definition to the extent applicable.

8. AT&T objects to requests for production 14 through 23 to the extent that the information requested includes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. In addition, to the extent that the requests require a response that includes proprietary, confidential business information which is not subject to "trade secrets" privilege, AT&T will make such information available to counsel for OPC subject to AT&T's motion for temporary protective order, subject to receiving a subpoena for customer-specific information, and subject to any other general or specific objection contained herein.

9. AT&T objects to the use of the term "slamming" throughout these requests on the grounds that the term is undefined, and therefore vague and ambiguous. Without waiving these

objections, AT&T interprets the term "slamming" to mean a PIC dispute in which a customer complains that his/her/its PIC was changed without authorization.

10. In responding to these requests for production of documents, AT&T has conducted and is conducting a reasonable and diligent search for documents or other materials responsive to these requests for production of documents where they are most apt to be found. To the extent that the requests ask AT&T to take any action other than this, AT&T objects because the requests are unreasonably burdensome and oppressive.

11. AT&T objects to these requests for production of documents to the extent that they assume that AT&T has engaged in slamming.

SUBMITTED this 15th day of December, 1997.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished by U.S. Mail this 15TH

day of December 1997, to:

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CERTIFICATE OF SERVICE

Docket No. 970882-TI

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail this 15th day of December, 1997, to the following parties:

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