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March 4, 2008

RECEIVED

MAR 04 2008

PUBLIC SERVICE
COMMISSION

Ms. Elizabeth O'Donnell
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: *dPi Teleconnect v. BellSouth Telecommunications*
Case No. 2005-00455

Dear Ms. O'Donnell:

Enclosed please find an original and ten copies of dPi Teleconnect's Responses to AT&T Kentucky's First Data Requests in the above-captioned case.

Please indicate receipt of this filing by your office by placing a file stamp on the extra copy and returning to me via our runner.

Sincerely yours,

Douglas F. Brent

cc: J. Philip Carver, Sr.
Mary Keyer

RECEIVED

MAR 04 2008

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DPI TELECONNECT, LLC v.)
BELLSOUTH TELECOMMUNICATIONS,) Case No. 2005-00455
INC.)

dPi TELECONNECT, LLC'S RESPONSE
TO AT&T KENTUCKY'S FIRST DATA REQUESTS

Please find attached dPi Teleconnect, LLC's Response to AT&T Kentucky's First
Data Requests.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing document has been filed with the Kentucky Public Service Commission and served upon Defendant BellSouth through its below-listed attorneys on this 4th day of March 2008.



Douglas F. Brent

Attorneys for Defendant

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AT&T KENTUCKY'S FIRST DATA REQUESTS

1. **What rate(s) does dPi charge its residential end users in Kentucky for basic local service?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T*’s *retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T*’s past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi*’s relations with *third parties* – e.g., whether dPi passes on all or some of the promotional savings to its customers – have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi refers BellSouth to its tariffs duly filed with the Commission.

Responsible Witness: Brian Bollinger

2. **Describe the processes that dPi, Lost Key, or any third party acting on behalf of dPi utilizes to ensure that its requests for promotional credit comply with the requirements of the respective promotion, including, without limitation, whether dPi has any role in this process and, if so, what that role is, and whether this process is performed entirely by Lost Key.**

RESPONSE:

Lost Key Telecom, on behalf of dPi, used an automated system for evaluating data for all credit requests it submitted to BellSouth. The evaluation process compares each service request to the promotions. The request is reviewed to see if it was made at a time a promotional credit was available, and if so, it is reviewed to determine if it meets the other qualifying criteria; e.g., for the LCCW

promotion, whether it includes at least two Touchstar features, and whether it was a win-over account or a new service.

The results of the automated system are visually inspected each time to see if, on the whole, they trend as they have in the past and there are no gross discrepancies. Should such a discrepancy manifest itself, the data (orders) would be sampled and inspected/verified manually to check for potential errors. If there were any errors found, Lost Key Telecom examined the programming code and ran through orders one at a time to determine the source of the error. Once errors were found and corrected, the credits were re-run before submission to AT&T.

dPi does have a role in this process, including sending data to Lost Key and helping identify which promotions are to be claimed.

Responsible Witness: Steve Watson

3. **When a dPi end user orders basic local service, does dPi have a routine practice of placing on the end user's line blocks on call return, repeat dialing and/or call tracing (hereinafter "call blocks")?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T's past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* – e.g., whether dPi passes on all or some of the promotional savings to its customers – have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi's service offerings do not directly mirror AT&T's. dPi's basic package includes those TouchStar Blocking Features. Thus, dPi's normal procedure is to place the necessary

universal service order codes that limit a customer from experiencing usage charges such as call return, repeat dialing and/or call tracing on such orders – unless the end users chooses a level of service that would entitle him or her to one or another of those features that would otherwise be blocked.

Responsible Witness: Brian Bollinger

4. **When a dPi customer orders basic local service, does dPi place blocks on call return, repeat dialing and/or call tracing in every case? In some cases?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T’s past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a *sideshow and a diversion*.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to this objection and without waiving it, please see above. Generally the blocks are placed on the order in every case. It is dPi’s normal procedure to place the necessary universal service order codes that limit a customer from experiencing usage charges such as call return, repeat dialing and/or call tracing on the order unless the end users chooses a level of service that would entitle him or her to one or another of those features.

Responsible Witness: Brian Bollinger

5. **If you answered Data Request No. 4 by stating that dPi places blocks on end users' lines in some cases or that dPi generally places blocks on the lines of end users who order basic local service, identify every circumstance under which dPi does not place blocks on the lines of its end users who order basic local service.**

RESPONSE:

Please see above. dPi does not place blocks on the lines of its end users only when the end user specifically requests a different level of service.

