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December 15, 2003

RECEIVED

DEC 15 2003

REGISTRATION
COMMISSION

VIA FEDERAL EXPRESS

Mr. Thomas Dorman
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602-0615

Re: KY PSC Docket Number: 2003-00379 – Review of Federal Communications
Commission’s Triennial Review Order Regarding Unbundled Requirements For
Individual Network Elements

Dear Mr. Dorman:

Enclosed for filing with the Public Service Commission is the original and six (6) copies, as well as a CD, of the Public Version of AT&T Broadband Phone of Kentucky, LLC’s, a Comcast Company, (hereinafter “Comcast Phone”) Responses to Specific Negotiated Interrogatories from BellSouth Telecommunications, Inc. (“BellSouth”) in the above referenced docket. Please file the original and four (4) copies and stamp the two (2) remaining copies of this filing and return to us in the federal express envelope provided. Also enclosed for filing is one (1) Confidential Version of the Responses. The Confidential Version of this Response is being provided to BellSouth subject to the Protective Agreement entered into by BellSouth and Comcast Phone on November 25, 2003. A redacted version of the Response and Petition for Confidentiality is being served on all other parties of record.

Comcast Phone’s responses contain confidential, commercial or proprietary information pursuant to 807 KAR 5:0001, Section 7. Accordingly, please find enclosed the original and six (6) copies of Comcast Phone’s Petition for Confidentiality. Please file the original and four (4) copies and stamp the two (2) remaining copies and return to us in the federal express enveloped provided.

Thank you for your assistance. Should you have any questions, please do not hesitate to contact me.

Best regards,

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company

Thomas B. McGurk, Esq.

Enclosures

ORIGINAL

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

PLC 15 2003

In the Matter of:

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

PETITION FOR CONFIDENTIAL TREATMENT

AT&T Broadband Phone of Kentucky, LLC, a Comcast Company, (hereinafter, "Comcast Phone") respectfully moves the Public Service Commission of Kentucky (hereinafter "Commission") pursuant to K.R.S. §61.878(1)(c)(1) and 807 KAR 5:001, Section 7 to treat and to clarify as confidential proprietary portions of its responses and attachments to Comcast Phone's Negotiated Responses to Interrogatories (collectively, the "Responses") from BellSouth Telecommunications, Inc. (hereinafter "BellSouth"). In support of its petition, Comcast Phone shows the following to the Commission:

1. On October 10, 2003, BellSouth served Comcast Phone with BellSouth's First Set of Interrogatories and First Request for Production of Documents.

2. On October 28, 2003, John Sullivan, Vice President and Chief Counsel of Comcast Phone, LLC, wrote a letter to Dorothy J. Chambers, counsel for BellSouth, citing the Order issued by the Kentucky Public Service Commission (the "Commission") on October 2, 2003, and stating that, because

Comcast is not a party to the proceeding captioned in BellSouth's discovery request, Comcast would "not formally respond to the discovery issued by BellSouth . . . absent a binding Order to do so." Mr. Sullivan copied Executive Director Thomas Dorman and General Counsel for the Telecom Division, Amy Dougherty, with the letter to Ms. Chambers.

3. In response, BellSouth, on or about November 13, 2003, served Comcast with a pleading entitled "Motion of BellSouth Telecommunications, Inc. Regarding Discovery Procedures." The Motion requested that the Commission order "all persons and entities with relevant data" to "provide that information to the Commission and" to "respond to all relevant data requests, including those submitted by BellSouth in this proceeding." BellSouth Motion at 6.

4. On November 20, 2003, Tricia Morvan Derr, counsel for Comcast Phone, emailed William Ellenberg, counsel for BellSouth, notifying him of Comcast Phone's intention to provide a response to BellSouth's Motion. Mr. Ellenberg responded that BellSouth was willing to limit the number of discovery requests propounded in exchange for Comcast Phone's agreement to provide limited information to BellSouth.

