

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

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

**NETWORK TELEPHONE'S RESPONSES AND OBJECTIONS TO BELL SOUTH'S
SECOND SET OF INTERROGATORIES AND SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS**

GENERAL OBJECTIONS

Network Telephone makes the following objections to the Second Set of Interrogatories and the First Request for Production of Documents. Network Telephone will incorporate the objections into the individual responses to the interrogatories and requests as appropriate.

1. Network Telephone objects to the "Definitions" section, the "General Instructions," and the individual items of BellSouth's Second Set of Interrogatories and First Requests for Documents to Network Telephone to the extent that they are overly broad, unduly burdensome, oppressive, and/or excessively time consuming.

2. Network Telephone objects to the "Definitions," the "General Instructions," and the individual interrogatories and requests to the extent they seek information that is irrelevant and are not reasonably calculated to lead to the discovery of admissible evidence. By way of illustration and not limitation, Network Telephone objects to interrogatories and requests that seek information that is unrelated to or inconsistent with the methodology and parameters of the analysis of impairment prescribed by the FCC in its Triennial Review Order.

3. Network Telephone objects to the "Definitions," the "General Instructions," and the individual interrogatories and requests for documents to the extent they are vague,

ambiguous, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these Requests.

4. Network Telephone objects to the “General Instructions” and the items of BellSouth’s Second Set of Interrogatories and First Requests for Documents to Network Telephone to the extent that they purport to impose discovery obligations on Network Telephone that exceed the scope of discovery allowed by the applicable Kentucky Rules of Civil Procedure.

5. Network Telephone objects to BellSouth’s Second Set of Interrogatories and First Requests for Documents to Network Telephone to the extent that the interrogatories and requests seek discovery of materials and/or information protected by the attorney/client privilege, the work product doctrine, the accountant/client privilege, or any other applicable privilege.

6. Network Telephone objects to BellSouth’s Second Set of Interrogatories and First Requests for Documents to the extent that the interrogatories and requests would require disclosure of information that constitutes trade secrets and/or confidential, proprietary business information, which either should not be disclosed at all or should be disclosed (provided the information is otherwise discoverable) only pursuant to the terms of a mutually acceptable confidentiality agreement and use of the Commission’s rules and procedures relating to confidential and proprietary information.

7. Network Telephone objects to all interrogatories and requests which would require Network Telephone to provide information which is already in BellSouth’s possession or is in the public record before the Commission. To require Network Telephone to duplicate information that BellSouth already has or is readily available to BellSouth would be unduly burdensome and oppressive.

8. Network Telephone objects to BellSouth's Second Set of Interrogatories and First Requests for Documents to the extent BellSouth seeks to impose an obligation on Network Telephone to respond on behalf of affiliates and/or former officers, employees, agents, and directors on the grounds that such requests for production are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.
9. Network Telephone objects to any interrogatories or requests for documents that are not limited in time or are not limited to a time period that is relevant to the issues before the Commission and/or reasonably related to BellSouth's legitimate discovery needs.
10. Network Telephone objects to requests for "any", "all", and "every", document as overbroad and unduly burdensome.

INTERROGATORIES

1 -13.

Response: Network Telephone has no self-provisioned or wholesale transport and no transport provided by a carrier which is not a party to this proceeding. Answers are "deny" and "not applicable" to all questions and have been provided region-wide in Florida Docket 030852-TP.

Answer provided by Margaret Ring.

14. Provide a list of all BellSouth wire centers in the Southeastern states to which you are currently in the process of deploying, or plan to deploy transport facilities and/or loop facilities. List wire centers if this deployment is in process or will take place from the time period beginning October 1, 2003 through December 31, 2004.

Response: Network Telephone is not in the process of deploying, and has no plans to deploy, its own transport or loop facilities.

Answer provided by Pamela Nelson.

15. List all BellSouth wire centers in the Southeastern states where you have collocation, either virtual or physical. In Microsoft Excel format, list the 11-character wire center CLLI code and the CLLI code designating each arrangement you have within that wire center. For each wire center listed identify:

- a. The type of collocation (caged, cageless, shared, virtual, other (with a description)) and identify the total amount of space currently occupied and reserved for future growth;
- b. The type of equipment and number of equivalent DS0 channels for all services in the collocation space (e.g., DLC, remote switches, multiplexers, transmission terminals, etc.).
- c. The transmission facilities and number of equivalent DS0 channels for all services used to connect the office to your switch or non-ILEC switching provider (e.g., BellSouth UNEs, BellSouth special access, self provision, third party provision).
- d. The amount of unused or excess space in each collocation space.
- e. The number of active and inactive DS1 cross connects
- f. The number of active and inactive DS3 Cross-connects
- g. The number of active and inactive 2-fiber cross-connects
- h. The number of active and inactive 4-fiber cross-connects.
- i. State whether you have deployed fiber “entrance” facilities that you own which connect to the collocation arrangements identified.