Responsible Witness: Brian Bollinger

6. **Of the Line Connection Charge Waiver ("LCCW") promotional requests at issue in this proceeding, did dPi submit any requests that included call blocking placed in response to an affirmative request by a dPi end user for the placement of these blocks? If so, how many credit requests were based on dPi end user lines/accounts that had block(s) which were placed in response to an affirmative request by the dPi end user for the block(s)?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T's* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to this objection and without waiving it, please see the responses to Interrogatories 3, 4, and 5, above.

Responsible Witness: Brian Bollinger

7. **When dPi places call blocks on an end user's line, does it specifically and expressly inform the end user that is doing so? If so, does dPi do so at the time the end user initially orders service? At any time?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T's* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to this objection, please see the responses to Interrogatories 3, 4, and 5, above.

Responsible Witness: Brian Bollinger

8. **If you answered Data Request No. 7 affirmatively, please describe every communication from dPi to its end users that specifically informs the end user of dPi's practices of placing blocks on end users' lines, including, but not limited to the following: print advertisements, advertisements in other media, information on dPi's website (or any other website through which dPi's service can be ordered), scripts utilized by representatives of dPi who receive customer service orders.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing

for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T's past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* – e.g., whether or how dPi advertises or communicates with its customers – have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Responsible Witness: Brian Bollinger

9. **Please provide copies of all materials identified in response to Data Request No. 8.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T's past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Responsible Witness: Brian Bollinger

10. **Of the requests for credit under the LCCW promotion that dPi submitted to AT&T in Kentucky, and which AT&T denied, did any have added to the end users' service, anything other than call blocking (e.g., call return, call tracing)?**

RESPONSE:

Yes.

Responsible Witness: Brian Bollinger

11. **If you answered Data Request No. 10 in the affirmative, were these features added at the end users' request in any instances? Were these features added at the end users' request in all instances?**

RESPONSE:

They were added at the end users' request in all instances.

Responsible Witness: Brian Bollinger

12. **If you responded to Data Request No. 11 by stating that these features were added at customers' requests in some, but not all instances, then in how many instances did the end user request these features? In how many instances did dPi add these features without a request to do so from the end user?**

RESPONSE:

Not applicable.

Responsible Witness: Brian Bollinger

13. **Does dPi offer its users the ability to subscribe to call return? If yes, at what rate?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; .

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T's* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi's Kentucky Tariff No. 1 permits subscription to call return.

Responsible Witness: Brian Bollinger

14. **Does dPi offer its end users the ability to subscribe to call tracing? If yes, at what rate?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence. See above.

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T's past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi's tariffs do not include call tracing.

Responsible Witness: Brian Bollinger

15. **Does dPi offer its end users the ability to subscribe to repeat dialing? If yes, at what rate?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T’s* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi’s tariffs do not include repeat dialing.

Responsible Witness: Brian Bollinger

16. **In general, when dPi receives a promotional discount on wholesale services purchased from AT&T, does it pass this discount on to its end users?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T’s* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* – e.g., whether dPi passes on all or some of the promotional savings to its customers – have absolutely no bearing on the

questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Responsible Witness: Brian Bollinger

17. **If you answered Data Request No. 16 in the affirmative, explain the process by which dPi passes these promotional discounts on to its end users.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether *AT&T* is required to extend promotional pricing for which *AT&T*’s *retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the *LCCW* promotion at issue; and (2) *AT&T*’s past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi*’s relations with *third parties* – e.g., whether *dPi* passes on all or some of the promotional savings to its customers – have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Responsible Witness: Brian Bollinger

18. **If a dPi customer qualifies for the LCCW promotion, and dPi receives a promotional discount, does dPi pass any portion of the discount on to its end user? If you answered “yes,” what is the amount passed on to the dPi end user and how is the discount passed on to the end user?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T’s* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* – e.g., whether dPi passes on all or some of the promotional savings to its customers – have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Responsible Witness: Brian Bollinger

19. **Has dPi submitted any credit requests to AT&T Kentucky for promotional discounts pursuant to the LCCW promotion that AT&T has sustained (i.e., that AT&T has paid to dPi)?**

RESPONSE:

Yes.