5. After further discussion, BellSouth agreed to limit the discovery propounded to Interrogatory Nos. 26, 29, 33-38, 43-45, 47 and 49 contained in BellSouth's First Set of Interrogatories to Comcast Phone. Furthermore, BellSouth requested that Comcast Phone also provide responses to nine new

questions identified telephonically by BellSouth on or about November 21, 2003, all of which are identical to interrogatories propounded by BellSouth's affiliate in Florida PSC Docket 030851-TP. Finally, BellSouth requested that Comcast Phone provide information relating to line count data by NPA/NXX. In the interest of resolving any and all disputes between the companies with respect to the obligation to provide responses to BellSouth's October 2003 interrogatories, Comcast Phone has agreed to provide all of the information requested by BellSouth on a voluntary basis, subject to the general objections and the specific objections contained in those responses.

6. Comcast Phone's willingness to answer BellSouth's interrogatories and the submission of this Petition does not constitute an admission as to whether Comcast Phone is an appropriate respondent or party to this proceeding, nor does this response represent a waiver of Comcast Phone's right to object to such status.

7. With respect to the Responses, the information includes, among other things, proprietary information and retail customer proprietary information, which is treated as highly confidential by Comcast Phone. Further, the Responses contain information that has not been released publicly and is disclosed internally within Comcast Phone on a need-to-know basis only and to the Commission only when required and only pursuant to a confidentiality agreement or enforceable order according the information confidential treatment. Comcast Phone employs all reasonable measures to

protect the confidentiality of the proprietary information in the Responses and to guard against inadvertent, unauthorized disclosure.

8. The Kentucky Open Records Act exempts certain commercial information from the public disclosure requirements of the Act. KRS §61.878(1)(c)(1). To qualify for this commercial information exemption and, therefore, protect the information as confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors and the parties seeking confidentiality if openly discussed. KRS §61.878(1)(c)(1); 807 KAR 5:001, Section 7. Such information contained in the Responses is generally considered confidential and proprietary in the telecommunications industry.

9. The Commission has taken the position that the statute and rule require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed. The confidential material contains information relating to Comcast Phone's customer classification, churn rates, market share information, switching locations and codes, access lines, average numbers of lines per subscriber, average monthly revenue for specific markets, and NPA/NXX information for voice-grade DSO lines.

10. Average revenue numbers and customer clarification, churn rates and other information contained in the responses and exhibits is commercially sensitive information, and Comcast Phone would suffer competitive harm if the commercial information it seeks to protect were disclosed. The information

responsive to Interrogatory Nos. 33, 35 and 36, and Mutually Agreed Additional Interrogatory Nos. 1, 2, 3, 5, and 7, and the attached Exhibits could provide a competitor with market size and Comcast Phone's associated revenue for the market segments identified. This information would be useful to Comcast Phone's competitors in establishing marketing plans and, therefore, pose competitive harm to Comcast Phone if such information were disclosed.

11. Filed with this Petition is one (1) copy of the Responses that includes those portions that are confidential. Also filed are four (4) copies and a diskette (or CD) of the Responses with the confidential information redacted.

WHEREFORE, the Commission should grant confidential treatment of the information so designated for the following reasons:

1. The information for which Comcast Phone is requesting confidential treatment is not known outside of Comcast Phone;
2. The information is not disseminated within Comcast Phone and is known only by those of Comcast Phone's employees who have a legitimate business need to know and act upon the information;
3. Comcast Phone seeks to preserve the confidentiality of this information through all appropriate means, including the maintenance of appropriate security at its offices; and
4. By granting Comcast Phone's Petition, there would be no damage to the public interest.

For these reasons, the Commission should grant Comcast Phone's request for confidential treatment of Comcast Phone's Responses or portions of Comcast Phone's Responses to BellSouth's First Set of Interrogatories.

Respectfully submitted,


Attorney for AT&T Broadband Phone
Of Kentucky, LLC

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1201 West Peachtree Street
Suite 3200
Atlanta, GA 30309
(404) 888-7462 (Telephone)
(404) 879-2994

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petition for Confidential Treatment and redacted Responses were served on the parties by postage-paid first-class U.S. Mail.

This the 15 day of December, 2003.


Thomas B. McGurk, Esq.

