

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)	

**OBJECTIONS AND RESPONSES TO BELL SOUTH TELECOMMUNICATIONS,
INC.’S
FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION
TO NUVOX COMMUNICATIONS, INC.**

General Objections to BellSouth’s Interrogatories

1. NuVox objects to BellSouth’s Interrogatories to NuVox to the extent that the interrogatories are overly broad, lack specificity, unduly burdensome, irrelevant and not likely to lead to the discovery of admissible evidence pursuant to the Procedural Order or the Kentucky Rules of Civil Procedure.

2. NuVox objects to BellSouth’s Interrogatories to NuVox 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. NuVox objects to BellSouth’s Interrogatories to NuVox to the extent that the interrogatories purport to impose discovery obligations on NuVox beyond the scope of, what is permitted under the Procedural Order, and the applicable Kentucky Rules of Civil Procedure.

4. NuVox objects to BellSouth’s Interrogatories to NuVox 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") or Kentucky Revised Statutes.

5. NuVox objects to all Interrogatories which 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. NuVox objects to BellSouth's Interrogatories to NuVox 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 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 NuVox's economic business model, NuVox objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon NuVox's economic business model instead of the hypothetical business model contemplated by the TRO.

8. NuVox 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 NuVox to respond to such ambiguous discovery. NuVox further objects to BellSouth’s use of such terms as they apply to BellSouth’s individual hot cut process as NuVox is not privy to each and every process or procedure employed by BellSouth in implementing such hot cuts.

9. NuVox objects to BellSouth’s definition of “business case” as vague and overly broad.

10. NuVox 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.

11. NuVox 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 NuVox does not use such terms in the ordinary course of business and answering in these terms would require NuVox 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 NuVox to respond to such ambiguous discovery.

13. NuVox objects to BellSouth’s Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth’s interstate tariff rather than to unbundled network elements.

Specific Objections to BellSouth’s First Set of Interrogatives

1. NuVox objects to this interrogatory on the grounds that it would require NuVox to provide switch location information that is already in BellSouth’s possession. Other information requested by BellSouth pursuant to these interrogatories is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, NuVox is not a wholesale switching provider. NuVox objects to these interrogatories 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 NuVox to respond to such ambiguous discovery. NuVox also objects to this interrogatory on to the extent such the information BellSouth seeks is publicly available. Subject to and without waiving this objection, NuVox will identify each switch it is using to provide service in Kentucky.

2. NuVox objects to this interrogatory on the grounds that it would require NuVox 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 these interrogatories is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, NuVox is not a wholesale switching provider. The rates, terms and conditions of its retail switching service are beyond the scope of this

proceeding. Also, rates for such services and conditions are confidential and proprietary to NuVox. Additionally, these interrogatories 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. Finally, certain information sought in these interrogatories regarding the make and model of switching equipment is subject to confidentiality and non-disclosure agreements between NuVox and third parties, including equipment manufacturers.

3. and 4. NuVox objects to these interrogatories on the grounds that it would require NuVox to provide switch location information that is already in BellSouth’s possession. Other information requested by BellSouth pursuant to these interrogatories is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, NuVox is not a wholesale switching provider. NuVox objects to these interrogatories 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 NuVox to respond to such ambiguous discovery. Subject to and without waiving this objection, NuVox will identify each switch it is using to provide service in Kentucky

5. and 8. NuVox objects to these interrogatories on the grounds that they would require NuVox 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. NuVox objects to these interrogatories because the term “qualifying service,” because it is undefined, as more fully explained in General Objection 11 above. Therefore, these interrogatories are overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. Subject to and without waiving these objections, NuVox will provide a response based on the areas served by its switches.

6. and 9. NuVox objects to these interrogatories on the grounds that they would require NuVox 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. NuVox objects to these interrogatories 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. NuVox objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to and without waiving these objections, NuVox will provide the total number of voice-grade equivalent lines, as NuVox defines the term, NuVox is providing to end-user customers in the areas served by its each switch identified in response to interrogatory 1.

