

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS	)	
COMMISSION'S TRIENNIAL REVIEW ORDER	)	CASE NO.
REGARDING UNBUNDLING REQUIREMENTS	)	2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS	)	

**RESPONSES AND OBJECTIONS OF US LEC OF TENNESSEE INC. TO BELLSOUTH  
TELECOMMUNICATIONS, INC.'S  
FIRST SET OF INTERROGATORIES (1-83)**

**General Objections to BellSouth's Interrogatories**

1. US LEC objects to BellSouth's Interrogatories to US LEC as being overly broad, lack specificity, unduly burdensome, irrelevant and not likely to lead to the discovery of admissible evidence.

2. US LEC objects to BellSouth's Interrogatories to US LEC to the extent that the interrogatories seek discovery of information protected by attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege.

3. US LEC objects to BellSouth's Interrogatories to US LEC to the extent that the interrogatories purport to impose discovery obligations on US LEC beyond the scope of, what is permitted under the Procedural Order in this docket and the applicable Kentucky Rules of Civil Procedure.

4. US LEC objects to BellSouth's Interrogatories to US LEC to the extent that the interrogatories purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") and the Kentucky Revised Statutes.

5. US LEC objects to all Interrogatories that require the disclosure of information which already is in the public domain, BellSouth already has possession of or unrestricted access to, and information that is otherwise on record with the Commission or the FCC.

6. US LEC objects to BellSouth's Interrogatories to US LEC to the extent that the interrogatories 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 the Kentucky Rules of Civil Procedure.

7. Pursuant to the Procedural Order, the TRO, and the Kentucky Rules of Civil Procedure, to the extent that BellSouth's interrogatories request specific financial, business or proprietary information regarding US LEC's economic business model, US LEC objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon US LEC's economic business model instead of the hypothetical business model contemplated by the TRO.

8. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

9. US LEC objects to BellSouth's definition of "business case" as vague and overly broad.

10. Pursuant to the Procedural Order, the TRO, and the Kentucky Rules of Civil Procedure, to the extent that BellSouth's interrogatories request specific financial, business or proprietary information regarding US LEC's economic business model, US LEC objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon US LEC's economic business model instead of the hypothetical business model contemplated by the TRO.

11. US LEC objects to BellSouth's definitions of "hot cut," "batch hot cut," "individual hot cut," "coordinated cut over" and "coordinated time-specific cut over" and each and every interrogatory that includes such terms, as such definitions are vague and not adequately defined in that it is not clear whether or to what extent BellSouth's practices are consistent with the FCC's use of such terms. The reference in BellSouth's definition of "hot cut" to the "entire process" is vague in that it is not clear whether this includes number portability or whether it is limited to the physical process of transferring a customer. The term "batch" is vague in that it is unclear how many lines or customers constitute a "batch" or whether conversion of a single customer with several accounts would constitute a "batch." BellSouth's use of the term "individual hot cut" is vague in that it is defined with reference to "batch hot cuts," which is itself vague and ambiguous. BellSouth's definitions of "coordinated cut over" and "coordinated time-specific cut over" are vague and ambiguous. The distinctions among BellSouth's definitions for "hot cuts," "individual hot cuts," "coordinated cut overs" and "coordinated time-specific cut overs" are unclear. Thus, such discovery is over broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC further objects to BellSouth's use of such terms as they apply to BellSouth's individual hot cut process as US LEC is not privy to each and every process or procedure employed by BellSouth in implementing such hot cuts.

12. US LEC objects to BellSouth's definition of "voice grade equivalent lines" as vague and ambiguous and subject to differing interpretations. For instance, it is unclear whether this term as defined includes lines capable of carrying voice traffic but which are, in fact, used for data traffic.

13. US LEC objects to the definitions for “qualifying service” and “non-qualifying service,” and each and every interrogatory or request for production that includes such terms, as US LEC does not use such terms in the ordinary course of business and answering in these terms would require US LEC to provide a legal interpretation of the FCC’s terms. With the exception of the specific services the FCC has designated as qualifying or non-qualifying, the term is not clearly defined by the FCC or by BellSouth. For example, as the FCC stated in footnote 466 of the TRO, “Our list is intended to identify general categories of services that would qualify as eligible services. It is not intended to be an exhaustive list or to identify services in a more particular manner.” Thus, such discovery is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

1. Identify each switch owned by Company that Company uses to provide a qualifying service anywhere in Kentucky, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch).

**Response:**

US LEC objects to this interrogatory on the grounds that it would require US LEC to provide switch location information that is already in BellSouth’s possession. Other information requested by BellSouth pursuant to this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, US LEC is not a wholesale switching provider. US LEC objects to this interrogatory because the term “qualifying service,” is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC also objects to this interrogatory on to the extent such the information BellSouth seeks is publicly available. Subject to and without waiving the foregoing objections, US LEC has identified each switch it is using to provide service in Kentucky in CONFIDENTIAL Exhibit A.

2. For each switch identified in response to Interrogatory No. 1, please:
- (a) provide the Common Language Location Identifier (“CLLI”) code of the switch;
  - (b) provide the street address, including the city and state in which the switch is located;
  - (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
  - (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch’s existing configuration and component parts;
  - (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch’s existing configuration and component parts;  
and
  - (f) provide information relating to the switch as contained in Telcordia’s Local Exchange Routing Guide (“LERG”); or, state if the switch is not identified in the LERG.

**Response:**

US LEC objects to this interrogatory on the grounds that it would require US LEC to provide information regarding “CLLI” codes and switch location information that is publicly available and already in BellSouth’s possession. Other information requested by BellSouth pursuant to this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, US LEC is not a wholesale switching provider. Additionally,

this interrogatory request information regarding “voice grade equivalent lines” a term that is vague and ambiguous and subject to dispute as explained in General Objection 10 above.

Subject to and without waiving the foregoing objections, US LEC has identified each switch it is using to provide service in Kentucky in CONFIDENTIAL Exhibit A.

