

**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  
SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION  
TO NUVOX COMMUNICATIONS, INC.**

NuVox Communications, Inc. (“NuVox”), pursuant to the Procedural Order issued by the Kentucky Public Service Commission (the “Commission”) on November 4, 2003, objects generally and specifically to BellSouth Telecommunications, Inc.’s (“BellSouth”) Second Set of Interrogatories (“BellSouth’s Interrogatories”) to NuVox, dated November 24, 2003 and served on December 4, 2003 as described below.

NuVox’s objections are preliminary in nature. NuVox reserves the right to amend, supplement, or revise these objections, and assert additional objections, should NuVox discover additional grounds for objecting at any time prior to hearing. Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to them in the BellSouth Interrogatories.

**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 economic business model instead of the hypothetical business model contemplated by the TRO.

### **RESPONSE TO INTERROGATORIES**

1. Affirm or deny that you have self-provided high capacity transport facilities that you own (i.e., any DS3 or greater facilities, including dark fiber) that provide transport along a route between a pair of ILEC central offices or wire centers in Kentucky for your own operations. The facilities must terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route) associated with each central office of the pair and be operationally ready to provide transport into or out of each office of the pair. Answer this question in the affirmative if you are self-providing such facilities. For purposes of this question, you “own” transport facilities if (i) you have legal title to the facility; or (ii) if you have obtained dark fiber under a long term (10 or more years) IRU and have attached your own optronics to light the facility. Facilities obtained through any other means, including but not limited to special access, unbundled network elements or other services or facilities obtained from third parties, should not be included in this response.

**RESPONSE:** Deny

2. Affirm or deny that you offer to carriers on a wholesale basis DS1 or higher transport facilities, or dark fiber transport facilities that you own that provide a route between a pair of ILEC central offices or wire centers, to one or more pair of wire centers, in Kentucky. The facilities must terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route) associated with each office of the pair and be operationally ready to provide transport into or out of each office in the pair. Answer this question in the affirmative if you are offering such facilities. For purposes of this question, you “own” a facility (i) if you have legal title to the facility, or (ii) if you have obtained on an unbundled, leased or purchased basis dark fiber and have attached your own optronics to light the facility and are serving customers using the facility. Facilities obtained through any other means, including but not limited to special access, other unbundled network elements or other services obtained from third parties, should not be included in this response.

**RESPONSE:** Deny

3. Affirm or deny whether you have acquired on a wholesale basis from a third party (other than the ILEC or a CLP that is a party to this proceeding) DS1, DS3, or dark fiber transport between two or more ILEC central offices in each/any of Kentucky. The facilities must

terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route) associated with each office of the pair and be operationally ready to provide transport into or out of each office in the pair.

**RESPONSE:** Deny

4. For each state in Question 1 that you answered in the affirmative (that you have deployed or self-provide high capacity transport for use in your own operations), provide a list of all the paired ILEC CO to ILEC CO routes on which you have deployed such facilities identifying:

- a. The CLLI codes of the paired ILEC CO locations that make up each and every route. In each case show the “low alpha” (alphabetically first) CLLI code as Wire Center A and the “high alpha” CLLI code as Wire Center Z. (Provide the full 11 characters CLLI.)
- b. Whether your self-provided transport facilities are terminated to collocations (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route). Provide the customer name of record for the collocation arrangement and 11-character ACTL CLLI code for the collocation arrangement.
- c. Whether your self-provided transport facilities are provisioned entirely on facilities you own (as defined in Question 1).
- d. If any of your self-provided transport facilities include facilities obtained through third parties (Yes, No); if your response is yes, indicate the vendor name.
- e. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis. (Yes, No)
- f. Whether you are able to immediately provide transport along the particular route.
- g. The capacity deployed and the capacity active on the route as of September 30, 2003.