7., 10. and 13. NuVox objects to these interrogatories 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 NuVox 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." NuVox objects to these interrogatories on the grounds they are vague and ambiguous. The meaning of "customer location" is unclear in context. NuVox requests clarification of the item. Further, in the event BellSouth intends to require NuVox to provide the information for each customer's address, NuVox objects to these interrogatories 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. NuVox also objects to providing this information to the extent it already in BellSouth's possession. NuVox 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. The information sought includes business and/or commercial information and production of this information would lead to disclosure of information regarding NuVox's confidential, internal operations which could seriously damage its business. Additionally, NuVox objects to these interrogatories 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, NuVox will provide the total number of voice-grade equivalent lines, as it defines the term, NuVox is providing to end user customers in the wire center areas from the switches identified in response to interrogatory 1.

8. NuVox 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 NuVox to respond to such ambiguous discovery. NuVox also objects to providing such information to the extent it is publicly available in the LERG. Subject to and without waiving these objections, NuVox will provide information on the areas served by its switches. NuVox objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements.

11. NuVox 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 NuVox to respond to such ambiguous discovery.

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

14(a)-(c). NuVox objects to these interrogatories on the grounds that these interrogatories would require NuVox to provide information regarding "CLLI" codes and switch location information that is already in BellSouth's possession. Subject to and without waving this objection, NuVox will identify any switches from which it offers or provides capacity to other carriers.

14(d) and (e). NuVox objects to these interrogatories 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.

14(f) NuVox objects to this interrogatory on the grounds that certain information requested by BellSouth regarding the "rates, terms and conditions of NuVox's switching" capability is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Additionally, this interrogatory requests information regarding "voice grade equivalent lines," BellSouth's definition of which is vague and ambiguous as more fully explained in General Objection 10 above. Moreover, NuVox 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 NuVox's confidential, internal operations that could seriously damage its business. NuVox 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 NuVox's attorneys or its representatives.

15. NuVox 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 NuVox's economic business model, NuVox objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon NuVox'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 ¶ 517, 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 Paragraph 517, 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, Footnote 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, Attach 2, Declaration of Howard A. Shelanski at ¶2(emphasis added)). See also, TRO at ¶115; ¶469; ¶485, Footnote 1509; ¶517, Footnote 1579; ¶519, Footnote 1585; ¶520, Footnotes 1588 and 1589; ¶581, and Footnote 1788.

Accordingly, the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient “model” competitor* and not that of NuVox or any other *particular competitor*. As a result, discovery of NuVox financial information or business plans will not lead to the discovery of admissible evidence in this proceeding. NuVox also objects on the grounds that the interrogatory seeks the disclosure of commercially sensitive, confidential and proprietary business information. NuVox also objects because as defined within the interrogatories the term “business case” is overbroad. NuVox also objects because, particularly in view of the fact the information is irrelevant, requiring NuVox to disclose its internal analyses would be oppressive and unduly burdensome. Additionally, NuVox 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. and 17. NuVox objects to these interrogatories on the grounds that they will not lead to the discovery of admissible evidence. For the reasons explained in NuVox's objection to

interrogatory 15 above, the business plans, marketing analyses and revenue projections of its retail switching service are beyond the scope of this proceeding.

NuVox also objects on the grounds these interrogatories are overbroad, oppressive, and unduly burdensome. NuVox objects to these interrogatories 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 NuVox's confidential, internal operations that could seriously damage its business. NuVox 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 NuVox's attorneys or its representatives. NuVox objects to these interrogatories on the grounds that the requests to identify “every” document is unduly burdensome and oppressive.

18(a) and (b). NuVox objects to these interrogatories to the extent the information sought is publicly available in the LERG.

18(c). NuVox 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 NuVox’ network configuration which is beyond the scope of this proceeding.

18(d) and (e). NuVox objects to these interrogatories on the grounds that BellSouth’s definition of “voice grade equivalent interrogatories are overly broad as more fully explained in General Objection 10 above and it would be unduly burdensome for NuVox to respond to such ambiguous discovery.