If so, did dPi pass the promotional discount on to its end users? If so, please provide all documents that demonstrate that dPi passed the promotional discount on to its end users.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The *ONLY* question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T’s past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* – e.g., whether dPi passes on all or some of the promotional savings to its customers – have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Responsible Witness: Brian Bollinger

20. **Has dPi submitted requests for promotional credit under the LCCW promotion in which the customer's line has only one block, and no other additional blocks or features?**

RESPONSE:

No; dPi places at least two Touchstar features on each order submitted for LCCW credit. If such a thing has ever happened, it would have been an idiosyncratic "glitch."

Responsible Witness: Brian Bollinger

21. **Does dPi contend that every LCCW promotional credit request that it submitted to AT&T Kentucky was based on an order of basic local service and two or more features of any sort, which were ordered/added by the end user? If so, identify every action by the end user that constituted the ordering of call blocks?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T's past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* – e.g., whether dPi passes on all or some of the promotional savings to its customers – have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

dPi also objects on the grounds that the question is vague and confusing, considered in context with Data Request 22. The emphasis of the question indicates that BellSouth tries to distinguish between a feature and a call block. To the extent that dPi can answer and without waiving its objection, dPi simply contends that it complied with the promotional language given for LCCW by BellSouth. The call blocks are Touchstar features, and thus no real distinction can be drawn between the two questions. Moreover, these TouchStar Blocking

Features are always included in the basic service calling package that dPi offers, and thus when the customer selects the basic calling package, the TouchStar Blocking Features are included.

Responsible Witness: Brian Bollinger

22. **Does dPi contend that every disputed LCCW promotional credit request that it submitted to AT&T Kentucky was based on an order of local service and two or more call blocks, which were ordered/added by the end user? If so, identify every action by the end user that constituted the ordering of call blocks?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T*’s *retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T’s past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi*’s relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

dPi further objects on the grounds that the question is vague and confusing, considered in context with Data Request 21. The emphasis of the question indicates that BellSouth tries to distinguish between a feature and a call block. To the extent that dPi can answer and without waiving its objection, dPi simply contends that it complied with the promotional language given for LCCW, as written in the tariff by BellSouth. The call blocks are Touchstar features, and thus no real distinction can be drawn between the two questions. Moreover, these TouchStar Blocking Features are always included in the basic service calling package that dPi offers, and thus when the customer selects the basic calling package, the TouchStar Blocking Features are included.

Subject to this objection and without waiving it, see responses to Interrogatories 3, 4, and 5, above.

Responsible Witness: Brian Bollinger

23. **Does dPi contend that when an end user orders basic local service, the end user is also necessarily ordering call blocking?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T’s* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi’s service offerings do not directly mirror *AT&T’s*. dPi’s basic package includes those TouchStar Blocking Features. Thus, dPi’s normal procedure is to place the necessary universal service order codes that limit a customer from experiencing usage charges such as call return, repeat dialing and/or call tracing on such orders – unless the end users chooses a level of service that would entitle him or her to one or another of those features that would otherwise be blocked.

Responsible Witness: Brian Bollinger

24. **Do you contend that every end user that “orders” call blocking by ordering basic local service is actually aware of the existence of call blocks and that call blocks will be placed by dPi on his/her line(s)? Please fully explain the basis of your answer.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T’s* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to this objection and without waiving it, see responses to Interrogatories 3, 4, and 5, above.

Responsible Witness: Brian Bollinger

25. **Identify every affirmative action in the ordering process by which the dPi end user specifically orders call blocking, i.e., apart from ordering basic local service.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T’s* past practices in making the

promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to this objection and without waiving it, please see responses to Interrogatories 3, 4, and 5 above.

Responsible Witness: Brian Bollinger

26. **Does dPi have any records, documents, or files, including electronically stored information, that identifies blocks and/or features that are ordered by dPi's end users, as opposed to blocks or features added by dPi without a request from the end user? If so, please produce all such documents.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi's interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T's retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T's* past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi's* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Responsible Witness: Brian Bollinger

27. **Does dPi own any telecommunications facilities in the Commonwealth of Kentucky? If so, please identify all such facilities.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. dPi's equipment cannot be relevant to any issue in this case.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi is a reseller.

Responsible Witness: Brian Bollinger

28. **Does dPi own any telecommunications facilities anywhere? If "yes," identify all such facilities.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. dPi's equipment cannot be relevant to any issue in this case.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi is a reseller.

