

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Application of Competitive Carriers of the)
South, Inc. for a Declaratory Order Affirming that)
The Interconnection Regimes under KRS 278.530) Case No. 2015-00283
and 47 U.S.C. § 251 are Technology Neutral)

**SUPPLEMENTAL RESPONSE OF VERIZON
TO COMPSOUTH'S INFORMATION REQUESTS**

MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (Verizon), by counsel, supplements its responses to the Information Requests (Information Requests) to Verizon submitted by Competitive Carriers of the South (CompSouth).

Verizon answered CompSouth's Information Requests in November 2016 by providing most of the requested information. CompSouth moved to compel additional responses from Verizon and other intervenors, who moved to strike CompSouth's motion to compel. The parties agreed to withdraw their dueling motions and have been able to resolve the present discovery dispute. Pursuant to that agreement, Verizon tenders the following supplemental response.

GENERAL OBJECTIONS

1. Verizon objects to the Information Requests to the extent they seek information relating to operations in any territory outside of Kentucky.
2. Verizon objects to the Information Requests to the extent they purport to be continuing in nature so as to impose a duty to supplement an answer to it that was initially correct and complete with later acquired information.
3. Verizon objects to the all instructions and definitions to the extent that they purport to impose on Verizon any obligations greater than those provided by the applicable Commission rules or Kentucky law.

4. Verizon objects to the Information Requests to the extent they call for information that is exempt from discovery by virtue of the attorney-client privilege, the attorney work product doctrine, or any other applicable privileges or doctrines. 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 other applicable privileges or doctrines.

5. Verizon objects to the Information Requests to the extent that they seek confidential and/or proprietary information.

6. Verizon objects to the Information Requests to the extent they are vague and ambiguous.

7. Verizon objects to the Information Requests to the extent they are overbroad, unduly burdensome, or seek information that is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

8. Verizon objects to the Information Requests to the extent that they call for legal conclusions.

9. Verizon objects to the Information Requests to the extent that they seek information that is as readily available to CompSouth as it is to Verizon.

SUPPLEMENTAL RESPONSES

REQUEST 2. For each commercial negotiation that Verizon or its affiliates has either proposed in writing to commence or entered into with a service provider, including any affiliate of Verizon concerning, providing for or governing the exchange in IP format of voice traffic going from Verizon to the other party as well as voice traffic coming from the other party to Verizon, please state whether Verizon or its affiliates required its affiliate or the service provider to agree that the final agreement contain the provision that it not be subject to 47 U.S.C. §§ 251-252 or that the final agreement be executed as a commercial agreement.

RESPONSE: Subject to the General Objections, Verizon states its negotiations of IP VoIP interconnection agreements have been and continue to be commercial negotiations, and in commercial negotiations one party cannot require the other party to agree to any particular term.

SUPPLEMENTAL RESPONSE: Verizon has consistently taken the position that its IP interconnection agreements, which address the exchange of voice traffic in IP format where at least one end of the call is VoIP, should be negotiated on a commercial basis because they are not subject to sections 251 or 252 of the federal Communications Act.

PERSON SUPPLYING INFORMATION: James Pachulski

REQUEST 5. For a call that originates in TDM and terminates in TDM, please identify how the exchange of traffic at the point of interconnection in IP format provides enhanced functionality to end users solely as a result of the use of IP format at the point of interconnection.

REQUEST 6. For a call that originates in VoIP and terminates in VoIP, please identify how the exchange of traffic at the point of interconnection in IP format provides enhanced functionality to end users solely as a result of the use of IP format at the point of interconnection.

REQUEST 7. For a call that originates in TDM and terminates in VoIP, please identify how the exchange of traffic at the point of interconnection in IP format provides enhanced functionality to end users solely as a result of the use of IP format at the point of interconnection.

REQUEST 8. For a call that originates in VoIP and terminates in TDM, please identify how the exchange of traffic at the point of interconnection in IP format provides enhanced functionality to end users solely as a result of the use of IP format at the point of interconnection.

RESPONSE: Verizon objects to Requests 5 through 8 based on the General Objections and because they seek information that is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Verizon further states that section 251(c)'s duty to negotiate terms and conditions to fulfill section 251(c)(2)'s duty to provide interconnection—and therefore section 252's corresponding procedures—do not require IP VoIP interconnection, because a request to interconnect in IP format for exchanging VoIP traffic would not be a request “for the transmission and routing of telephone exchange service and exchange access.” 47 U.S.C. § 251(c)(2). VoIP traffic is neither “telephone exchange access” nor “exchange access.” Retail VoIP services are information services. They meet the FCC's definition of “information service” because they offer customers a single, integrated suite of features and capabilities that allow them to “generat[e], acquir[e], stor[e], transform[], process[], retriev[e], or make[e] available information via telecommunications.” 47 U.S.C. § 153(24).

SUPPLEMENTAL COLLECTIVE RESPONSE to REQUESTS 5 THROUGH 8: Exchanging traffic in IP format (i.e., VoIP-VoIP, VoIP-TDM and TDM-VoIP) enables the provision of functionalities such as the delivery of caller name information from the originating network to the terminating network. With TDM/SS7 interconnection, there is no field designated for the exchange of caller name information between networks and the terminating network is required to query a database to provide caller name information to the called party. Future functionalities that may be provided for these traffic types when traffic is exchanged in IP format include High Definition voice, interoperable conversational video service, and the ability to detect and deter spoofing of calling party numbers by telemarketers and

robocallers. Additional functionalities theoretically could be provided for TDM-TDM traffic exchanged in IP format, but to Verizon's knowledge such functionalities are not available today or planned for the future.

PERSONS SUPPLYING INFORMATION: Counsel for Verizon, James Pachulski and Jeffrey Haltom

Respectfully submitted,
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BY: /s/ Luke Morgan
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the same document being sent for filing in paper medium with the Commission, that the electronic filing was transmitted to the Commission on January 17, 2017 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Luke Morgan
ATTORNEY FOR VERIZON