

**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	)	

**VERIZON'S RESPONSES TO COMPSOUTH'S DATA REQUESTS**

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

**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.

## **RESPONSE TO INFORMATION REQUESTS**

**REQUEST 1.** How is Verizon affected by the Commission's decision in this proceeding?

**RESPONSE:** Subject to the General Objections, Verizon states that it is a Kentucky competitive local exchange carrier subject to the requirements for interconnection under 47 U.S.C. §§ 251 and 252 and K.R.S. 278.530, which are the subject of CompSouth's application for a declaratory ruling. Verizon's interests, and those of the industry, are best served by establishing interconnection for the exchange voice traffic in Internet Protocol (IP VoIP) through negotiated commercial agreements that allow providers to negotiate network configurations that best accommodate their underlying networks. Vasington Direct at 10. The interconnection framework under sections 251 and 252 was developed for traditional switched telephone traffic. Applying the old regulatory framework to IP VoIP interconnection would be harmful because it would produce costly inefficiencies, undermining the utility of the new technology. Vasington Direct at 11-12.

**PERSON SUPPLYING INFORMATION:** Paul Vasington.

**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.

**PERSON SUPPLYING INFORMATION:** James Pachulski

**REQUEST 3.** Were each of the carriers that Verizon has negotiated IP interconnection agreements provided copies of the COMCAST agreement prior to negotiations?

**RESPONSE:** Subject to the General Objections, Verizon states that it did not provide such copies, in keeping with the confidentiality provisions in the Comcast agreement and normal business practice.

**PERSON SUPPLYING INFORMATION:** James Pachulski

**REQUEST 4.** Were each of the carriers that Verizon has negotiated IP interconnection agreements provided an opportunity to adopt the COMCAST agreement?

**RESPONSE:** Subject to the General Objections, Verizon states that it did not make the Comcast agreement available for adoption, in keeping with the confidentiality provisions in the Comcast agreement and normal business practice.

**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.

**RESPONSE:** Verizon objects to Request 5 based on the General Objections and because it seeks 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).

**PERSON SUPPLYING INFORMATION:** Counsel for Verizon

**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.

**RESPONSE:** See Response to Request 5.

**PERSON SUPPLYING INFORMATION:** Counsel for Verizon



**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.

**RESPONSE:** See Response to Request 5.

**PERSON SUPPLYING INFORMATION:** Counsel for Verizon

**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:** See Response to Request 5.

**PERSON SUPPLYING INFORMATION:** Counsel for Verizon

**REQUEST 9.** Does Verizon agree that the FCC has not preempted a state from requiring IP interconnection agreements to be negotiated and filed in accordance with 47 U.S.C. § 251-252? If Verizon claims that such preemption has occurred, provide a citation.

**RESPONSE:** Subject to the General Objections, Verizon states that there is no provision of the federal Communications Act that gives states authority to review IP VoIP interconnection agreements. Section 251(c), for example, applies only to requests for interconnection “for the transmission and routing of telephone exchange service and exchange access.” VoIP is neither a telephone exchange service nor an exchange service because it is an information service.

**PERSON SUPPLYING INFORMATION:** Counsel for Verizon

**REQUEST 10.** Please quantify the cost and time for both internal and external resources that Verizon North expended to adjudicate the *Verizon North, Inc. v. Strand* before the Michigan Public Service Commission.

**RESPONSE:** Verizon objects to Request 10 based on the General Objections and because it concerns information about a proceeding outside Kentucky, is overly burdensome, and seeks information that is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

**PERSON SUPPLYING INFORMATION:** Counsel for Verizon

Respectfully submitted,

McBRAYER, MCGINNIS, LESLIE & KIRKLAND, PLLC  
201 East Main Street, Suite 900  
Lexington, Kentucky 40507  
(859) 231-8780

BY: /s/ Luke Morgan  
W. BRENT RICE  
LUKE MORGAN  
ATTORNEYS FOR VERIZON

**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 November 23, 2016 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

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

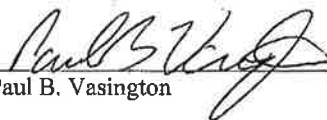
The Application of Competitive Carriers of the )  
South, Inc. for a Declaratory Order Affirming that )  
The Interconnection Regimes under KRS 278.530 ) Case No. 2015-00283  
and 47 U.S.C. § 251 are Technology Neutral )

VERIFICATION OF PAUL VASINGTON

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF WORCESTER

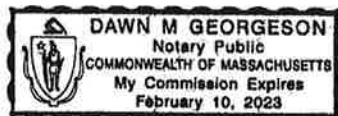
I, Paul B. Vasington, having examined the foregoing Response of Verizon to  
CompSouth's Information Requests, verify that the answers contained therein are true  
and correct to the best of my knowledge, information, and belief.

  
Paul B. Vasington



Subscribed, sworn to, and acknowledged before me this the 22<sup>nd</sup> day of  
November, 2016, by Paul B. Vasington.

My Commission Expires: February 10, 2023



  
NOTARY PUBLIC