3. Identify any other switch not previously identified in Interrogatory No. 1 that Company uses to provide a qualifying service anywhere in Kentucky, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch). In answering this Interrogatory, do not include ILEC switches used by Company either on an unbundled or resale basis.

**Response:**

US LEC objects to this interrogatory on the grounds that it would require US LEC to provide switch location information that is already in BellSouth’s possession. Other information requested by BellSouth pursuant to this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, US LEC is not a wholesale switching provider. The rates, terms and conditions of its retail switching service are beyond the scope of this proceeding. US LEC objects to this interrogatory because the term “qualifying service,” is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. Finally, certain information sought in this interrogatory regarding the make and model of switching equipment as well as the terms and conditions governing the purchasing relationship between US LEC and its vendors is subject to confidentiality and non-

disclosure agreements between US LEC and third parties, including equipment manufacturers.

Subject to and without waiving the foregoing objections, US LEC responds that no switches exist which are responsive to this request.

4. For each switch identified in response to Interrogatory No. 3, please:
  - (a) identify the person that owns the switch;
  - (b) provide the Common Language Location Identifier (“CLLI”) code of the switch;
  - (c) provide the street address, including the city and state in which the switch is located;
  - (d) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
  - (e) describe in detail the arrangement by which you are making use of the switch, including stating whether you are leasing the switch or switching capacity on the switch;
  - (f) identify all documents referring or relating to the rates, terms, and conditions of Company’s use of the switch; and
  - (g) provide information relating to the switch as contained in Telcordia’s Local Exchange Routing Guide (“LERG”); or, state if the switch is not identified in the LERG.

**Response:**

US LEC incorporates by reference its objection as stated in response to Interrogatory No. 3 above.

Subject to and without waiving the foregoing objections, US LEC responds that no switches exist which are responsive to this request.

5. Identify by name, address, and CLLI code, each ILEC wire center area, e.g., (Louisville, 526 Armory Place, LSVLKYAP), in which you provide qualifying service to any end user customers in Kentucky utilizing any of the switches identified in response to Interrogatory No. 1. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

**Response:**

US LEC objects to this interrogatory on the ground that it would require US LEC to provide information that is already in BellSouth's possession. Certain information requested by BellSouth is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. US LEC objects to this interrogatory because the term "qualifying service," because it is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

Subject to and without waiving this objection, US LEC has requested information from Neustar that will allow it to approximate the ILEC wire center coverage using its Kentucky switches and will provide this information to BellSouth, subject to a protective agreement, when it is available. Neustar approximates that this information will be available in two weeks.

6. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory 1.

**Response:**

US LEC objects to this interrogatory on the grounds that it would require US LEC to provide information that is already in BellSouth's possession. Additionally, certain information requested by BellSouth is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. US LEC objects to this interrogatory on the ground that BellSouth's definition of "voice grade equivalent lines" is vague and ambiguous as explained more fully in General Objection 10 above. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

Subject to and without waiving these objections, US LEC has requested information from Neustar information that will allow it to approximate the total number of voice-grade equivalent lines, as US LEC defines the term, US LEC is providing to end-user customers in the areas served by each switch identified in response to Interrogatory No. 1. US LEC will provide this information to BellSouth when it is available, subject to a protective agreement. Neustar approximates that this information will be available in two weeks.

7. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 6, separate the lines by end user and end user location in the following manner:



- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;

- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

**Response:**

US LEC objects to this interrogatory on the grounds that BellSouth's definition of "voice grade equivalent lines" is vague and ambiguous as explained more fully in General Objection 10 above. Additionally, BellSouth asks US LEC to break down the total voice-grade equivalent lines identified by ILEC wire center in a prior response on the basis of "end user and end user location." US LEC objects to this interrogatory on the grounds they are vague and ambiguous. The meaning of "customer location" is unclear in context. US LEC requests clarification of the item. Further, in the event BellSouth intends to require US LEC to provide the information for each customer's address, US LEC objects to this interrogatory on the basis that they are irrelevant, onerous, unduly burdensome, and ask for confidential, proprietary information that BellSouth does not require for its legitimate discovery purposes and to which it is not entitled. US LEC also objects to providing this information to the extent it is already in BellSouth's possession. US LEC also objects to the information sought to the extent it relates to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements. Moreover, the information sought includes business and/or or commercial information and production of this information would lead to disclosure of information regarding US LEC's confidential, internal operations which could seriously damage its business. Additionally, US LEC objects to this interrogatory to the extent they seek or may be deemed to seek or require the production or disclosure of information subject to the attorney/client or other privileges, the

work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege.

Subject to and without waiving these objections, US LEC has requested information from Neustar information that will allow it to approximate the total number of voice-grade equivalent lines, as US LEC defines the term, US LEC is providing to end-user customers in the areas served by each switch identified in response to Interrogatory No. 1. US LEC will provide this information to BellSouth when it is available, subject to a protective agreement. Neustar approximates that this information will be available in two weeks.

8. Identify by name, address, and CLLI code, each ILEC wire center area, e.g., (Louisville, 526 Armory Place, LSVLKYAP), in which you provide qualifying service to any end user customers in Kentucky utilizing any of the switches identified in response to Interrogatory No. 3. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user is located.

**Response:**

US LEC objects to this interrogatory because the term “qualifying service,” is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC also objects to providing such information to the extent it is publicly available in the LERG. Moreover, BellSouth has not defined what a wire center or ILEC exchange is that would permit US LEC to determine if a response is appropriate. Based on our assumptions as to what BellSouth means in its use of these terms, US LEC does not track data in accordance with wire

center boundaries or ILEC exchanges. Finally, US LEC objects to this interrogatory to the extent it seeks information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements and to the extent that such information is already in BellSouth's possession. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

Subject to and without waiving the foregoing objections, US LEC responds that no switches have been identified in response to Interrogatory No. 3.

9. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory No. 3.

**Response:**

US LEC objects to this interrogatory on the grounds that it would require US LEC to provide information that is already in BellSouth's possession. Additionally, certain information requested by BellSouth is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. US LEC objects to this interrogatory on the grounds that BellSouth's definition of "voice grade equivalent lines" is vague and ambiguous as explained more fully in General Objection 10 above. US LEC objects to BellSouth's interrogatory to the extent it seeks information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

Subject to and without waiving these objections, US LEC responds that no wire centers were identified in response to the preceding interrogatory.

10. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 9, separate the lines by end user and end user location in the following manner:
- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
  - (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
  - (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
  - (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
  - (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
  - (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
  - (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
  - (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
  - (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;

- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

**Response:**

US LEC objects to this interrogatory on the grounds that BellSouth's definition of "voice grade equivalent lines" is vague and ambiguous as explained more fully in General Objection 10 above. Additionally, BellSouth asks US LEC to break down the total voice-grade equivalent lines identified by ILEC wire center in a prior response on the basis of "end user and end user location." US LEC objects to this interrogatory on the grounds it is vague and ambiguous, and the meaning of "customer location" is unclear in context. Further, in the event BellSouth intends to require US LEC to provide the information for each customer's address, US LEC objects to this interrogatory on the basis that it is irrelevant, onerous, unduly burdensome, and ask for confidential, proprietary information that BellSouth does not require for its legitimate discovery purposes and to which it is not entitled. US LEC also objects to providing this information to the extent it is already in BellSouth's possession. US LEC also objects to the information sought to the extent it relates to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements. Moreover, the information sought includes business and/or commercial information and production of this information would lead to disclosure of

information regarding US LEC's confidential, internal operations which could seriously damage its business. Additionally, US LEC objects to this interrogatory to the extent it seeks or may be deemed to seek or require the production or disclosure of information subject to the attorney/client or other privileges, the work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege.

Subject to and without waiving these objections, US LEC responds that no voice-grade equivalent lines were identified in response to Interrogatory No. 9.

11. Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Kentucky using an ILEC's switch either on an unbundled or resale basis. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

**Response:**

US LEC objects to this interrogatory because the term "qualifying service," is undefined, as more fully explained in General Objection 8 above. Therefore, this interrogatory is overly broad, and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. *See* US LEC's objections as more fully explained in response to Interrogatory No. 8 above, which are hereby incorporated by reference.

Subject to and without waiving these objections, US LEC responds that it does not use ILEC switches to provide services in Kentucky.

12. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area using an ILEC's switch either on an unbundled or resale basis.

**Response:**

US LEC objects to this interrogatory on the ground that BellSouth's definition of "voice grade equivalent lines" is vague and ambiguous as more fully explained in General Objection 10 above. In addition, US LEC objects to BellSouth's interrogatory to the extent it seeks information related to special access circuits purchased out of BellSouth's interstate tariff, rather than to unbundled network elements. Further, US LEC incorporates its objections in stated in response to Interrogatory No. 8 above.

Subject to and without waiving these objections, US LEC responds that its does not use ILEC switches on an unbundled or resale basis in Kentucky.

13. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 12, separate the lines by end user and end user location in the following manner:
- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
  - (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;



- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

**Response:**

US LEC objects to this interrogatory on the ground that BellSouth's definition of "voice grade equivalent lines" is vague and ambiguous as explained more fully in General Objection 10 above. Additionally, BellSouth asks US LEC to break down the total voice-grade equivalent lines identified by ILEC wire center in a prior response on the basis of "end user and end user location." US LEC objects to this interrogatory on the grounds it is vague and ambiguous and that the meaning of "end user location" is unclear in context. Further, in the event BellSouth intends to require US LEC to provide the information for each customer's address, US LEC objects to this interrogatory on the basis that it is irrelevant, onerous, unduly burdensome, and ask for confidential, proprietary information that BellSouth does not require for its legitimate discovery purposes and to which it is not entitled. US LEC also objects to providing this information to the extent it is already in BellSouth's possession. US LEC also objects to the information sought to the extent it relates to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements. Moreover, the information sought includes business and/or or commercial information and production of this information would lead to disclosure of information regarding US LEC's confidential, internal operations which could seriously damage its business. Additionally, US LEC objects to this interrogatory to the extent it seeks or may be deemed to seek or require the production or disclosure of information subject to the attorney/client or other privileges, the work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege.

Subject to and without waiving these objections, US LEC responds that its does not use ILEC switches on an unbundled or resale basis in Kentucky.

14. Do you offer to provide or do you provide switching capacity to another local exchange carrier for its use in providing qualifying service anywhere in the nine states in the BellSouth region. If the answer to this Interrogatory is in the affirmative, for each switch that you use to offer or provide such switching capacity, please:

- (a) Provide the Common Language Location Identifier (“CLLI”) code of the switch;
- (b) Provide the street address, including the city and state in which the switch is located;
- (c) Identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) State the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch’s existing configuration and component parts;
- (e) State the number of voice-grade equivalent lines the switch is currently serving based on the switch’s existing configuration and component parts;  
and
- (f) Identify all documents referring or relating to the rates, terms, and conditions of Company’s provision of switching capability.

**Response:**

US LEC objects to this interrogatory on the ground that it would require US LEC to provide information regarding “CLLI” codes and switch location information that is already in BellSouth’s possession. Further, US LEC objects to this interrogatory on the grounds that BellSouth’s definition of “voice grade equivalent lines” is vague and ambiguous as more fully

explained in General Objection 10 above. Further, US LEC objects to this interrogatory on the grounds that certain information requested by BellSouth regarding the “rates, terms and conditions of US LEC’s switching” capability is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, US LEC objects on the grounds that the information sought contains confidential, proprietary business or commercial information and production of this information would lead to disclosure of information regarding US LEC's confidential, internal operations that could seriously damage its business. US LEC objects to the request to the extent it seeks or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client or other privileges, the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of US LEC’s attorneys or its representatives.