ORIGINAL

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

FILED

OCT 15 2003

In the Matter of:

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

**AT&T BROADBAND PHONE OF KENTUCKY, LLC'S RESPONSES TO
SPECIFIC NEGOTIATED INTERROGATORIES FROM BELL SOUTH,
TELECOMMUNICATIONS, INC. - REDACTED**

AT&T Broadband Phone of Kentucky, LLC, a Comcast Company, ("Comcast Phone", "Comcast" or the "Company"), subject to the objections asserted below, submits herewith its responses to specific negotiated interrogatories from BellSouth Telecommunications, Inc. ("BellSouth"). In an effort to chronicle the circumstances leading up to these Responses, and to confirm the agreement between BellSouth and Comcast Phone, Comcast Phone states as follows:

1. On October 10, 2003, BellSouth served Comcast Phone with BellSouth's First Set of Interrogatories and First Request for Production of Documents.

2. On October 28, 2003, John Sullivan, Vice President and Chief Counsel of Comcast Cable Communications, Inc., wrote a letter to Dorothy J. Chambers, counsel for BellSouth, citing the Order issued by the Kentucky Public Service Commission ("Commission") on October 2,

2003, and stating that, Comcast, because it is not a party to the proceeding captioned in BellSouth's discovery request, would "not formally respond to the discovery issued by BellSouth . . . absent a binding Order to do so." Mr. Sullivan copied Executive Director Thomas Dorman and General Counsel for the Telecom Division, Amy Dougherty, with the letter to Ms. Chambers.

3. In response, BellSouth, on or about November 13, 2003, served Comcast with a pleading entitled "Motion of BellSouth Telecommunications, Inc. Regarding Discovery Procedures." The Motion requested that the Commission order "all persons and entities with relevant data" to "provide that information to the Commission and" to "respond to all relevant data requests, including those submitted by BellSouth in this proceeding." BellSouth Motion at 6.

4. On November 20, 2003, Tricia Morvan Derr, counsel for Comcast Phone, emailed William Ellenberg, counsel for BellSouth, notifying him of Comcast's intentions to provide a response to BellSouth's Motion. Mr. Ellenberg responded that BellSouth was willing to limit the number of discovery requests propounded in exchange for Comcast's agreement to provide limited information to BellSouth.

5. After further discussion, BellSouth agreed to limit the discovery propounded to Interrogatory Nos. 26, 29, 33-38, 43-45, 47 and 49 contained in BellSouth's First Set of Interrogatories to Comcast,

Furthermore, BellSouth requested that Comcast Phone also provide responses to nine new questions identified telephonically by BellSouth on or about November 21, 2003, all of which are identical to interrogatories propounded by BellSouth's affiliate in the State of Florida in Docket 030851-TP. Finally, BellSouth requested that Comcast Phone provide information relating to line count data by NPA/NXX. In the interest of resolving any and all disputes between the companies with respect to the obligation to provide responses to BellSouth's October 2003 interrogatories, Comcast Phone has agreed to provide all of the information requested by BellSouth, subject to the General Objections outlined below and the specific objections contained in the responses to the numbered interrogatories. Information relating to NPA/NXX is contained in Confidential Exhibit A, attached hereto, and is also subject to the Objections outlined below. In providing responses to the agreed-upon questions, Comcast Phone does not thereby waive its right to argue now or at any time in the future whether the Company is appropriately subject to an obligation to answer interrogatories from BellSouth in this proceeding.

GENERAL OBJECTIONS

Comcast Phone makes the following general objections to the Interrogatories below. These objections are preliminary in nature. Should additional grounds for objection be discovered, Comcast Phone reserves the right to supplement, revise and/or modify these objections.

1. Objections to Definitions

A. Comcast Phone objects to the lengthy “Definitions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that such terms are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Comcast Phone objects to the “Definitions” section to the extent that it utilizes terms that are subject to multiple interpretations, but are not properly defined or explained for purposes of these Interrogatories.

B. Comcast Phone objects to the “Definitions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that the definitions operate to include the discovery of information protected by attorney/client privilege, the work product doctrine or any other applicable privilege.

C. Comcast Phone objects to the “Definitions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that the definitions operate to include the discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of Comcast Phone.

D. Comcast Phone objects to the “Definitions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that the definitions operate to impose discovery obligations on Comcast Phone inconsistent with, or beyond the scope of what is permitted by this Commission or applicable Kentucky law.

E. Comcast Phone objects to the “Definitions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that the definitions operate to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission’s (hereinafter “FCC”) Triennial Review Order and other applicable Kentucky law.