- j. State whether you have fiber “entrance” facilities that you have obtained from a person other than BellSouth which connect to the collocation arrangements identified.
- k. State whether you have fiber cross-connects which connect the identified arrangement(s) to other persons collocated at the same wire center. If yes, (i) identify all carriers to which your arrangements are connected within the wire center; and (ii) identify the capacity or type of connection.

OBJECTION: Network Telephone objects to Interrogatory No. 15 on the grounds that, as applied to Network Telephone, it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Network Telephone objects to No. 15 on the grounds it is oppressive and unduly burdensome. Network Telephone objects on the grounds the information sought is proprietary and confidential business information. Network Telephone objects on the grounds that, to the extent Network Telephone’s collocations are in BellSouth central offices, the information is already available to BellSouth and to require Network Telephone to reproduce it would be onerous, unreasonable and unduly burdensome.

16. Provide a list of all BellSouth wire centers and/or central offices in the Southeastern states to which you have deployed high capacity transport facilities that are operationally ready to provide dedicated transport along a route, directly, or indirectly through a location not affiliated with BellSouth, to one other BellSouth central office. The facilities must terminate to an active collocation arrangement. This interrogatory varies from Interrogatory No. 1 in this docket as it seeks wire centers/central offices even if you are not actually providing transport from the locations; it also seeks wire centers/central offices that your facilities route through directly or indirectly. For example, in answering this Interrogatory, provide information about facilities that may indirectly provide transport along a route, for example, using the diagram below, the IXC transport route should be identified:

BST wire center → IXC POP ← → IXC POP → BST wire center

For each central office or wire center that you list, identify:

- a. The CLLI code of the central office.
- b. The type of collocation at which the facilities terminate;
- c. The customer name of record for the collocation arrangement and the 11-character CLLI code for the collocation arrangement;
- d. Indicate whether the facilities are provided over dark fiber you have obtained from BellSouth;
- e. The total active capacity and number of fiber strands deployed as of the most recent date available;
- f. Whether you are able and able immediately to provide DS1 transport, on a wholesale basis, over the transport facilities;

- g. Whether you are willing and able immediately to provide DS3 transport, on a wholesale basis, over the transport facilities;
- h. Whether you are willing and able immediately to provide dark fiber transport, on a wholesale basis, over the transport facilities.

For each central office or wire center that you list, identify:

- a. The CLLI code of the central office.
- b. The type of collocation at which the facilities terminate;
- c. The customer name of record for the collocation arrangement and the 11-character CLLI code for the collocation arrangement
- d. The total active capacity and number of fiber strands deployed as of the most recent date available;
- e. The type of facility (e.g., fiber, coaxial cable, etc.).

Response: Not applicable. Network Telephone has no such facilities.

Answer provided by Pamela Nelson.

17. For each central office/wire center identified in response to Interrogatory No. 16:
- a. Are your transport facilities operationally ready to provide dedicated transport between the central office/wire center identified and any other ILEC wire center on the same list?
 - b. If your responses to part (a) above is negative, identify each such the ILEC central offices on the list that does not satisfy part (a) and explain with particularity why not.

Response: Not applicable.

Answer provided by Pamela Nelson.

18. Provide a list of all BellSouth wire centers and/or central offices in the Southeastern states from which you offer to other carriers on a wholesale basis DS1 or higher transport facilities, or dark fiber transport facilities that provide a route, directly, or indirectly through a location not affiliated with BellSouth, to one other BellSouth central office. The facilities must terminate to an active collocation arrangement. This interrogatory varies from Interrogatory No.2 in this docket as it seeks wire centers/central offices that your facilities route through directly or indirectly. For example, in answering this Interrogatory, provide information about facilities that may indirectly provide transport along a route, for example, using the diagram below, the transport route between IXC – points of presence (“POP”) should be identified:

BST wire center → IXC POP ← → IXC POP → BST wire center

For each central office or wire center that you list, identify:

- a. The CLLI code of the central office.
- f. The type of collocation at which the facilities terminate;
- g. The customer name of record for the collocation arrangement and the 11-character CLLI code for the collocation arrangement;
- h. Indicate whether the facilities are provided over dark fiber you have obtained from BellSouth;
- i. The total active capacity and number of fiber strands deployed as of the most recent date available;
- j. Whether you are able and able immediately to provide DS1 transport, on a wholesale basis, over the transport facilities;
- k. Whether you are willing and able immediately to provide DS3 transport, on a wholesale basis, over the transport facilities;

1. Whether you are willing and able immediately to provide dark fiber transport, on a wholesale basis, over the transport facilities.

Response: Not applicable. Network Telephone does not offer wholesale transport over its own facilities.

Answer provided by Pamela Nelson.

19. For each central office/wire center identified in response to Interrogatory No. 17:
- a. Are you willing and able immediately to provide high capacity transport, on a wholesale basis, over transport facilities between the wire central office/wire center identified and any other ILEC wire center on the same list?
 - b. If your responses to part (a) above is negative, identify each such the ILEC central office/wire center on the list that does not satisfy part (a) and explain with particularity why not.

Response: Not applicable.