Subject to and without waiving the foregoing, US LEC responds that it does not offer wholesale switching to other carriers in Kentucky.

15. Identify every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service using: (1) the Unbundled Network Element Platform (UNE-P), (2) self-provisioned switching, (3) switching obtained from a third party provider other than an ILEC, or (4) any combination of these items.

**Response:**

US LEC objects to this interrogatory to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence. To the extent that this interrogatory requests specific financial, business or proprietary information regarding US LEC’s economic business model, US LEC objects to providing or producing any such information on the grounds that those

requests presume that the market entry analysis is contingent upon US LEC's economic business model instead of the hypothetical business model contemplated by the TRO. The TRO explicitly contemplates that in considering whether a competing carrier economically can compete in a given market without access to a particular unbundled network element, the Commission must consider the likely revenues and costs associated with the given market based on the *most efficient business model* for entry rather than to a *particular carrier's business model*. TRO at ¶326. In particular, the FCC stated:

In considering whether a competing carrier could economically serve the market without access to the incumbent's switch, the state commission must also consider the likely revenues and costs associated with local exchange mass market service . . . The analysis must be based on the *most efficient business model* for entry rather than to any *particular carrier's business model*.

Id. (emphasis added). Additionally, with respect to economic entry, in paragraph 517 of the TRO, the FCC stated that “[t]he analysis must be based on the most efficient business model for entry rather than to any particular carrier's business model.” Furthermore, in footnote 1579 of the TRO, the FCC clarified that “[s]tate commissions should not focus on whether competitors operate under a cost disadvantage. State commissions should determine if entry is economic by conducting a business case analysis for an *efficient entry*” (emphasis added).

In addition to these statements, the FCC also made numerous other references to the operations and business plans of an efficient competitor, specifically rejecting a review of a particular carrier's business plans or related financial information. See ¶84 n. 275 (“Once the UNE market is properly defined, impairment should be tested by asking whether *a reasonable efficient CLEC* retains the ability to compete even without access to the UNE.”) (citing BellSouth Reply, Attachment 2, Declaration of Howard A. Shelanski at ¶2(emphasis added)).

*See also* TRO at ¶115; ¶469; ¶485 n. 1509; ¶517 n. 1579; ¶519 n. 1585; ¶520 ns. 1588 and 1589; ¶581 n. 1788.

Accordingly, the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of US LEC or any other *particular competitor*. As a result, discovery of US LEC financial information or business plans will not lead to the discovery of admissible evidence in this proceeding. US LEC also objects on the grounds that the interrogatory seeks the disclosure of commercially sensitive, confidential and proprietary business information. US LEC also objects because, as defined within the interrogatory, the term "business case" is overbroad. US LEC also objects because, particularly in view of the fact the information is irrelevant, requiring US LEC to disclose its internal analyses would be oppressive and unduly burdensome. Additionally, US LEC objects to this interrogatory to the extent it seeks or may be deemed to seek or require the production or disclosure of information subject to the attorney/client or other privileges, the work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege.

16. Identify any documents that you have provided to any of your employees or agents, or to any financial analyst, bank or other financial institution, shareholder or any other person that describes, presents, evaluates or otherwise discusses in whole or part, how you intend to offer or provide local exchange service, including but not limited to such things as the markets in which you either do participate or intend to participate, the costs of providing such service, the market share you anticipate

obtaining in each market, the time horizon over which you anticipate obtaining such market share, and the average revenues you expect per customer.

**Response:**

US LEC objects to this interrogatory on the grounds that it will not lead to the discovery of admissible evidence. For the reasons explained in US LEC's objection to Interrogatory No. 15 above, which is incorporated by reference, the business plans, marketing analyses and revenue projections of its retail switching service are beyond the scope of this proceeding. US LEC also objects on the grounds that this interrogatory is overly broad, oppressive, and unduly burdensome. US LEC objects to this interrogatory on the grounds that the information sought contains confidential, proprietary business or commercial information and production of these documents would lead to disclosure of information regarding US LEC's confidential, internal operations that could seriously damage its business. US LEC objects to these requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of US LEC's attorneys or its representatives. US LEC objects to this interrogatory on the grounds that the request to identify "every" document is unduly burdensome and oppressive.

17. If not identified in response to a prior Interrogatory, identify every document in your possession, custody, or control referring or relating to the financial viability of self-provisioning switching in your providing qualifying services to end user customers.

**Response:**

US LEC incorporates by reference its objections to Interrogatories No. 15 and No. 16 above.

18. Do you have switches that are technically capable of providing, but are not presently being used to provide, a qualifying service in Kentucky? If the answer to this Interrogatory is in the affirmative, please:

- (a) provide the Common Language Location Identifier (“CLLI”) code of the switch;
- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch’s existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch’s existing configuration and component parts;  
and
- (f) identify any documents in your possession, custody or control that discuss, evaluate, analyze or otherwise refer or relate to whether those switches could be used to provide a qualifying service in Kentucky.

**Response:**



18(a) & (b). US LEC objects to this interrogatory to the extent the information sought is publicly available in the LERG.

18(c). US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory seeks information about US LEC's network configuration beyond the scope of this proceeding.

18(d) & (e). US LEC objects to this interrogatory on the grounds that BellSouth's definition of "voice grade equivalent" is overly broad as more fully explained in General Objection 10 above and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

18(f). US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. The manner in which US LEC manages its switching services is beyond the scope of this proceeding. US LEC objects to this interrogatory because the term "qualifying service," because it is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC objects to this interrogatory on the grounds that the information sought contains confidential, proprietary business or commercial information and production of these documents would lead to disclosure of information regarding US LEC's confidential, internal operations that could seriously damage its business.

Subject to and without waiving the foregoing objections, US LEC responds that it has no switches in the category described by this interrogatory.