F. Comcast Phone objects to the “Definitions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that the definitions operate to seek production of information that was not generated in the form of a written or printed record and, therefore, would be unduly burdensome and expensive to require Comcast Phone to produce such a written or printed record.

G. Comcast Phone objects to the “Definitions” section of BellSouth's First Set of Interrogatories to Comcast Phone to the extent that the interrogatories purport to seek disclosure of information that is proprietary confidential information or a “trade secret” without the issuance of an appropriate Protective Order pursuant to Kentucky law.

H. Comcast Phone objects to the definitions of “you,” “your,” “Comcast Phone,” and “person” to the extent that the definitions include natural persons or entities which are not parties to this proceeding, not subject to the jurisdiction of the Commission, and not subject to the applicable discovery rules. Subject to the foregoing, and without waiving any objection, general or specific, unless otherwise ordered, responses will be provided on behalf of AT&T Broadband of Kentucky, LLC, which is a certificated carrier authorized to provide regulated communications services in Kentucky.

2. Objections to Instructions

A. Comcast Phone objects to the “General Instructions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that the “instructions” operate to impose discovery obligations on Comcast Phone inconsistent with, or beyond the scope of, what is permitted by the Commission or applicable Kentucky law.

B. Comcast Phone objects to the “General Instructions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that the “instructions” operate to seek disclosure of the mental impressions, conclusions, opinions, or legal theories of any attorney or other representative of Comcast Phone concerning the subject of litigation without the requisite showing under Kentucky law.

C. Comcast Phone objects to the “General Instructions” section of BellSouth’s First Set of Interrogatories to Comcast Phone to the extent that the “instructions” operate to seek disclosure of “all” information in Comcast Phone’s “possession, custody or control” and to the extent that said “instruction” requires Comcast Phone to provide information or materials beyond its present knowledge, control, recollection or possession. Comcast Phone creates numerous documents that are not subject to either the Commission or FCC record retention requirements. These documents are kept in numerous locations and frequently are moved from location to location as employees change jobs or as business objectives change. Therefore, it is impossible for Comcast Phone to

affirm that every responsive document in existence has been provided in response to all interrogatories. Instead, where provided, Comcast Phone's responses will provide all information obtained by Comcast Phone after a reasonable and diligent search conducted in connection with those interrogatories. Such search will include only a review of those files that are reasonably expected to contain the requested information. To the extent that the "instructions" require more, Comcast Phone objects on the grounds that compliance would be unduly burdensome, expensive, oppressive, or excessively time consuming to provide such responsive information.

D. Comcast Phone objects to the "General Instructions" section of BellSouth's First Set of Interrogatories to Comcast Phone to the extent that the "instructions" operate to seek disclosure of "the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer." Comcast Phone's responses to the interrogatories will be a collaborative effort. Accordingly, Comcast Phone will identify the primary individual sponsoring each answer.

3. General Objections to Interrogatories

A. Comcast Phone objects to BellSouth's First Set of Interrogatories to Comcast Phone to the extent that the interrogatories are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

B. Comcast Phone objects to BellSouth's First Set of Interrogatories to Comcast Phone to the extent that the interrogatories purport to seek discovery of information protected by attorney/client privilege, the work product doctrine or any other applicable privilege. Any inadvertent disclosure of such privileged documents or information shall not be deemed to be a waiver of the attorney-client privilege, work product doctrine, or any other applicable privileges or doctrines.

C. Comcast Phone objects to BellSouth's First Set of Interrogatories to Comcast Phone to the extent that the interrogatories purport to seek discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of Comcast Phone.

D. Comcast Phone objects to BellSouth's First Set of Interrogatories to Comcast Phone to the extent that the interrogatories purport to impose discovery obligations on Comcast Phone inconsistent with, or beyond the scope of what is permitted by the Commission and applicable Kentucky law.

E. Comcast Phone objects to BellSouth's First Set of Interrogatories to Comcast Phone 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 FCC's Triennial Review Order and other applicable Kentucky law.

F. Comcast Phone objects to BellSouth's First Set of Interrogatories to Comcast Phone to the extent that the interrogatories purport to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an appropriate Protective Order pursuant to Kentucky law.

