ORIGINAL

Sprint

Zsuzsanna E. Benedek
Senior Attorney

240 North Third Street, Suite 201
Harrisburg, PA 17101
Telephone (717) 236-1385
Fax (717) 238-7844

2003 DEC 10 PM 3:27
SECRETARY'S BUREAU
RECEIVED

December 10, 2003

VIA HAND DELIVERY AND ELECTRONIC MAIL

The Honorable Michael C Schnierle
The Honorable Susan D. Colwell
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

DOCKETED
JAN 08 2004

Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements
Docket No. I-00030099

DOCUMENT

Dear Judges Schnierle and Colwell:

Sprint Communications Company, L.P., (hereinafter "Sprint") is in receipt of the Motion to Overrule Objections and to Compel Responses filed by AT&T Communications of Pennsylvania, LLC. (hereinafter "AT&T") on or about December 9, 2003.

While each of the twelve questions subject to AT&T's Motion appear to be reasonable requests for information relevant to this proceeding, Sprint files this letter to underscore the importance of requiring Verizon Pennsylvania Inc. and Verizon North Inc. (collectively "Verizon") to provide complete and expedited responses to AT&T Set I, Number 1. Based upon representations made at the Prehearing, Sprint was, and is, relying upon timely responses to the business/residential customer breakdown requested in AT&T Set I, Number 1.

A complete and expedited response to AT&T Set I, Number 1 is critically necessary for Sprint's ability to prepare meaningful responsive testimony in this already abbreviated proceeding. For the reasons stated in AT&T's Motion, Sprint supports the expeditious granting of AT&T's Motion.

Should you have any questions, please contact me at (717) 245-6346 or by email at sue.e.benedek@mail.sprint.com.

Sincerely,

Sue Benedek

ZEB/jh
cc: James J. McNulty *(via hand delivery)*
Certificate of Service *(via electronic and first-class mail)*

73

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligations of	)	
Incumbent Local Exchange Carriers to	)	Docket No. I-00030099
Unbundle Network Elements	)	

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of December, 2003, served a true copy, via electronic and first-class mail, of the foregoing letter in accordance with the requirements of 52 Pa. Code §1.54:

Julia A. Conover, Esquire
Suzan D. Paiva, Esquire
William B. Peterson, Esquire
Verizon Pennsylvania, Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

Angela Jones, Esquire
Office of Small Business Advocate
300 North Second Street
Commerce Building, Suite 1102
Harrisburg, PA 17101

Kandace Melillo, Esquire
Pennsylvania Public Utility Commission
Office of Trial Staff
400 North Street
Harrisburg, PA 17120

Norman Kennard, Esquire
Hawke, McKeon, Sniscak and Kennard, LLP
100 North Tenth Street
Harrisburg, PA 17101

Ross A. Buntrock, Esquire
Genevive Morelli, Esquire
Heather T. Hendrickson, Esquire
Kelley, Drye and Warren, LLP
1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036

Alan Kohler, Esquire
Wolf, Block, Schorr and Solis-Cohen
212 Locust Street, Suite 300
Harrisburg, PA 17101

Michelle Painter, Esquire
MCI WorldCom, Inc.
1133 19th Street, NW
Washington, DC 20036

Phillip McClelland, Esquire
Barrett Sheridan, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101-1923

Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185

Phillip J. Macres, Esquire
Swidler, Berlin, Shereff and Friedman, LLP
3000 K Street, NW
Washington, DC 20007-5116

Enrico C. Soriano, Esquire
Steven A. Augustino, Esquire
Darius B. Withers, Esquire
Kelley, Drye and Warren, LLP
1200 19th Street, NW
Washington, DC 22182

Debra M. Kriete, Esquire
Rhoads and Sinon, LLp
One South Market Street
12th Floor
Harrisburg, PA 17101

Renardo L. Hicks, Esquire
Anderson, Gulotta and Hicks, PC
1110 North Mountain Road
Harrisburg, PA 17112