19. Identify each MSA in Kentucky where you are currently offering a qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC further objects to this interrogatory because use of the term "qualifying service," because it is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

20. If you offer a qualifying service outside of the MSAs identified in response to Interrogatory 19, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC object to this interrogatory because the term "qualifying service" is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

21. Describe with particularity the qualifying services that you offer in the geographic areas described in response to Interrogatories 19 and 20, including the rates, terms, and conditions under which such services are offered. If the qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the relevant geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify that web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms and conditions upon which service is provided.

**Response:**

US LEC objects to this interrogatory on the grounds that it seeks information regarding “qualifying services” as this term is vague and undefined as more fully explained in General Objection 11 above. US LEC also objects to this interrogatory on the grounds that it is irrelevant. US LEC is not a wholesale switching provider. The rates of its retail switching service are beyond the scope of this proceeding. Further, US LEC incorporates by reference the objections it raised in response to Interrogatories Nos. 14 and 15 above.

22. Identify each MSA in Kentucky where you are currently offering a non-qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC objects to this interrogatory because the term "non-qualifying service" is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

23. If you offer a non-qualifying service outside of the MSAs identified in response to Interrogatory 22, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC objects to this interrogatory because the term "non-qualifying service" is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

24. Describe with particularity the non-qualifying services that you offer in the geographic areas described in response to Interrogatories 22 and 23, including the rates, terms, and conditions under which such services are offered. If the non-qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the relevant geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify that web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms and conditions upon which service is provided.

**Response:**

US LEC objects to this interrogatory because the term “non-qualifying service” is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC also objects on the grounds that the rates for its services are confidential and proprietary and beyond the scope of this proceeding. Further, US LEC incorporates by reference the objections it raised in response to Interrogatories Nos. 14 and 15 above.

25. Please state the total number of end users customers in the State of Kentucky to whom you only provide qualifying service.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC objects to this interrogatory because the term "qualifying service" is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

26. For those end user customers to whom you only provide qualifying service in the State of Kentucky, please state the average monthly revenues you receive from each such end user customer.

**Response:**

US LEC objects to this interrogatory because the term "qualifying service" is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC also objects to this interrogatory because it is irrelevant and is not reasonable calculated to lead to the discovery of admissible evidence for the reasons explained in US LEC's objection to Interrogatory No. 15, which is incorporated by reference. US LEC also objects on the grounds that the interrogatory asks for information that is irrelevant to the impairment analysis prescribed in the TRO and not reasonably calculated to lead to the discovery of admissible evidence. *See*

objections stated in response to Interrogatories Nos. 14 and 15 above. US LEC also objects to this interrogatory on the grounds it seeks confidential and proprietary business information. Further, US LEC interprets this interrogatory to request aggregate information. If BellSouth intended to request average monthly revenues for each individual end use customer, then US LEC objects on the grounds that the interrogatory is unduly burdensome and oppressive.

27. For those end user customers to whom you only provide qualifying service in the State of Kentucky, please state the average number of lines that you provide each such end user customer.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC objects to this interrogatory because the terms "qualifying services" and "non-qualifying service," are undefined, as more fully explained in General Objection 11 above. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

28. Please state the total number of end users customers in the State of Kentucky to whom you only provide non-qualifying service.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC objects to this interrogatory because the terms "qualifying services" and "non-qualifying service" are undefined, as more fully explained in General Objection 11 above. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

29. For those end user customers to whom you only provide non-qualifying service in the State of Kentucky, please state the average monthly revenues you receive from each such end user customer.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC objects to this interrogatory because the terms "qualifying services" and "non-qualifying service" are undefined, as more fully explained in General Objection 11 above. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

30. Please state the total number of end users customers in the State of Kentucky to whom you provide both qualifying and non-qualifying service.

**Response:**



US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent that this information is already in BellSouth's possession. US LEC objects to this interrogatory because the terms "qualifying service" and "non-qualifying service" are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC objects to BellSouth's interrogatory to the extent it seeks information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

31. For those end user customers to whom you provide qualifying and non-qualifying service in the State of Kentucky, please state the average monthly revenues you receive from each such end user customer.

**Response:**

US LEC objects to this interrogatory on the grounds that this interrogatory seeks information that is unrelated to and inconsistent with the impairment analysis prescribed in the TRO, is therefore irrelevant to the issues in the case and the analysis to be conducted by the Commission, and is not reasonably designed to lead to the discovery of admissible evidence as more fully explained in the objection to Interrogatory No. 15 above, which is incorporated by reference. US LEC objects to the request to the extent it seeks or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions,

opinions or legal theories of US LEC's attorneys or its representatives. US LEC also objects on the grounds this interrogatory seek the disclosure of commercially sensitive, confidential and proprietary business information. US LEC also objects to the requests for information as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. US LEC objects to this interrogatory because the terms "qualifying service" and "non-qualifying service" are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. Finally, US LEC objects to the interrogatory to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

32. For those end user customers to whom you provide qualifying and non-qualifying service in the State of Kentucky, please state the average number of lines that you provide each such end user customer.

**Response:**

US LEC objects to this interrogatory on the grounds that it seeks information that is unrelated to and inconsistent with the impairment analysis prescribed in the TRO, is therefore irrelevant to the issues in the case and the analysis to be conducted by the Commission, and is not reasonably designed to lead to the discovery of admissible evidence as more fully explained in the objection to Interrogatory No. 15 above, which is incorporated by reference. US LEC objects to the requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any

confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of US LEC's attorneys or its representatives. US LEC also objects on the grounds this interrogatory seek the disclosure of commercially sensitive, confidential and proprietary business information. US LEC also objects to the requests for information as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. US LEC objects to this interrogatory because the terms “qualifying service” and “non-qualifying service,” are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery.