**RESPONSE:** Not Applicable.

5. For each state in Question 2 that you answered in the affirmative (that you offer at wholesale DS1, DS3 or higher, or dark fiber capacity transport) provide a list of all ILEC CO to ILEC CO routes along which you provide such transport identifying:

- a. The CLLI codes of the paired ILEC CO locations that make up the end points of each and every route. In each case show the “low alpha” (alphabetically first) CLLI code as Wire Center A and the “high alpha” CLLI code as Wire Center Z. (Provide the full 11 characters CLLI.)
- b. Whether your wholesale transport facilities are terminated to collocations (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route). Provide the customer name of record for the collocation arrangement and 11-character ACTL CLLI code of the collocation arrangement.
- c. Whether your wholesale transport services are provisioned entirely on facilities you own (as defined in Question 2).

- d. If any of your self-provided transport facilities include facilities obtained through third parties, indicate the vendor name.
- e. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis. (Yes, No)
- f. Whether you are willing and able immediately to provide transport along the particular route.
- g. The capacity deployed and the capacity active on the route as of September 30, 2003.

**RESPONSE:** Not Applicable.

6. For each state in Question 3 that you answered in the affirmative (that you have acquired on a wholesale basis DS1, DS3 or higher, or dark fiber transport), provide the following in electronic format using the worksheet<sup>1</sup> related to both self-provided (the Question 4 spreadsheet) and wholesale facilities (the Question 5 spreadsheet):

- a. The CLLI codes of the ILEC wire centers or COs of the starting and ending points of the transport routes;
- b. The name of the carrier or company from whom you received or purchased the transport;
- c. Whether you are operationally ready to provide transport using these facilities; and
- d. The capacity deployed and the capacity active on the route as of September 30, 2003.

**RESPONSE:** Not applicable.

7. If, in response to Questions 4 and 5, you denied any of the specified characteristics, explain in detail the basis for your response. For example, if your wholesale operations are affiliated with another provider, state the name of the provider with whom you are affiliated. State also whether there are other limitations on your wholesale operations; if so, describe in detail any such limitations.

**RESPONSE:** Not applicable.

8. Affirm or deny that you have self-provided high capacity loop or dark fiber facilities that you own (i.e., any DS3 or greater facilities that provide connections between a switch, wire center, collocation, point of interconnection, etc., and a customer's premises) to one or more customer locations in each/any of Kentucky use in your own operations in providing retail service to your customers. Answer this question in the affirmative if you are self-providing such facilities. For purposes of this question, you "own" a facility (i) if you have legal title to the

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<sup>1</sup> Spreadsheet sent via electronic mail.

facility, or (ii) if it you have obtained dark fiber under a long term (10 or more years) IRU and have attached your own optronics to light the facility and are serving customers using the facility. Facilities obtained through any other means, including but not limited to, special access, unbundled network elements or other services or facilities obtained from third parties, should not be included in this response.

**RESPONSE:** Deny

9. Affirm or deny that you offer to carriers on a wholesale basis DS1, DS3 or higher capacity loop facilities or dark fiber that you own (i.e., any DS1 or greater facilities that provide connections between a switch, wire center, collocation, point of interconnection, etc., and a customer's premises) to one or more customer locations in Kentucky. Answer this question in the affirmative if you are offering such facilities. For purposes of this question, you "own" a facility if (i) you have legal title to the facility, or (ii) if you have obtained on an unbundled, leased or purchased basis dark fiber and have attached your own optronics to light the facility. Facilities obtained through any other means, including but not limited to special access, other unbundled network elements or other services obtained from third parties, should not be included in this response.

**RESPONSE:** Deny

10. Affirm or deny that you have obtained from a third party (other than the ILEC or a CLP that is a party to this proceeding), high capacity loops or dark fiber loops for the provisioning of retail services to your customers, to one or more customer locations in Kentucky. Self-provided facilities that you "own" as defined in 8 above should not be included in this response.