G. Comcast Phone objects to BellSouth's First Set of Interrogatories to Comcast Phone to the extent that they seek documents or information equally available to BellSouth through public sources or

records, on the grounds that it subjects Comcast Phone to unreasonable and undue annoyance, oppression, burden and expense. Comcast Phone objects to all of BellSouth's interrogatories which require the disclosure of information which already is in the public domain or otherwise on record with the Commission or the FCC.

H. Comcast Phone objects to BellSouth's First Set of Interrogatories to Comcast Phone 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 law.

I. Pursuant to the Orders issued by this Commission, the FCC's Triennial Review Order, and applicable Kentucky law, to the extent that BellSouth's interrogatories request specific financial, business or proprietary information regarding Comcast Phone's economic business model, Comcast Phone objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon Comcast Phone's economic business model instead of the hypothetical business model contemplated by the FCC's Triennial Review Order. Furthermore, since Comcast Phone is not a party to this proceeding, discovery requests relating to Comcast Phone's "business model," "contentions" or positions regarding specific issues under the Triennial Review Order are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

J. The Objections provided herein are not intended, and shall not in any way be construed, to constitute an admission or representation that responsive documents in fact do or do not exist or that any such document is relevant or admissible. Comcast Phone expressly reserves the right to rely, at any time, on subsequently discovered documents.

K. Although Comcast Phone will respond to BellSouth's First Set of Interrogatories as quickly as possible, Comcast Phone reserves the right to amend, delete and/or supplement its responses as may become appropriate in the future.

BELLSOUTH'S FIRST SET OF INTERROGATORIES SUBMITTED

OCTOBER 10, 2003

MUTUALLY AGREED QUESTIONS FROM THE FIRST SET

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

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

As further discussed in response to Question 33, all Comcast Phone customers in Kentucky are customers of our residential services. Furthermore, all Comcast Phone customers in Kentucky purchase a combination of voice-grade basic local exchange service and in some instances one or more of the following: associated features, local toll service and/or long distance services. Comcast Phone provides in CONFIDENTIAL EXHIBIT A average monthly revenue received from those residential customers for certain categories of service.

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

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

As further discussed in response to Question 33, all Comcast Phone customers in Kentucky are customers of our residential services. Furthermore, all Comcast Phone customers in Kentucky purchase a combination of voice-grade basic local exchange service and in some instances one or more of the following: associated features, local toll services and/or long distance services. Comcast Phone provides in CONFIDENTIAL EXHIBIT A average monthly revenue received from those residential customers for certain categories of service that it tracks.

33. Please provide a breakdown of the total number of end user customers served by Comcast Phone 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).

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

As noted in response to Question 26, Question 29 and herein below, all Comcast Phone customers in Kentucky are customers of our residential services. Furthermore, as noted in response to Questions 26 and 29, all Comcast Phone customers in Kentucky purchase a combination of voice-grade basic local exchange services and in some instances one or more of the following: associated features, local toll services and/or long distance services.

[BEGIN CONFIDENTIAL INFORMATION]

[END CONFIDENTIAL INFORMATION]

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.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone states that it does not currently track the average acquisition cost for each end user customer to whom it provides the services described in response to Question 33.

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.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

Comcast Phone's average monthly churn rate for residential customers in the Commonwealth of Kentucky is **[BEGIN CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL INFORMATION]**, for the period January 1, 2003 through October 31, 2003, which is the period available to Comcast Phone.

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.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

As of year-end 2002, Comcast Phone had approximately **[BEGIN CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL INFORMATION]** residential end-user lines in Kentucky, yielding an approximately **[BEGIN CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL INFORMATION]** share of the local exchange market in the Commonwealth of Kentucky, based on a total of 2,192,796 access lines referenced for Kentucky on the FCC's website for year-end 2002.

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.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, please refer to the Company's response to Question 36, which is incorporated herein by reference. That response sets forth Comcast Phone's estimated cumulative market share of the local exchange market in Kentucky. Comcast Phone further states that it has not been able to identify other documents in its possession, custody or control relating to its cumulative market share of the local exchange market in the Commonwealth of Kentucky.

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.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone refers to its response to Question 36, which is incorporated herein by reference. That response sets forth Comcast Phone's estimated *current* cumulative market share of the local exchange market in Kentucky. Comcast Phone further notes that it has not been able to identify documents in its possession, custody or control relating to its cumulative market share growth in the local exchange market in the Commonwealth of Kentucky.