33. Please provide a breakdown of the total number of end user customers served by Company in Kentucky by class or type of end user customers (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers. For each such classification, and/or if you provide another type of classification, define and describe with specificity the classification so that it can be determined what kinds of customers you have in each classification).

**Response:**

US LEC objects to this interrogatory on the grounds that this interrogatory seeks information that is unrelated to and inconsistent with the impairment analysis prescribed in the TRO, is therefore irrelevant to the issues in the case and the analysis to be conducted by the Commission, and is not reasonably designed to lead to the discovery of

admissible evidence as more fully explained in the objection to Interrogatory No. 15 above. US LEC objects to the requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of US LEC's attorneys or its representatives. US LEC also objects on the grounds this interrogatory seek the disclosure of commercially sensitive, confidential and proprietary business information. US LEC also objects to the requests for information as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. Finally, US LEC objects to the interrogatory to the extent it seeks information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

34. For each class or type of end user customer referenced in Interrogatory No. 33, please state the average acquisition cost for each such end user class or type. Please provide this information for each month from January 2000 to the present.

**Response:**

US LEC objects to this interrogatory on the grounds that it seeks information that is unrelated to and inconsistent with the impairment analysis prescribed in the TRO, is therefore irrelevant to the issues in the case and the analysis to be conducted by the Commission, and is not reasonably designed to lead to the discovery of admissible evidence as more fully explained in the objection

to Interrogatory No. 15 above, which is incorporated herein by reference. US LEC objects to the requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of US LEC's attorneys or its representatives. US LEC also objects on the grounds this interrogatory seek the disclosure of commercially sensitive, confidential and proprietary business information. US LEC also objects to the requests for information on a monthly basis since January 2000 as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. US LEC objects to this interrogatory because the terms "qualifying service" and "non-qualifying service," are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

35. For each class or type of end user customer referenced in Interrogatory No. 33, please state the typical churn rate for each such end user class or type. Please provide this information for each month from January 2000 to the present.

**Response:**

US LEC objects to this interrogatory on the grounds that it seeks information that is unrelated to and inconsistent with the impairment analysis prescribed in the TRO, is

therefore irrelevant to the issues in the case and the analysis to be conducted by the Commission, and is not reasonably designed to lead to the discovery of admissible evidence as more fully explained in the objection to Interrogatory No. 15 above, which is incorporated herein by reference. US LEC objects to the request to the extent it seeks or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of US LEC's attorneys or its representatives. US LEC also objects on the grounds this interrogatory seek the disclosure of commercially sensitive, confidential and proprietary business information. US LEC also objects to the requests for information on a monthly basis since January 2000 as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. US LEC objects to this interrogatory because the terms "qualifying service" and "non-qualifying service," are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

36. For each class or type of end user customer referenced in Interrogatory No. 33, please state the share of the local exchange market you have obtained. Please provide this information for each month from January 2000 to the present.

**Response:**

US LEC objects to this interrogatory on the grounds that it seeks information that is unrelated to and inconsistent with the impairment analysis prescribed in the TRO, is therefore irrelevant to the issues in the case and the analysis to be conducted by the Commission, and is not reasonably designed to lead to the discovery of admissible evidence as more fully explained in the objection to Interrogatory No. 15 above, which is incorporated by reference. US LEC objects to the requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of US LEC's attorneys or its representatives. US LEC also objects on the grounds this interrogatory seek the disclosure of commercially sensitive, confidential and proprietary business information. US LEC also objects to the requests for information on a monthly basis since January 2000 as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. US LEC objects to this interrogatory because the terms "qualifying service" and "non-qualifying service" are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

37. Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to your cumulative market share of the local exchange market in Kentucky.

**Response:**

US LEC objects to these interrogatories on the grounds that the information sought is confidential and proprietary, competitive information, the disclosure of which is not likely to lead to the discovery of admissible evidence for the reasons more fully explained in the specific objection to Interrogatory No. 15, which is incorporated by reference. US LEC also objects on the grounds these interrogatories seek the disclosure of commercially sensitive, confidential and proprietary business information. US LEC also objects to the requests for information as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need.

38. Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to any projections that you have made regarding your cumulative market share growth in the local exchange market in Kentucky.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 37 above.



39. Describe how the marketing organization that is responsible for marketing qualifying service in Kentucky is organized, including the organization's structure, size in terms of full time or equivalent employees including contract and temporary employees, and the physical work locations for such employees. In answering this Interrogatory, please state whether you utilize authorized sales representatives in your marketing efforts in Kentucky, and, if so, describe with particularity the nature, extent, and rates, terms, and conditions of such use.

**Response:**

US LEC objects to this interrogatory on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. US LEC's marketing operations are beyond the scope of this proceeding. US LEC objects to this interrogatory because the terms "qualifying service" and "non-qualifying service" are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC also objects on the grounds that this interrogatory seeks information which is confidential and proprietary. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

40. How do you determine whether you will serve an individual customer's location with multiple DSOs or whether you are going to use a DS1 or larger transmission system? Provide a detailed description of the analysis you would undertake to resolve this

issue, and identify the factors that you would consider in making this type of a decision.

**Response:**

US LEC objects to these interrogatories on the grounds that they are inconsistent with the analysis prescribed in the TRO, are unrelated to the analysis the Commission is to make, irrelevant to the issues in the docket and not reasonably calculated to lead to the discovery of admissible evidence. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements. US LEC also objects on the basis that this interrogatory seek the disclosure of confidential and proprietary business information. US LEC objects to these requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of US LEC's attorneys or its representatives. US LEC also objects on the grounds this interrogatory as framed are overbroad and unduly burdensome. US LEC objects to this interrogatory on the grounds that they are irrelevant. US LEC's decision making about what type of transmission system with which it should serve a customer is beyond the scope of this proceeding.

41. Is there a typical or average number of DS0s at which you would chose to serve a particular customer with a DS1 or larger transmission system, all other things being

equal? If so, please provide that typical or average number and explain how this number was derived.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 40 above.