**RESPONSE:** Deny

11. Affirm or deny that you have obtained from a third party (other than the ILEC or a CLP that is a party to this proceeding), high capacity loops or dark fiber loops for the Kentucky provisioning of services on a wholesale basis to one or more customer locations Kentucky. Self-provided facilities that you "own" as defined in 9 above should not be included in this response.

**RESPONSE:** Deny

12. For each state in Question 8 and 10 that you answered in the affirmative (that you have self-provided or obtained from a third party other than the ILEC or a CLP that is a party to this proceeding high capacity loops or dark fiber for use in your own operations in providing retail service to your customers) provide a list of the customer locations to which you have deployed such loops, (in electronic format using the attached spreadsheets)<sup>2</sup> identifying:

- a. The RSAG valid address of each customer location.

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<sup>2</sup> Spreadsheet sent via electronic mail.

- b. The CLLI code of the CLP switch, wire center, collocation, point of interconnection, etc., from which the loop is extended to the customer location. (Provide the full 11-character CLLI.)
- c. Indicate whether the facility is wholly owned by you (Yes, No); if no, provide the name of the vendor from whom you have purchased all or a portion of the facilities.
- d. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis (Yes, No).
- e. Indicate whether or not you have the unrestricted ability to serve all customers at that location if it is a multi-tenant location. (Yes, No, NA). This includes access to all units in the building, access to all buildings in a campus environment and equivalent access to the same minimum point of entry (MPOE), common space, house and riser and other intra building wire as the ILEC. If no, explain in detail any restrictions on your ability to serve customers and explain any and all actions you have taken to address such restrictions.
- f. The capacity deployed and capacity activated to the specific location as of September 30, 2003.

**RESPONSE:** Not applicable.

13. For each state in Questions 9 and 11 that you answered in the affirmative (that you offer at wholesale DS1, DS3 or higher capacity loops) provide a list of the customer locations to which you have provided such loops (in electronic format using the attached spreadsheets),<sup>3</sup> identifying:

- a. The RSAG valid address of each customer location.
- b. The CLLI code of the location from which the loop is extended to the customer location. (Provide the full 11-character CLLI.)
- c. Indicate whether the facility is wholly owned by you (Yes, No); if no, provide the name of the vendor from whom you have purchased all or a portion of the facilities.
- d. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis or UNE basis (Yes, No).
- e. Indicate whether or not you have the unrestricted ability to serve all customers at that location if it is a multi-tenant location. (Yes, No, NA). This includes access to all units in the building, access to all buildings in a campus environment and equivalent access to the same minimum point of entry (MPOE), common space, house and riser and other intra building wire as the ILEC. If no, explain in detail any restrictions on your ability to serve customers and explain any and all actions you have taken to eliminate such restrictions.
- f. Indicate whether other carriers have access to these wholesale facilities at a technically feasible point (e.g., manhole, meet point, collocation, etc).

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<sup>3</sup> Spreadsheet sent via electronic mail.

- g. The capacity deployed and capacity activated to the specific location as of September 30, 2003.

**RESPONSE:** Not applicable.

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

**OBJECTION:** NuVox objects on the grounds that the information sought is irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence. At paragraphs 335 and 410, the TRO establishes factors that the Commission should consider in any analysis of a loop and transport potential deployment case. The information sought by BellSouth is beyond the scope of the factors established by the FCC. In addition, the information sought by this interrogatory is highly proprietary and confidential, and the disclosure of this information could be damaging to NuVox's business. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

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

- a. The type of collocation (caged, cageless, shared, virtual, other (with a description)) and identify the total amount of space currently occupied and reserved for future growth;
- b. The type of equipment and number of equivalent DS0 channels for all services in the collocation space (e.g., DLC, remote switches, multiplexers, transmission terminals, etc.).