Jeanne Price
Marvin Hendrix
CEI Networks
PO Box 458
130 East Main Street
Ephrata, PA 17522

Jeffrey J. Heins
Telecove Communications, Inc.
712 North Main Street
Coudersport, PA 16915

Thomas Koutsky, Vice President
Law and Public Safety
Z-Tel Communications, Inc.
1200 19th Street, NW, Suite 500
Washington, DC 20036

Peggy Rubino
Z-Tel Communications, Inc.
601 South Harbour Island Boulevard
Suite 220
Tampa, FL 33602

Richard U. Stubbs, Esquire
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974

Rogelio E. Pena, Esquire
1375 Walnut Street
Suite 220
Boulder, CO 80302

William E. Ward
CTC Communications Corporation
115 Second Avenue
Waltham, MA 02451

Respectfully Submitted,

Zsuzsanna E. Benedek

Zsuzsanna E. Benedek, Esquire
Sprint Communications Company, L.P.
240 North Third Street, Suite 201
Harrisburg, PA 17101
Phone: (717) 245-6346
Fax: (717) 238-7844
E-Mail: sue.e.benedek@mail.sprint.com

RECEIVED
2003 DEC 10 PM 3: 27
SECRETARY'S BUREAU

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 295-8478
WWW.SWIDLAW.COM

ROBIN F. COHN
TELEPHONE: (202) 945-6915
FACSIMILE: (202) 295-8478
RFCOHN@SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TELEPHONE (212) 973-0111
FACSIMILE (212) 891-9598

DOCUMENT FOLDER

December 10, 2003

RECEIVED

DEC 1 0 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BY OVERNIGHT MAIL AND ELECTRONIC MAIL

Suzan Paiva, Esq.
Bell Atlantic-Pennsylvania, Inc.
1717 Arch Street, 32 NW
Philadelphia, Pennsylvania 19103

Re: Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements, Docket No. I-000 30099

Dear Ms. Paiva:

Enclosed please find the responses of Lightship Telecom, LLC, to Verizon-Pennsylvania, Inc.'s First Set of Interrogatories in the above-captioned proceeding.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Robin F. Cohn

cc: James J. McNulty, Secretary (cover letter and service list)
Nego Pile
Service List

9109637v1

I hereby certify that on this 10th day of December, 2003, I served a copy of the foregoing **Responses of Lightship Telecom , LLC to Verizon Pennsylvania Inc.'s First Set of Interrogatories** in Docket Number I-00030099, by electronic mail and by U.S. first class mail, postage prepaid (except where otherwise noted), on the following individuals:

KANDACE F MELILLO ESQUIRE
PA PUBLIC UTILITY COMMISSION
OFFICE OF TRIAL STAFF
PO BOX 3265
HARRISBURG PA 17105-3265
(OTS)
kmelillo@state.pa.us

BARRETT C SHERIDAN ESQUIRE
PHILIP F MCCLELLAND ESQUIRE
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET
5th FLOOR FORUM PLACE
HARRISBURG PA 17101-1923
(OSA)
bsheridan@paoca.org
pmcclelland@paoca.org

CAROL PENNINGTON ESQUIRE
ANGELA T JONES ESQUIRE
OFFICE OF SMALL BUSINESS ADVOCATE
COMMERCE BUILDING SUITE 1102
300 NORTH 2ND STREET
HARRISBURG PA 17101
(OSBA)
anjones@state.pa.us

ROSS A BUNTROCK ESQUIRE
GENEVIEVE MORELLI ESQUIRE
HEATHER T HENDRICKSON ESQUIRE
KELLEY DRYE & WARREN LLP
1200 19TH STREET NW SUITE 500
WASHINGTON DC 20036
(BROADVIEW, INFO HIGHWAY,METTEL, MCGRAW, TALK AMERICA, BULLSEYE TELECOM)
rbuntrock@ekllydrye.com

ZSUZSANNA E BENEDEK ESQUIRE
SPRINT COMMUNICATIONS COMPANY LP
240 NORTH THIRD STREET
SUITE 201
HARRISBURG PA 17101
(SPRINT)
sue.e.benedek@mail.sprint.com