Responsible Witness: Brian Bollinger

29. **Does dPi serve any customers in the Commonwealth of Kentucky other than residential customers?**

RESPONSE:

dPi has only residential customers in Kentucky.

Responsible Witness: Brian Bollinger

30. **In the Commonwealth of Kentucky, does dPi provide only pre-paid telecommunications services? Please explain.**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) *AT&T’s* past practices in making the promotional pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* – e.g., whether dPi passes on all or some of the promotional savings to its customers – have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Subject to the objection above and without waiving it, dPi provides only prepaid service in Kentucky.

Responsible Witness: Brian Bollinger

31. **Does dPi resell AT&T services pursuant to the Resale provisions of the Interconnection Agreement between the parties?**

RESPONSE:

Yes.

Responsible Witness: Brian Bollinger

32. **Does dPi place call return blocking on the line of every end user that does not subscribe to call return?**

RESPONSE:

dPi places such blocking on the account of every customer who orders dPi's basic service package, because the package includes such blocking.

Responsible Witness: Brian Bollinger

33. **Does dPi place repeat dialing blocking on the line of every end user that does not subscribe to repeat dialing?**

RESPONSE:

dPi places such blocking on the account of every customer who orders dPi's basic service package, because the package includes such blocking.

Responsible Witness: Brian Bollinger

34. **Does dPi place call tracing blocking on the line of every end user that does not subscribe to call tracing?**

RESPONSE:

dPi places such blocking on the account of every customer who orders dPi's basic service package, because the package includes such blocking.

Responsible Witness: Brian Bollinger

35. **When purchasing services for resale, does dPi pay AT&T any amount for call blocking on the lines of its end user? If so, state the amount that dPi contends it pays to AT&T for each call block?**

RESPONSE:

Yes. The amount cannot be itemized because the basic service plus the blocks are billed together as one, for which dPi pays the contract price.

Responsible Witness: Brian Bollinger

36. **When dPi obtains basic local service from AT&T for resale, does it pay for this service? How much?**

RESPONSE:

Yes. The contract amount.

Responsible Witness: Brian Bollinger

37. **When dPi orders from AT&T Kentucky basic local service plus call blocks, does it pay AT&T any additional amount for the call blocks, i.e., in addition to what it pays for basic local service? If so, what is the additional amount?**

RESPONSE:

dPi pays a single price for the basic local service and the blocks combined.

Responsible Witness: Brian Bollinger

38. **Does dPi charge its end users for call blocking?**

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence.

The information sought – information related to dPi’s interactions with third parties – is utterly irrelevant and inadmissible in this case. The ONLY question before this tribunal is whether is *AT&T* is required to extend promotional pricing for which *AT&T’s retail* customers qualify to *dPi* as a wholesaler. Thus, the sole areas of appropriate inquiry in this case are: (1) the meaning and construction of the LCCW promotion at issue; and (2) AT&T’s past practices in making the promotion pricing available to its retail and other wholesale customers. Inquiries into *dPi’s* relations with *third parties* have absolutely no bearing on the questions this tribunal must answer and are nothing more than a sideshow and a diversion.

Discovery is only allowed if the request is relevant or reasonably likely to lead to the discovery of relevant evidence. It is disallowed if the burden exceeds the probative value of the evidence. Here, because it is utterly irrelevant, the probative value of the information requested is zero, and thus the burden of producing the material obviously exceeds the zero probative value of the information requested.

Responsible Witness: Brian Bollinger

39. **Please produce any and all documents which dPi reviewed, relied upon, which support, evidence, pertain, or are otherwise related to dPi's responses to these data requests.**

RESPONSE:

dPi relied on its discovery responses to BellSouth in Florida and Louisiana, which have been produced to BellSouth already.

Responsible Witness: Brian Bollinger

40. **Please produce a copy of the contract between dPi and Lost Key by which Lost Key became dPi's agent for the purpose of submitting requests for promotional credits.**

RESPONSE:

This has been previously produced pursuant to a confidentiality agreement.

Responsible Witness: Brian Bollinger

41. **Please produce all documents identified in response to any of these Data Requests.**

RESPONSE:

To the extent such data request is answered and unobjected to, these documents are produced, with the exception of dPi tariffs filed with the Commission.

Responsible Witness: Brian Bollinger