- c. The transmission facilities and number of equivalent DS0 channels for all services used to connect the office to your switch or non-ILEC switching provider (e.g., BellSouth UNEs, BellSouth special access, self provision, third party provision).
- d. The amount of unused or excess space in each collocation space.
- e. The number of active and inactive DS1 cross connects
- f. The number of active and inactive DS3 Cross-connects
- g. The number of active and inactive 2-fiber cross-connects
- h. The number of active and inactive 4-fiber cross-connects.
- i. State whether you have deployed fiber “entrance” facilities that you own which connect to the collocation arrangements identified.
- j. State whether you have fiber “entrance” facilities that you have obtained from a person other than BellSouth which connect to the collocation arrangements identified.
- k. State whether you have fiber cross-connects which connect the identified arrangement(s) to other persons collocated at the same wire center. If yes, (i) identify all carriers to which your arrangements are connected within the wire center; and (ii) identify the capacity or type of connection.

**OBJECTION:** NuVox objects on the grounds that, to the extent NuVox’s collocations are in BellSouth central offices, the information is already available to BellSouth and to require NuVox to reproduce it would be onerous, unreasonable and unduly burdensome. Carriers collocating in BellSouth’s central offices must complete detailed application forms for submission to BellSouth including detailed information on the type of collocation requested, the equipment to be installed in the collocation space and the number and type of cross-connects required. BellSouth bills all collocators monthly recurring charges for the use of collocation space and for cross- connects. The collocation application also includes information on the number of DS0 equivalents. NuVox objects to interrogatory No. 15 on the grounds it is oppressive and unduly burdensome and seeks proprietary and confidential business information. NuVox objects to subparts “i” and “j” because entrance facilities have been delisted by the TRO and are not included within the definition of “transport” as redefined in the TRO.

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

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

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

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

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

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

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

**RESPONSE:** Not applicable. NuVox has not deployed any of our own facilities.

17. For each central office/wire center identified in response to Interrogatory No. 16:

- a. Are your transport facilities operationally ready to provide dedicated transport between the central office/wire center identified and any other ILEC wire center on the same list?
- b. If your responses to part (a) above is negative, identify each such the ILEC central offices on the list that does not satisfy part (a) and explain with particularity why not.

**RESPONSE:** Not applicable.

18. Provide a list of all BellSouth wire centers and/or central offices in Kentucky from which you offer to other carriers on a wholesale basis DS1 or higher transport facilities, or dark fiber

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

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

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

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

**RESPONSE:** NuVox does not wholesale its network.

19.. For each central office/wire center identified in response to Interrogatory No. 17:

- a. Are you willing and able immediately to provide high capacity transport, on a wholesale basis, over transport facilities between the wire central office/wire center identified and any other ILEC wire center on the same list?
- b. If your responses to part (a) above is negative, identify each such the ILEC central office/wire center on the list that does not satisfy part (a) and explain with particularity why not.

**RESPONSE:** Not applicable

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

**OBJECTION:** NuVox objects on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, unduly burdensome and seeks proprietary and confidential business information. The TRO redefined transport so as to limit it to transmission facilities between incumbent local exchange carrier switches or wire centers. The points at which NuVox connects to the networks of carriers and firms other than BellSouth is irrelevant to whether NuVox could potentially deploy a high capacity loop from its network to a specific customer location or provide high capacity transport. Interrogatory 20 seeks information which is beyond the scope of the TRO and, thus, irrelevant to this proceeding. The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called “daisy chaining”) at paragraph 402 of the TRO. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

21. Identify the points within all Kentucky at which you connect your local network facilities to BellSouth's network, including but not limited to any and all points of presence ("POP").

This interrogatory may be answered with network diagrams.

**OBJECTION:** NuVox objects on the grounds that, as applied to NuVox, the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. The TRO redefined transport so as to limit it to transmission facilities between incumbent local exchange carrier switches or wire centers. Interrogatory 21 seeks information which is beyond the scope of the TRO and, thus, irrelevant to this proceeding. The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called "daisy chaining") at paragraph 402 of the TRO. NuVox objects on the grounds that BellSouth is in possession of the information sought regarding connections to its network. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

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

**RESPONSE:** Information is not available. NuVox does not capture customer information based on MSA. Also, NuVox does not capture customer units that are available in a multi-tenant building. NuVox sells each customer a service and do not share facilities between customers. (T1's or DS0).