ALAN C KOHLER ESQUIRE
WOLF BLOCK SCHORR & SOLIS-COHEN
SUITE 300
LOCUST COURT BUILDING
212 LOCUST STREET
HARRISBURG PA 17101
(FSN,REMI, ATX, LSI, COMCAST)
akohler@wolfblock.com

(by overnight mail)
JULIA A CONOVER ESQUIRE
WILLIAM B PETERSEN ESQUIRE
SUZAN DEBUSK PAIVA ESQUIRE
VERIZON COMMUNICATIONS
1717 ARCH STREET 32 NW
PHILADELPHIA PA 19103
(Verizon)
julia.a.conover@verizon.com

RECEIVED

DEC 1 0 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ROBERT C BARBER ESQUIRE
AT&T COMMUNICATIONS OF PA
3033 CHAIN BRIDGE ROAD
OAKTON VA 22185
(AT&T & TCG)
rcbarber@att.com

MICHELLE PAINTER ESQUIRE
MCI WORLDCOM NETWORK
SERVICES INC
1133 19TH STREET NW
WASHINGTON DC 20036
(MCI)
Michelle.painter@mci.com

ENRICO C SORIANO ESQUIRE
STEVEN A AUGUSTINO ESQUIRE
DARIUS B WITHERS ESQUIRE
KELLEY DRYE & WARREN LLP
1200 19TH STREET NW
WASHINGTON DC 22182
(SNIPLINK, CHOICE ONE, XO, FOCAL,
BROADVIEW)
dwithers@kelleydrye.com
saugustino@kellydrye.com

DEBRA M. KRIETE
RHOADS & SINAN LLP
12TH FLOOR
ONE SOUTH MARKET STREET
P O BOX 1146
HARRISBURG PA 17108-1116
(ALLEGIANCE TELECOM INC)
dkriete@rhoads.sinon.com

PEGGY RUBINO ESQUIRE
Z-TEL COMMUNICATIONS INC
601 S HARBOUR ISLAND BLVD
SUITE 220
TEMPA FL 33602
(Z-TEL)
PRubino@Z-tel.com

RENARDO L HICKS
ANDERSON GULOTTA & HICKES PC
1110 N MOUNTAIN ROAD
HARRISBURG PA 17112
(PENN TELECOM)
rhicks@aghweb.com

RICHARD U STUBBS
CONRAD COUNSEL
CAVALIER TELEPHONE MID
ATLANTIC LLC
965 THOMAS DRIVE
WARMINSTER PA 18974
rstubbs@cavtel.com

ROGELIO E PENA ESQUIRE
1375 WALNUT STREET
SUITE 220
BOULDER CO 80302
(LEVEL 3)
repena@boulderattys.com

JEFFREY J HEINS
ALDELPHIA BUSINESS SOLUTIONS
OF PA INC D/B/A TELCOVE
712 NORTH MAIN STREET
COUDERSPORT PA 16915
Jeffrey.heins@telcove.com

(by overnight mail)
JAMES McNULTY
SECRETARY
PENNSYLVANIA PUBLIC UTILITY
COMMISSION
P.O. BOX 3265
HARRISBURG, PA 17105-3254
UNITED STATES OF AMERICA

Robin F. Cohn

Suzan DeBusk Paiva
Assistant General Counsel
Law Department

Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

Tel: (215) 963-6068
Fax: (215) 563-2658
Suzan.D.Paiva@Verizon.com

DOCUMENT FOLDER

December 10, 2003

RECEIVED

DEC 1 0 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VIA E-MAIL AND UPS OVERNIGHT DELIVERY
Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185

Re: *Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements*, Docket No. I-00030099

Dear Mr. Barber:

Enclosed please find Verizon Pennsylvania Inc.'s Responses to AT&T Communications of Pennsylvania, LLC.'s First Set of Interrogatories and Requests for Production of Documents to Verizon Pennsylvania Inc., in the above captioned matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Suzan D. Paiva