18(f). NuVox 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 NuVox manages its switching services is beyond the scope of this proceeding. NuVox 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 NuVox to respond to such ambiguous discovery. NuVox 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 NuVox's confidential, internal operations that could seriously damage its business.

19. and 20. NuVox objects to these interrogatories because the term “qualifying service,” because it is undefined, as more fully explained in General Objection 11 above. Therefore, these interrogatories are overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. Subject to, and without waiving this objection, NuVox will make reasonable efforts to respond with certain information regarding its facilities-based customers.

21. NuVox 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. NuVox also objects to this interrogatory on the grounds that it is irrelevant. NuVox is not a wholesale switching provider. The rates of its retail switching service are beyond the scope of this proceeding.

22. and 23. NuVox objects to these interrogatories because the term “non-qualifying service,” is undefined, as more fully explained in General Objection 11 above. Therefore, these

interrogatories are overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery.

24. NuVox 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 NuVox to respond to such ambiguous discovery. NuVox also objects on the grounds that the rates for its services are confidential and proprietary.

25. NuVox 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 NuVox to respond to such ambiguous discovery. Subject to and without waiving this objection, NuVox will provide certain information on the number of end user customers it has in Kentucky.

26. NuVox 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 NuVox to respond to such ambiguous discovery. NuVox 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 NuVox’s objection to interrogatory 15. NuVox 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. NuVox also objects to this interrogatory on the grounds it seeks confidential and proprietary business information. Further, NuVox interprets this interrogatory to request aggregate information. If BellSouth

intended to request average monthly revenues for each individual end use customer, then NuVox objects on the grounds that the interrogatory is unduly burdensome and oppressive.

27. - 29. NuVox objects to these interrogatories because the terms “qualifying services” and “non-qualifying service,” are undefined, as more fully explained in General Objection 11 above. NuVox objects to BellSouth’s Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth’s interstate tariff rather than to unbundled network elements. Subject to, and without waiving these objections, NuVox will make reasonable efforts to provide certain information regarding its “non-qualifying services” and “qualifying services” that is not otherwise confidential, proprietary business or commercial information and production of its information would lead to disclosure of information regarding NuVox’s confidential, internal operations that could seriously damage its business.

30. NuVox 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 NuVox to respond to such ambiguous discovery. NuVox objects to BellSouth’s Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth’s interstate tariff rather than to unbundled network elements. Subject to, and without waiving such objections, NuVox will provide the total number of end user customers in Kentucky.

31. - 35. NuVox objects to these interrogatories on the grounds that these interrogatories seek 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 15 above. NuVox 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 NuVox's attorneys or its representatives. NuVox also objects on the grounds these interrogatories seek the disclosure of commercially sensitive, confidential and proprietary business information. NuVox 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. NuVox objects to these interrogatories because the terms “qualifying service” and “non-qualifying service,” are undefined, as more fully explained in General Objection 11 above. Therefore, these interrogatories are overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery.

38. NuVox objects to this interrogatory 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 15.

39. NuVox objects to this interrogatory on the grounds that it is irrelevant. NuVox’s marketing operations are beyond the scope of this proceeding. NuVox 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 NuVox to respond to such ambiguous discovery.

NuVox also objects on the grounds that this interrogatory seeks information which is confidential and proprietary

40. - 42. NuVox 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. NuVox objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. NuVox also objects on the basis that these interrogatories seek the disclosure of confidential and proprietary business information. NuVox 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 NuVox's attorneys or its representatives. NuVox also objects on the grounds these interrogatories as framed are overbroad and unduly burdensome. NuVox objects to these interrogatories on the grounds that they are irrelevant. NuVox's decision making about what type of transmission system with which it should serve a customer is beyond the scope of this proceeding.

43. NuVox objects to this interrogatory on the grounds that the information sought is irrelevant. NuVox's capital cost analyses are beyond the scope of this proceeding. Also, such information is confidential and proprietary to NuVox. NuVox also objects to this interrogatory because it will not lead to the discovery of admissible evidence for the reasons explained in NuVox's objection to interrogatory 15.