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?

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone does not currently track in the ordinary course of its business the "cost of capital" of its basic local exchange service in the Commonwealth of Kentucky. In order to derive such information, the Company would be required to conduct a special study, which would be overly broad, unduly burdensome and oppressive.

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?

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone does not currently track in the ordinary course of its business the "cost of capital" of its basic local exchange service in the Commonwealth of Kentucky. In order to derive such information, the Company would be required to conduct a special study, which would be overly broad, unduly burdensome and oppressive.

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?

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone states that it does not currently track the requested information in the ordinary course of its business. In order to derive such information, the Company would be required to conduct a special study, which, as noted above, would be overly broad, unduly burdensome and oppressive.

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?

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone states that it does not currently track the requested information in the ordinary course of its business. In order to derive such information, the Company would be required to conduct a special study, which, as noted above, would be overly broad, unduly burdensome and oppressive.

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?

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone states that it does not currently track the requested information in the ordinary course of its business. In order to derive such information, the Company would be required to conduct a special study, which, as noted above, would be overly broad, unduly burdensome and oppressive.

MUTUALLY AGREED ADDITIONAL QUESTIONS (NEW NOS. 1 - 9)

1. Please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLLI™) of each switch used to provide qualifying service anywhere in the Commonwealth of Kentucky that is owned by your company. If you lease, rent or otherwise obtain switching capacity on a switch that you do not own (other than from an incumbent Local Exchange Carrier), provide the same information regarding all such switches.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

[BEGIN CONFIDENTIAL INFORMATION]

[END CONFIDENTIAL INFORMATION]

2. For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines that switch is equipped to provide. If you lease, rent or otherwise obtain capacity on someone else's switch, provide the DS0/voice grade equivalent access lines associated with the capacity you have obtained.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

The number of residential voice-grade equivalent DS0 lines which the switch located in Louisville, Kentucky was equipped to provide, as of November 1, 2003, was **[BEGIN CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL INFORMATION]** lines. The number of residential voice-grade equivalent DS0 lines which the switch located in Evansville, Indiana was equipped to provide, as of November 1, 2003, was **[BEGIN CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL INFORMATION]** lines.

3. For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines currently in use and state the date for which such information is provided.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Comcast Phone objects to this question on the ground it is vague and ambiguous with respect to the phrase "in use." Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

The number of voice-grade equivalent DS0 lines served by Comcast Phone in Kentucky using the switch located in Louisville, Kentucky is, as of November 1, 2003, **[BEGIN CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL INFORMATION]** lines. The number of voice-grade equivalent DS0 lines served by Comcast Phone in using the switch located in Evansville, Indiana is, as of November 1, 2003, **[BEGIN CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL INFORMATION]** lines.

4. State whether each switch identified in response to Question 1 serves residential customers.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds that each switch identified in its response to Question No. 1 serves only customers in the Kentucky subscribing to the Company's residential plans.

5. Does this switch serve customer locations with:

- a. 1 line only?
- b. 2 or fewer lines?
- c. 3 or fewer lines?
- d. 4 or fewer lines?
- e. 5 or fewer lines?
- f. 6 or fewer lines?
- g. 7 or fewer lines?
- h. 8 or fewer lines?
- i. 9 or fewer lines?
- j. 10 or fewer lines?

Respondent: David Sered, Director of Regulatory Affairs

Response:

Comcast Phone objects to this question on the grounds that it is unduly burdensome. In particular, the request for information by ranges of lines is unduly burdensome because Comcast Phone does not maintain information in that format. In order to provide such information in that format, the company would be required to undertake a special study which would be burdensome and outside the ordinary course of the company's business. Subject to the above objections and Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

Comcast Phone states that the average number of lines per subscriber in the Commonwealth of Kentucky, as of November 1, 2003 was **[BEGIN CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL INFORMATION]** lines.