Answer provided by Pamela Nelson.

20. Identify the points within all Southeastern states at which you connect your local network facilities to the networks of other carriers, including but not limited to interconnection with other CLPs, interexchange carriers, internet service providers at any point of presence (“POP”), network access point (“NAP”), collocation hotels, data centers, or similar facility. This interrogatory may be answered with network diagrams.

OBJECTION: Network Telephone objects on the grounds that, as applied to Network Telephone, the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information.

21. Identify the points within all Southeastern states at which you connect your local network facilities to BellSouth's network, including but not limited to any and all points of presence ("POP"). This interrogatory may be answered with network diagrams.

OBJECTION: Network Telephone objects on the grounds that, as applied to Network Telephone, the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information.

22. On an MSA-specific basis, in the southern states please describe with specificity the configuration of your transport and/or loop facilities; including, but not limited to: (a) the configuration of your facilities (e.g., point to point or ring configuration); (b) the customer specific locations that are accessible from your facilities; and (c) a list of all customer units accessible in a multi-tenant building.

Response: Not applicable. Network Telephone does not own any transport or loop facilities.

Response provided by Pamela Nelson.

23. Provide a list of all fiber rings in the Southeastern states you own or control and identify the location (by street address) of each add-drop multiplexer or comparable facility for connection other transport facilities (e.g., wire centers, loops, other fiber rings) to the fiber ring.

Response: Network Telephone does not own fiber rings.

Response provided by Pamela Nelson.

24. Identify each shared or non-BellSouth location (e.g., collocation hotel) in the Southeastern states in which you are located. For each such location state:
- a. The type of collocation or sharing/leasing of space for placement of equipment (e.g., caged, cageless, shared, or virtual);
 - b. The type of equipment and number of equivalent DS0 channels for all services in the collocation space (e.g., DLC, remote switches, multiplexers, transmission terminals, etc.).
 - c. The transmission facilities and number of equivalent DS0 channels for all services used to connect the office to your switch or non-ILEC switching provider (e.g., BellSouth UNEs, BellSouth special access, self provision, third party provision).

RESPONSE: Network Telephone does not share space in Kentucky.

Answer provided by Pamela Nelson.

25. For each arrangement identified in response to Interrogatory 23 and in response to Interrogatory 16, please list the types of services that are provided utilizing such an arrangement.

- a. List all types of services you offer to your end users from each collocation space describe or demand and the quantity of each service you provide and/or offer.
- b. For each service identified in (a), list the average monthly revenue associated with each type of service.

RESPONSE: Not applicable.

Answer provided by Pamela Nelson.

26. Provide a list of all customer locations in each/any of the Southeastern states at which you have deployed high capacity loop facilities (DS3 or greater facilities, including dark fiber) that you own and where you are serving customers using those facilities. *This interrogatory varies from Interrogatory No. 8 in this docket as it is not limited to loop facilities solely used to provide retail service.* For each customer location, identify:
- a. The RSAG valid address of the customer location;
 - b. The CLLI code of the CLP switch, wire center, collocation, point of interconnection, etc. from which the loop is extended to the customer location (by 11 character CLLI);
 - c. Whether you have the unrestricted ability to serve all customers at that location, if the location is a multi-tenant location. If not, explain with particularity why not, including any restrictions on your ability to serve customers and the steps you have taken to address such restrictions.
 - d. The total active capacity and the number of fiber strands on your facilities at the specific customer locations using the most recent data available;
 - e. Whether your facilities are operationally ready to provide DS3 loops at the specific customer location.

Response: Not applicable. Network Telephone does not own or deploy high capacity loops to customers.

Answer provided by Pamela Nelson.

27. Describe with particularity all factors you consider when deciding whether to extend high capacity loop or transport facilities to:

- a. pick up additional traffic;
- b. pick up additional or new customers;
- c. pick up additional or new buildings.

Response: Not applicable. See Interrogatory 25.

Response provided by Pamela Nelson.

28. BellSouth incorporates herein its First Set of Interrogatories and First Request for Production of Documents served October 10, 2003, as if the requests were restated in their entirety. If you have not responded to that set of interrogatories and request for production, please consider this a reissuance of that request.

Response: Responses to BellSouth's First Set of Interrogatories and First Request for Production of Documents are being filed in conjunction with responses to the Second Set of Interrogatories and Requests for Production.

REQUEST FOR PRODUCTION

1. Produce any maps and/or diagrams that illustrate the most current information available for the physical location of your high capacity transport and/or loop facilities within the Southeastern states.

Response: No applicable documents. Network Telephone does not deploy high capacity transport and/or loop facilities.

Response provided by Pamela Nelson.

2. Produce any documents identified in response to BellSouth's First or Second Set of Interrogatories.

Response: None, subject to objections already stated. Network Telephone does not deploy high capacity transport and/or loop facilities.

Response provided by Margaret Ring.

3. Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyzes or otherwise refers or relates to your actual or planned deployment of high capacity transport and/or loop facilities within the Southeastern states.

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