44. NuVox objects to this interrogatory on the grounds that it is irrelevant. The individual components of NuVox's capital cost are beyond the scope of this proceeding. Also, such information is confidential and proprietary to NuVox. NuVox also objects to this interrogatory because it will not lead to the discovery of admissible evidence for the reasons explained in NuVox's objection to interrogatory 15.

45.-49. NuVox objects to these interrogatories on the grounds that they are not reasonably calculated to lead to the discovery of admissible evidence as more fully explained in NuVox's objection to interrogatory 15 above. In addition, the period of time over which NuVox may evaluate a product offering is beyond the scope of this proceeding as are NuVox's definitions of the terms "sales expenses," and "general and administrative expenses" and its estimate of those expenses.

50. and 51. NuVox objects to these interrogatories on the grounds that BellSouth's definition of "hot cut," is vague as explained in General Objection 8 above. Therefore, these interrogatories are overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox also objects to these interrogatories on the grounds that providing this information since January 2000 is onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. NuVox also objects to these interrogatories to the extent the information sought is already in BellSouth's possession or is publicly available to BellSouth. NuVox objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to and without waiving these objections, NuVox will provide information regarding hot cuts as it understands the terms and for the last 12 months to the extent that this information is not already in BellSouth's possession.

52.-67. and 70.-78. NuVox 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 NuVox to respond to such ambiguous discovery. NuVox objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to and without waiving these objections, NuVox will provide information based on its understanding of the terms used.

68. NuVox objects to this interrogatory because the definition of "CFA database" is not defined. Therefore, his interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox requests clarification of the term "CFA database," and subject to this clarification, NuVox will provide a response.

69. NuVox 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 NuVox to respond to such ambiguous discovery. NuVox objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. NuVox also objects to this interrogatory on the grounds that it is already in BellSouth's possession and is publicly available at the Florida Public Service Commission. NuVox also objects to this interrogatory on the grounds that the time frame is overly broad.

General Objections To BellSouth's First Request For The Production Of Documents

NuVox incorporates by reference all of the General Objections to BellSouth's First Set of Interrogatories set out above.

Specific Objections

1. NuVox objects to the production of documents regarding any interrogatory to which NuVox has objected.

2. NuVox restates and incorporates by reference its General Objection 9 above and its objection to interrogatory 15 above.

3., 5. and 6. NuVox restates and incorporates by reference its objections to interrogatories 26, 29 and 31 above.

4. NuVox restates and incorporates by reference its objections to interrogatory 27 above.

7. NuVox restates and incorporates by reference its objections to interrogatory 32 above.

8.-10. NuVox restates and incorporates by reference its objections to interrogatories 31-35 above.

11. NuVox restates and incorporates by reference its objections to interrogatory 40 above.

12. NuVox restates and incorporates by reference its objections to interrogatory 41 above.

13. NuVox restates and incorporates by reference its objections to interrogatory 43 above.

14. NuVox restates and incorporates by reference its objections to interrogatory 45 above.
15. NuVox restates and incorporates by reference its objections to interrogatory 46 above.
16. NuVox restates and incorporates by reference its objections to interrogatory 49 above.
17. NuVox restates and incorporates by reference its objections to interrogatory 50 above.
18. NuVox restates and incorporates by reference its objections to interrogatory 52 above.
19. NuVox restates and incorporates by reference its objections to interrogatory 53 above.
20. NuVox restates and incorporates by reference its objections to interrogatory 59 above.
21. NuVox restates and incorporates by reference its objections to interrogatory 61 above.

**RESPONSES TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES
TO NUVOX COMMUNICATIONS, INC.**

RESPONSE TO INTERROGATORIES

1. Identify each switch owned by NuVox that NuVox 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: See answer to Interrogatory No. 2.

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:

Lexington
CNCNOHREDS0
344B Gest
Cincinnati OH, 45230
Nortel DMS100
Current Capacity - 16728 DS0’s
Working Lines - 4500
V-06264 | H-02680

Louisville
NSVNTN08
940 3rd Ave N
Nashville, TN 37201
Nortel DMS500
Current Capacity - 10176
Working Lines 3523
V-07008 H-02712

3. Identify any other switch not previously identified in Interrogatory No. 1 that NuVox 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 NuVox either on an unbundled or resale basis.