42. What additional equipment, if any, would be required (on the customer's side of the demarcation point rather than on network side of the demarcation point) to provide service to a customer with a DS1 rather than multiple DS0s? For instance, if a customer had 10 DS0s, and you want to provide the customer with the same functionality using a DS1, would a D-4 channel bank, a digital PBX, or a digital Key System, be required in order to provide equivalent service to the end user that has 10 DS0s? If so, please provide the average cost of the equipment that would be required to provide that functional equivalency (that is, the channel bank, the PBX, or the Key System, or whatever would typically be required should you decide to serve the customer with a DS1 rather than multiple DS0s.)

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 40 above.

43. What cost of capital do you use in evaluating whether to offer a qualifying service in a particular geographic market and how is that cost of capital determined?

**Response:**

US LEC objects to this interrogatory on the grounds that the information sought is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. US LEC's capital cost analyses are beyond the scope of this proceeding. Also, such information is confidential and proprietary to US LEC. US LEC also objects to this interrogatory because it will not lead to the discovery of admissible evidence for the reasons explained in US LEC's objection to Interrogatory No. 15, which is incorporated by reference.

44. With regard to the cost of capital you use in evaluating whether to provide a qualifying service in a particular geographic market, what are the individual components of that cost of capital, such as the debt-equity ratio, the cost of debt and the cost of equity?

**Response:**

US LEC objects to this interrogatory on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The individual components of US LEC's capital cost are beyond the scope of this proceeding. Also, such information is confidential and proprietary to US LEC. US LEC also objects to this interrogatory because it will not lead to the discovery of admissible evidence for the reasons explained in US LEC's objection to Interrogatory No. 15, which is incorporated by reference. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

45. In determining whether to offer a qualifying service in a particular geographic market, what time period do you typically use to evaluate that offer? That is, do you use one year, five years, ten years or some other time horizon over which you evaluate the project?

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence as more fully explained in US LEC's objection to Interrogatory No. 15 above, which is incorporated by reference. In addition, the period of time over which US LEC may evaluate a product offering is beyond the scope of this proceeding as are US LEC's definitions of the terms "sales expenses," and "general and administrative expenses" and its estimate of those expenses. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

46. Provide your definition of sales expense as that term is used in your business.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence as more fully explained in US LEC's objection to Interrogatory No. 15 above, which is incorporated by reference. In addition, the period of time over which US LEC may evaluate a product offering is beyond the scope of this proceeding as are US LEC's definitions of the terms "sales expenses," and "general and administrative expenses" and its estimate of those expenses. Finally, US LEC objects to BellSouth's

Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

47. Based on the definition of sales expense in the foregoing Interrogatory, please state how you estimate sales expense when evaluating whether to offer a qualifying service in a particular geographic market?

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence as more fully explained in US LEC's objection to Interrogatory No. 15 above, which is incorporated by reference. In addition, the period of time over which US LEC may evaluate a product offering is beyond the scope of this proceeding as are US LEC's definitions of the terms "sales expenses," and "general and administrative expenses" and its estimate of those expenses. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

48. Provide your definition of general and administrative (G&A) costs as you use those terms in your business.

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence as more fully explained in US LEC's objection to

Interrogatory No. 15 above, which is incorporated by reference. In addition, the period of time over which US LEC may evaluate a product offering is beyond the scope of this proceeding as are US LEC's definitions of the terms "sales expenses," and "general and administrative expenses" and its estimate of those expenses. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

49. Based on the definition of G&A costs in the foregoing Interrogatory, please state how you estimate G&A expenses when evaluating whether to offer a qualifying service in a particular geographic market?

**Response:**

US LEC objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence as more fully explained in US LEC's objection to Interrogatory No. 15 above, which is incorporated by reference. In addition, the period of time over which US LEC may evaluate a product offering is beyond the scope of this proceeding as are US LEC's definitions of the terms "sales expenses," and "general and administrative expenses" and its estimate of those expenses. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

50. For each day since January 1, 2000, identify the number of individual hot cuts that BellSouth has performed for Company in each state in BellSouth's region.

**Response:**

US LEC objects to this interrogatory on the grounds that BellSouth's definition of "hot cut" is vague as explained in General Objection 8 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC also objects to this interrogatory on the grounds that providing this information since January 2000 is onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. US LEC also objects to this interrogatory to the extent the information sought is already in BellSouth's possession or is publicly available to BellSouth. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

51. For each individual hot cut identified in response to Interrogatory No. 50, state:
- i. Whether the hot cut was coordinated or not;
  - ii. If coordinated, whether the hot cut occurred as scheduled;
  - iii. If the hot cut did not occur as scheduled, state whether this was due to a problem with BellSouth, Company, the end-user customer, or some third party, and describe with specificity the reason the hot cut did not occur as scheduled;
  - iv. If there was a problem with the hot cut, state whether Company complained in writing to BellSouth or anyone else.

**Response:**



US LEC objects to this interrogatory on the grounds that BellSouth's definition of "hot cut" is vague as explained in General Objection 8 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC also objects to this interrogatory on the grounds that providing this information since January 2000 is onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. US LEC also objects to this interrogatory to the extent the information sought is already in BellSouth's possession or is publicly available to BellSouth. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

52. Does Company have a preferred process for performing batch hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

**Response:**

US LEC objects to these interrogatories on the grounds that BellSouth's definition of the terms "hot cut," "individual hot cut process," "batch hot cut," "batch hot cut process," and "non-coordinated hot cut" are vague as explained in General Objection 8 above. Therefore, these interrogatories are overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

53. Does Company have a preferred process for performing individual hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

54. If Company has a preferred process for individual hot cuts that differs from BellSouth's process, identify each specific step in Company's process that differs from BellSouth's process.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

55. If Company has a preferred process for bulk hot cuts that differs from BellSouth's process, identify each specific step in Company's process that differs from BellSouth's process.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