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

**RESPONSE:** NuVox does not own or control any fiber rings.

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

**OBJECTION:** NuVox objects on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. Specifically, the information sought by this interrogatory is beyond the scope of the definition of transport as redefined by the TRO. . The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called “daisy chaining”) at paragraph 402 of the TRO. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

25. For each arrangement identified in response to Interrogatory 23 and in response to Interrogatory 16, please list the types of services that are provided utilizing such an arrangement.
- a. List all types of services you offer to your end-users from each collocation space describe or demand and the quantity of each service you provide and/or offer.
  - b. For each service identified in (a), list the average monthly revenue associated with each type of service.

**RESPONSE:** NuVox has not deployed DS3 to an end user.

26. Provide a list of all customer locations in each/any of Kentucky at which you have deployed high capacity loop facilities (DS3 or greater facilities, including dark fiber) that you own and where you are serving customers using those facilities. *This interrogatory varies from Interrogatory No. 8 in this docket as it is not limited to loop facilities solely used to provide retail service.* For each customer location, identify:

- a. The RSAG valid address of the customer location;
- b. The CLLI code of the CLEC switch, wire center, collocation, point of interconnection, etc. from which the loop is extended to the customer location (by 11 character CLLI);
- c. Whether you have the unrestricted ability to serve all customers at that location, if the location is a multi-tenant location. If not, explain with particularity why not, including any restrictions on your ability to serve customers and the steps you have taken to address such restrictions.
- d. The total active capacity and the number of fiber strands on your facilities at the specific customer locations using the most recent data available;
- e. Whether your facilities are operationally ready to provide DS3 loops at the specific customer location.

**OBJECTION:** NuVox objects to on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. The information sought goes beyond the FCC's definition of a loop which is the transmission facility between an incumbent LEC central office and an end user's premises. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

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



- d. pick up additional traffic;
- e. pick up additional or new customers;
- f. pick up additional or new buildings.

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

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

**RESPONSE:** Refer to responses served contemporaneously herewith.

## REQUESTS FOR PRODUCTION

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

**OBJECTION:** NuVox objects to this request for production on the grounds that it seeks confidential, proprietary business information the disclosure of which could be damaging to NuVox's business. NuVox does not intend to provide documents in response to this request BellSouth absent a Motion to Compel and Order from the Commission required NuVox to do so.

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

**OBJECTION:** NuVox objects to the production of any documents regarding any interrogatory to which it has objected.

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

**OBJECTION:** NuVox objects to this request for production on the grounds that it is overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. To the extent that this request for production 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. NuVox does not intend to provide documents in response to this request BellSouth absent a Motion to Compel and Order from the Commission required NuVox to do so.

4. Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyzes or otherwise refers or relates to your obtaining high capacity transport and/or loop facilities from other persons.

**OBJECTION:** NuVox objects to this request for production on the grounds stated in the objection to request for production 3 above. NuVox does not intend to provide documents in

response to this request BellSouth absent a Motion to Compel and Order from the Commission required NuVox to do so.

5. Produce all documents from 2000 to present referring or relating to how you determine whether or not to deploy high capacity transport and/or loop facilities.

**OBJECTION:** NuVox objects to this request for production on the grounds stated in the objection to request for production 3 above. NuVox does not intend to provide documents in response to this request BellSouth absent a Motion to Compel and Order from the Commission required NuVox to do so.

Respectfully submitted this 18<sup>th</sup> 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 18<sup>th</sup> day of December is a true and accurate copy of the documents attached hereto in paper form. This version was transmitted to the Commission for forwarding to those persons receiving electronic notices from the Commission in this case. A copy of the filing was also served by U.S. mail on December 18<sup>th</sup> to those persons whose postal addresses appear on the service list below.

/s/

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