RESPONSE: None.

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 NuVox’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: Not applicable.

5. 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 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: See CONFIDENTIAL EXHIBIT A.

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: See CONFIDENTIAL EXHIBIT A.

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: See CONFIDENTIAL EXHIBIT A. Consistent with its objections previously provided in response to this request, NuVox will not provide customer specific information.

8. 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 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: Not applicable.

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: Not applicable.

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: Not applicable.

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: Not applicable. NuVox does not market or generally offer for sale to third parties telecommunications services provisioned via UNE-P.

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: Not applicable. NuVox does not market or generally offer for sale to third parties telecommunications services provisioned via UNE-P.

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: See Response to Interrogatory No. 12.

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 NuVox's provision of switching capability.

RESPONSE: Not applicable

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: . NuVox 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 NuVox's economic business model, NuVox objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon NuVox'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 ¶ 517, 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 Paragraph 517, 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, Footnote 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, Attach 2, Declaration of Howard A. Shelanski at ¶2(emphasis added)). See also, TRO at ¶115; ¶469; ¶485, Footnote 1509; ¶517, Footnote 1579; ¶519, Footnote 1585; ¶520, Footnotes 1588 and 1589; ¶581, and Footnote 1788.

Accordingly, the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of NuVox or any other *particular competitor*. As a result, discovery of NuVox financial information or business plans will not lead to the discovery of admissible evidence in this proceeding. NuVox also objects on the grounds that the interrogatory seeks the disclosure of commercially sensitive, confidential and proprietary business information. NuVox also objects because as defined within the interrogatories the term "business case" is overbroad. NuVox also objects because, particularly in view of the fact the information is irrelevant, requiring NuVox to disclose its internal analyses would be oppressive and unduly burdensome. Additionally, NuVox 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: See Response to Interrogatory 15 as well as NuVox's Objections.

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: See Response to Interrogatory No. 15 as well as NuVox's Objections. 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: No.

18. 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: NuVox does not collect or maintain any data relating to the MSA.

19. 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: NuVox does not collect or maintain any data relating to the MSA.

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: NuVox does not collect or maintain any data relating to the MSA. NuVox 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. NuVox also objects to this interrogatory on the grounds that it is irrelevant. NuVox is not a wholesale switching provider. The rates of its retail switching service are beyond the scope of this proceeding.

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: NuVox does not collect or maintain any data relating to the MSA.

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: NuVox does not collect or maintain any data relating to the MSA. NuVox objects to this interrogatory because the term “non-qualifying service,” is undefined, as more fully explained in General Objection 11. Therefore, the interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox also objects on the grounds that the rates for its services are confidential and proprietary.

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: NuVox objects to this interrogatory because the term “non-qualifying service,” is undefined, as more fully explained in General Objection 11. This interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox also objects on the grounds that the rates for its services are confidential and proprietary.

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

RESPONSE: See CONFIDENTIAL EXHIBIT A.

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

RESPONSE: NuVox objects to this interrogatory because the term “qualifying service,” is undefined, as more fully explained in General Objection 11. This interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox

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 NuVox's objection to Interrogatory 15. NuVox 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. NuVox also objects to this interrogatory on the grounds it seeks confidential and proprietary business information. Further, NuVox interprets this interrogatory to request aggregate information. If BellSouth intended to request average monthly revenues for each individual end use customer, then NuVox 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 Commonwealth Kentucky, please state the average number of lines that you provide each such end user customer.

RESPONSE: See CONFIDENTIAL EXHIBIT A.

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

RESPONSE: NuVox objects to this interrogatory because the terms "qualifying services" and "non-qualifying service," are undefined, as more fully explained in General Objection 11. NuVox objects to this interrogatory to the extent that it seeks information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to, and without waiving these objections, NuVox will make reasonable efforts to provide certain information regarding its "non-qualifying services" and "qualifying services" that is not otherwise confidential, proprietary business or commercial information and production

of its information would lead to disclosure of information regarding NuVox's confidential, internal operations that could seriously damage its business.