56. Does Company have any estimates of what a typical individual hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

57. Does Company have any estimates of what a typical bulk hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

58. What is the largest number of individual hot cuts that Company has requested in any individual central office in each of the nine BellSouth states on a single day? In answering this Interrogatory, identify the central office for which the request was made, and the number of hot cuts that were requested. State with specificity what the outcome was for each of the hot cuts in each of the central offices so described, if not provided in response to an earlier interrogatory.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

59. Does any ILEC in the BellSouth region have a batch hot cut process that is acceptable to Company or that Company believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

60. Does any ILEC in the BellSouth region have a cost for a batch hot cut process that is acceptable to Company? If so, name the ILEC and provide the rate and the source of the rate.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

61. Does any ILEC in the BellSouth region have an individual hot cut process that is acceptable to Company or that Company believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

62. Does any ILEC in the BellSouth region have a rate for an individual hot cut process that is acceptable to Company? If so, name the ILEC and provide the rate and the source of the rate.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

63. Does any ILEC outside the BellSouth region have a batch hot cut process that is acceptable to Company or that Company believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

64. Does any ILEC outside the BellSouth region have a rate for a batch hot cut process that is acceptable to Company? If so, name the ILEC and provide the rate and the source of the rate.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

65. Does any ILEC outside the BellSouth region have an individual hot cut process that is acceptable to Company or that Company believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity

the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

66. Does any ILEC outside the BellSouth region have a rate for an individual hot cut process that is acceptable to Company? If so, name the ILEC and provide the rate and the source of the rate.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

67. Does Company order coordinated or non-coordinated hot cuts?

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

68. Does Company use the CFA database?

**Response:**

US LEC objects to this interrogatory because the definition of “CFA database” is not defined. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. Further, US LEC objects because the request is not reasonably calculated to lead to the discovery of admissible evidence

69. Identify every issue related to BellSouth’s hot cut process raised by Company since October 2001.

**Response:**

69. US LEC objects to this interrogatory on the grounds that BellSouth’s definition of “hot cut,” is vague as explained in General Objection 8 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC objects to BellSouth’s Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth’s interstate tariff rather than to unbundled network elements. US LEC also objects to this interrogatory on the grounds that it is already in BellSouth’s possession and is publicly. US LEC also objects to this interrogatory on the grounds that the time frame is overly broad.

70. What is the appropriate volume of loops that you contend the Kentucky Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:**



US LEC objects to these interrogatories on the grounds that BellSouth's definition of the terms "hot cut," "individual hot cut process," "batch hot cut," "batch hot cut process," and "non-coordinated hot cut" are vague as explained in General Objection 8 above. Therefore, these interrogatories are overly broad and it would be unduly burdensome for US LEC to respond to such ambiguous discovery. US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

71. What is the appropriate process that you contend the Kentucky Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 70 above.

72. If Company disagrees with BellSouth's individual hot cut process, identify every step that Company contends is unnecessary and state with specificity why the step is unnecessary.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 70 above.

73. If Company disagrees with BellSouth's bulk hot cut process, identify every step that Company contends is unnecessary and state with specificity why the step is unnecessary.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 70 above.

74. Identify by date, author and recipient every written complaint Company has made to BellSouth regarding BellSouth's hot cut process since October 2001.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 70 above.

75. How many unbundled loops does Company contend BellSouth must provision per state per month to constitute sufficient volume to assess BellSouth's hot cut process?

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 70 above.

76. What is the appropriate information that you contend the Kentucky Public Service Commission should consider in evaluating whether the ILEC is capable of migrating multiple lines served using unbundled local circuit switching to switches operated by a carrier other than the ILEC in a timely manner in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 70 above.

77. What is the average completion interval metric for provision of high volumes of loops that you contend the Kentucky Public Service Commission should require in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 70 above.

78. What are the rates that you contend the Kentucky Public Service Commission should adopt in establishing a batch hot cut process consistent with FCC Rule

51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:**

US LEC restates and incorporates by reference its objections to Interrogatory No. 52 above.

79. What are the appropriate product market(s) that you contend the Kentucky Public Service Commission should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:**

US LEC objects to this interrogatory on the grounds that these are policy questions that are addressed in public policy contexts, not as answers to interrogatories. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

80. What are the appropriate geographic market(s) that you contend the Kentucky Public Service Commission should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:**

US LEC objects to this interrogatory on the grounds that these are policy questions that are addressed in public policy contexts, not as answers to interrogatories. Finally, US LEC objects

to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

81. Do you contend that there are operational barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(2) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such operational barrier, and state all facts and identify all documents supporting your contention.

**Response:**

US LEC objects to this interrogatory on the grounds that these are policy questions that are addressed in public policy contexts, not as answers to interrogatories. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

82. Do you contend that there are economic barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(3) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such economic barrier, and state all facts and identify all documents supporting your contention.

**Response:**

US LEC objects to this interrogatory on the grounds that these are policy questions that are addressed in public policy contexts, not as answers to interrogatories. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

83. What is the maximum number of DS0 loops for each geographic market that you contend requesting telecommunications carriers can serve through unbundled switching when serving multiline end users at a single location that the Kentucky Public Service Commission should consider in establishing a "cutoff" consistent with FCC Rule 51.319(d)(2)(iii)(B)(4)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:**

US LEC objects to this interrogatory on the grounds that these are policy questions that are addressed in public policy contexts, not as answers to interrogatories. Finally, US LEC objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements.

Respectfully submitted,

/s/

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## CERTIFICATE OF SERVICE

I hereby certify that the electronic version of this filing made with the Commission this 16<sup>th</sup> day of December is a true and accurate copy of the documents attached hereto in paper form. This version was transmitted to the Commission for forwarding to those persons receiving electronic notices from the Commission in this case. A copy of the filing was also served by U.S. mail on December 16<sup>th</sup> to those persons whose postal addresses appear on the service list below.

/s/

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