6. For each grouping of customer locations identified in Question 5 (locations with 1 line, locations with 2 or fewer lines, etc.), provide:
 - a. The individual customer locations. Initially, it will be sufficient to provide these locations by wire center service area. If that information is not readily available, then the information should be provided by actual customer address. To explain further, this question asks you to provide, initially by wire center service area, the number of customer locations you serve that have one line, two lines or fewer, three lines or fewer, etc. If you cannot provide the information by wire center service area, then provide this information by actual customer location, i.e. Customer A is located at 1234 Broadway, Miami, Florida, and has one line, and so forth.
 - b. The number of lines at each location that are used to provide voice service, and the number of lines that are used to provide data service, identified separately. If each line is used to provide both voice and data, so indicate.
 - c. If you know that the specific customer location is served by lines provided by another CLEC, or by an ILEC, provide the number of DS0/voice grade equivalent lines provided at each customer location by other CLECs or ILECs.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Comcast Phone objects to this question on the grounds that it is overbroad, unduly burdensome and oppressive. In particular, the request is unduly burdensome and oppressive because Comcast Phone does not maintain information by number of lines or by wire center. In order to provide the information in the requested format, Comcast Phone would be forced to undertake special studies which would be burdensome and outside the ordinary course of the company's business. Further, Comcast Phone objects to the request of information by "actual customer location," inasmuch as that request is unduly burdensome and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to the above objections and Comcast Phone's General Objections outlined above, and without waiving any

objection, please refer to the line counts supplied in response to Questions 2 and 3, which are incorporated herein by reference.

7. Provide the street address (e.g., 123 Main Street), the city (e.g., Miami), and the state (e.g., FL) where every switch identified in response to Question 1 is located.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds as follows:

As described in its response to Question 1, Comcast Phone uses two switches to provide voice-grade basic local exchange services in Kentucky. The Louisville, Kentucky switch described in the Company's response to Question 1 is located at **[BEGIN CONFIDENTIAL INFORMATION]**

[END CONFIDENTIAL INFORMATION]. The Evansville, Indiana switch described in Response to Question 1 is located at **[BEGIN CONFIDENTIAL INFORMATION]**
[END CONFIDENTIAL INFORMATION].

8. Do you offer to provide or do you provide switching to other carriers for their use in serving customers? If yes, state: (a) the carriers to whom you provide switching; (b) the types of service, if known, that are provided by the carriers to whom you provide switching; (c) whether you will provide switching to any requesting carrier; (d) identify each wire center district (by eight digit CLLI code) in which wholesale switching is available.

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds that it does not offer switching to other carriers for their use in serving customers. Therefore, subparts (a) through (d) are inapplicable to Comcast Phone.

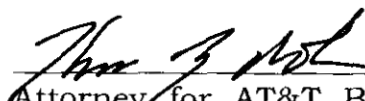
9. State whether you have any plans to terminate your service in any area in Kentucky that is currently served by the switches identified in response to Question 1. If you do, identify the areas where you intend to terminate service (and by areas we mean geographic areas, not individual customers).

Respondent: David Sered, Director of Regulatory Affairs

Response:

Subject to Comcast Phone's General Objections outlined above, and without waiving any objection, Comcast Phone responds that it does not currently plan to terminate its service in areas of Kentucky served by the Company.

Respectfully submitted, this the 12th day of December, 2003.



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CONFIDENTIAL – Subject to Protective Agreement in
Docket No. 17749-U
NOT FOR USE OUTSIDE THIS PROCEEDING

In the Matter of:

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

CONFIDENTIAL EXHIBIT A - REDACTED

Responsive to Interrogatory 26

Average Monthly Revenue Per Residential Subscriber for the period
between January 1, 2003 through October 31, 2003.

[BEGIN CONFIDENTIAL INFORMATION]

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| REQUIREMENTS FOR INDIVIDUAL |) | |
| NETWORK ELEMENTS |) | |

CONFIDENTIAL EXHIBIT B - REDACTED

The number of voice-grade DS0 lines by which the company provides voice services to end users, as of the date of this response, is listed below by NPA/NXX.

[BEGIN CONFIDENTIAL INFORMATION]

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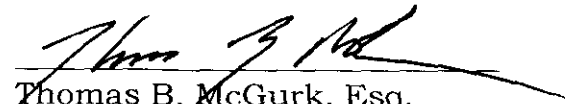
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing AT&T Broadband Phone of Kentucky's Responses to Specific Negotiated Interrogatories from BellSouth Telecommunications, Inc. - Redacted were served on the parties by postage-paid first-class U.S. Mail.

This the 15 day of December, 2003.


Thomas B. McGurk, Esq.