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

RESPONSE: See Response to Interrogatory 28.

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

RESPONSE: See CONFIDENTIAL EXHIBIT A.

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

RESPONSE: NuVox 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 KPSC, and is not reasonably designed to lead to the discovery of admissible evidence as more fully explained in the objection to Interrogatory 15 above. NuVox objects to the extent that this interrogatory 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 NuVox's attorneys or its representatives. NuVox also objects on the grounds this interrogatory seeks the disclosure of commercially sensitive, confidential and proprietary

business information. NuVox also objects to the request for information on a monthly basis since January 2000 as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. NuVox objects to this interrogatory because the terms “qualifying service” and “non-qualifying service,” are undefined, as more fully explained in General Objection 11. This interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery.

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

RESPONSE: See CONFIDENTIAL EXHIBIT A.

33. Please provide a breakdown of the total number of end user customers served by NuVox 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: NuVox provisions, for the most part, through the use of DS1 circuits.

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: See Response to Interrogatory 31.

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: NuVox estimates an average churn rate of 1.5% per month in Kentucky at this time. NuVox is unable to readily retrieve and calculate for any historical churn rate.

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: Subject to its Response to Interrogatory 31, NuVox does not have any way to effectively gauge its “market share”.

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: None.

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: None.

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: NuVox objects to this interrogatory on the grounds that it is irrelevant. NuVox's marketing operations are beyond the scope of this proceeding. NuVox objects to this interrogatory because the terms "qualifying service" and "non-qualifying service," are undefined, as more fully explained in General Objection 11. Therefore, this interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox also objects on the grounds that this interrogatory seeks information, which is confidential and proprietary

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: NuVox objects to this interrogatory on the grounds that it is inconsistent with the analysis prescribed in the TRO, unrelated to the analysis the KPSC is to make, irrelevant to the issues in the docket and not reasonably calculated to lead to the discovery of admissible evidence. NuVox also objects to the extent that this interrogatory seeks information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements. NuVox also objects on the basis that this interrogatory seeks the disclosure of confidential and proprietary business information. NuVox objects to the extent that this interrogatory 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 NuVox's attorneys or its representatives. NuVox also objects on the grounds that this interrogatory as framed are overbroad and unduly burdensome. NuVox objects to this interrogatory on the grounds that it is irrelevant. NuVox'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: See Response to Interrogatory 40.

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, or a digital PBX 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, or the PBX or whatever would typically be required should you decide to serve the customer with a DS1 rather than multiple DS0s.)

RESPONSE: See Response to Interrogatory 40.

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: NuVox objects to this interrogatory on the grounds that the information sought is irrelevant. NuVox’s capital cost analyses are beyond the scope of this proceeding. Also, such information is confidential and proprietary to NuVox. NuVox also objects to this interrogatory because it will not lead to the discovery of admissible evidence for the reasons explained in NuVox’s objection to Interrogatory 15.

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: See Response to Interrogatory 43.

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: NuVox 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 NuVox’s objection to Interrogatory. In addition, the period of time over which NuVox may evaluate a product offering is beyond the scope of this proceeding as are NuVox’s definitions of the terms “sales expenses,” and “general and administrative expenses” and its estimate of those expenses.

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

RESPONSE: See Response to Interrogatory 45.

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: See Response to Interrogatory 45.

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

RESPONSE: See Response to Interrogatory 45.

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: See Response to Interrogatory 45.

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

RESPONSE: NuVox has no means for retrieving the requested data.

51. For each individual hot cut identified in response to Interrogatory No. 50, state:

- (a) Whether the hot cut was coordinated or not;
- (b) If coordinated, whether the hot cut occurred as scheduled;
- (c) If the hot cut did not occur as scheduled, state whether this was due to a problem with BellSouth, NuVox, the end-user customer, or some third party, and describe with specificity the reason the hot cut did not occur as scheduled;
- (d) If there was a problem with the hot cut, state whether NuVox complained in writing to BellSouth or anyone else.

RESPONSE: See Response to Interrogatory No. 50.

52. Does NuVox 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: The preferred process would provide the following: a seamless transition for end users with no service outage; a cost effective method for performing cuts; flexibility with scheduling after hours cut if needed and a reasonable cost based rate for this process

53. Does NuVox 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: The preferred process would provide the following: a seamless transition for end users with no service outage; a cost effective method for performing cuts; flexibility with scheduling after hours cut if needed and a reasonable cost based rate for this process

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

RESPONSE: NuVox objects to this interrogatory 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 11. Therefore, this interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox objects to BellSouth's interrogatory to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements.

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

RESPONSE: See Response to Interrogatory 54.

56. Does NuVox 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: See Response to Interrogatory 54.

57. Does NuVox 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: See Response to Interrogatory 54.

58. What is the largest number of individual hot cuts that NuVox 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: NuVox does not maintain the requested data.

59. Does any ILEC in the BellSouth region have a batch hot cut process that is acceptable to NuVox or that NuVox 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: See Response to Interrogatory 54.

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

RESPONSE: See Response to Interrogatory 54.

61. Does any ILEC in the BellSouth region have an individual hot cut process that is acceptable to NuVox or that NuVox 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: See Response to Interrogatory 54.

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

RESPONSE: See Response to Interrogatory 54.

63. Does any ILEC outside the BellSouth region have a batch hot cut process that is acceptable to NuVox or that NuVox 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: See Response to Interrogatory 54.

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

RESPONSE: See Response to Interrogatory 54.

65. Does any ILEC outside the BellSouth region have an individual hot cut process that is acceptable to NuVox or that NuVox 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: See Response to Interrogatory 54.

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

RESPONSE: See Response to Interrogatory 54.

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

RESPONSE: Coordinated.

68. Does NuVox use the CFA database?

RESPONSE: NuVox objects to this interrogatory because the definition of “CFA database” is not defined. Therefore, this interrogatory is vague, overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox requests clarification of the term “CFA database,” and subject to this clarification, NuVox will provide a response.

69. Identify every issue related to BellSouth’s hot cut process raised by NuVox at the Kentucky CLEC collaborative since October 2001.

RESPONSE: None.

70. What is the appropriate volume of loops that you contend the Kentucky Public Service Commission (“KPSC”) 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: See Response to Interrogatory 54.

71. What is the appropriate process that you contend the KPSC 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: See Response to Interrogatory 54.

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

RESPONSE: See Response to Interrogatory 54.

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

RESPONSE: See Response to Interrogatory 54.

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

RESPONSE: None.

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

RESPONSE: NuVox's current provisioning plans account for very few hot cuts; therefore NuVox is unable to respond to this Interrogatory.

76. What is the appropriate information that you contend the KPSC 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: NuVox's current provisioning plans account for very few hot cuts; therefore NuVox is unable to respond to this Interrogatory.

77. What is the average completion interval metric for provision of high volumes of loops that you contend the KPSC 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: See Response to Interrogatory 54.

78. What are the rates that you contend the KPSC 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: See Response to Interrogatory 54.

79. What are the appropriate product market(s) that you contend the KPSC 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: See Response to Interrogatory 54.

80. What are the appropriate geographic market(s) that you contend the KPSC 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: NuVox objects to this interrogatory on the grounds that BellSouth's definition of "economic barriers," is vague. Subject to and without waiving the objection, NuVox does not use unbundled local switching and so makes no contention in this regard.

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: NuVox objects to this interrogatory on the grounds that BellSouth’s definition of “economic barriers,” is vague. Subject to and without waiving the objection, NuVox does not use unbundled local switching and so makes no contention in this regard.

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: NuVox objects to this interrogatory on the grounds that BellSouth’s definition of “economic barriers,” is vague. Subject to and without waiving the objection, NuVox does not use unbundled local switching and so makes no contention in this regard.

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 KPSC 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: NuVox does not use unbundled local switching and so makes no contention responsive to this request.

**RESPONSE TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS
TO NUVOX COMMUNICATIONS, INC.**

RESPONSE TO REQUESTS FOR PRODUCTION

1. Produce all documents identified in response to BellSouth's First Set of Interrogatories.

RESPONSE: See documents attached.

2. Produce 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 in the Commonwealth of Kentucky.

RESPONSE: None.

3. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Kentucky to whom you only provide qualifying service.

RESPONSE: NuVox objects to this request to produce on the grounds that this Request 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. NuVox 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 NuVox's attorneys or its representatives. NuVox also objects on the grounds this request seeks the disclosure of commercially sensitive, confidential and proprietary

business information. NuVox objects to this request because the terms “qualifying service” and “non-qualifying service,” are undefined, as more fully explained in General Objection 11 above. Therefore, this request is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery.

4. Produce all documents referring or relating to the average number of access lines you provide to end user customers in Kentucky to whom you only provide qualifying service.

RESPONSE: See documents attached.

5. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Kentucky to whom you only provide non-qualifying service.

RESPONSE: See Response to Request No. 3.

6. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Kentucky to whom you provide both qualifying and non-qualifying service.

RESPONSE: See Response to Request No. 3.

7. Produce all documents referring or relating to the average number of access lines you provide to end user customers in Kentucky to whom you provide both qualifying and non-qualifying service.

RESPONSE: See copies of documents attached as referenced in NuVox’s Answers to Interrogatories.

8. Provide all documents referring or relating to the classifications used by NuVox to offer service to end user customers Kentucky (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers).

RESPONSE: None.

9. Produce all documents referring or relating to the average acquisition cost for each class or type of end user customer served by NuVox, as requested in BellSouth's First Set of Interrogatories No. 34

RESPONSE: None.

10. Produce all documents referring or relating to the typical churn for each class or type of end user customer served by NuVox, as requested in BellSouth's First Set of Interrogatories No. 35.

RESPONSE: None.

11. Produce all documents referring or relating to how NuVox determines whether to serve an individual customer's location with multiple DS0s or with a DS1 or larger transmission system.

RESPONSE: None.

12. Produce all documents referring or relating to the typical or average number of DS0s at which NuVox would choose to serve a particular customer with a DS1 or larger transmission system as opposed to multiple DS0, all other things being equal.

RESPONSE: None.

13. Produce all documents referring or relating to the cost of capital used by NuVox in evaluating whether to offer a qualifying service in a particular geographic market.

RESPONSE: None.

14. Produce all documents referring or relating to the time period used by NuVox in evaluating whether to offering a qualifying service in a particular geographic market

(e.g., one year, five years, ten years or some other time horizon over which a project is evaluated)?

RESPONSE: None.

15. Produce all documents referring or relating to your estimates of sales expense when evaluating whether to offer a qualifying service in a particular geographic market.

RESPONSE: None.

16. Produce all documents referring or relating to your estimates of general and administrative (G&A) expenses when evaluating whether to offer a qualifying service in a particular geographic market.

RESPONSE: None.

17. Produce all documents referring or relating to any complaints by NuVox or its end user customers about individual hot cuts performed by BellSouth since January 1, 2000.

RESPONSE: None.

18. Produce all documents referring or relating to a batch hot cut process used by any ILEC in the BellSouth region that is acceptable to NuVox or that NuVox believes is superior to BellSouth's batch hot cut process.

RESPONSE: None.

19. Produce all documents referring or relating to an individual hot cut process used by any ILEC in the BellSouth region that is acceptable to NuVox or that NuVox believes is superior to BellSouth's individual hot cut process.

RESPONSE: None.

20. Produce all documents referring or relating to a batch hot cut process used by any ILEC outside the BellSouth region that is acceptable to NuVox or that NuVox believes is superior to BellSouth's batch hot cut process.

RESPONSE: None.

21. Produce all documents referring or relating to an individual hot cut process used by any ILEC outside the BellSouth region that is acceptable to NuVox or that NuVox believes is superior to BellSouth's individual hot cut process.

RESPONSE: None.

Respectfully submitted this 18th day of December, 2003.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the electronic version of this filing made with the Commission this 18th 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 18th to those persons whose postal addresses appear on the service list below.

/s/

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