SDP/slb

Enclosure

cc: Via UPS Overnight Delivery
Secretary James McNulty (cover and certificate only)
Honorable Michael Schnierle (cover and certificate only)
Honorable Susan Colwell (cover and certificate only)

cc: Via E-Mail and UPS Overnight Delivery
Attached Service List

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s Responses to AT&T Communications of Pennsylvania, LLC.'s First Set of Interrogatories and Requests for Production of Documents to Verizon Pennsylvania Inc., upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this10th day of December, 2003.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
212 Locust Street, Suite 500
Harrisburg, PA 17108
Counsel for RTCC

Norman Kennard, Esquire
Hawke McKeon Sniscak & Kennard
100 North Tenth Street
Harrisburg, PA 17101
Counsel for PTA

RECEIVED
DEC 10 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Genevieve Morelli, Esquire
Ross Buntrock, Esquire
Heather Hendrickson, Esquire
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Broadview, BullsEye, ARC/InfoHighway, McGraw, Met Tel and Talk America

Alan Kohler, Esquire
Daniel Clearfield, Esquire
Wolf, Block, Schorr & Solis-Cohen
212 Locust Street, Suite 300
Harrisburg, PA 17101-1236
Counsel for ATX, Full Service Network, Line Systems Inc., Remi Retail and Comcast

Enrico Soriano, Esquire
Steven A. Augostino, Esquire
Darius Withers, Esquire
Kelley Drye & Warren LLP
1200. 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Choice One, Broadview, Focal, SNiP LiNK and XO

Russell Blau, Esquire
Robin F. Cohn, Esquire
Tamar Finn, Esquire
Philip J. Macres, Esquire
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116
Counsel for RCN, Lightship and CTSI

Angela Jones, Esquire
Office of Small Business Advocate
Commerce Building – Suite 1102
300 North 2nd Street
Harrisburg, PA 17101

Philip McClelland, Esquire
Barrett Sheridan, Esquire
Office of Consumer Advocate
555 Walnut Street
Frum Place – 5th Floor
Harrisburg, PA 17101-1923
Via e-mail only to OCA Consultants:
Rowland Curry
Melanie Lloyd
Bob Loube

Michelle Painter, Esquire
MCI WorldCom Communications, Inc.
1133 19th Street, NW
Washington, DC 20036
Counsel for MCI

Sue Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street
Suite 201
Harrisburg, PA 17101
Counsel for Sprint

Richard U. Stubbs, Esquire
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
Counsel for Cavalier

Debra Kriete, Esquire
Rhoads & Sinon LLP
One South Market Street, 12th Floor
Harrisburg, PA 17108-1146
Counsel for Allegiance

Kandace Melillo, Esquire
Office of Trial Staff
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185
Counsel for AT&T

Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, P.C.
1110 N. Mountain Road
Harrisburg, PA 17112
Counsel for Penn Telecom

Thomas Koutsky, Esquire
Z-Tel Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, DC 20036

Suzan D. Paiva

Suzan DeBusk Paiva
Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103
(215) 963-6068

Schnierle, Michael

From: Schnierle, Michael
Sent: Wednesday, December 10, 2003 2:30 PM
To: 'suzan.d.paiva@verizon.com'; Barber,Robert C (Bob) - LGCRP
Cc: akohler@wolfblock.com; Jones, Angela; BSheridan@paoca.org; dclearfield@wolfblock.com; dkriete@rhoads-sinon.com; dwithers@kelleydrye.com; esoriano@kelleydrye.com; gmorelli@kelleydrye.com; hhendrickson@kelleydrye.com; jcheskis@paoca.org; jpovilaitis@ryanrussell.com; julia.a.conover@verizon.com; Melillo, Kandace; michelle.painter@mci.com; Keffer,Mark A - LGCRP; Schnierle, Michael; pjmacres@swidlaw.com; pmcclelland@paoca.org; rbuntrock@kelleydrye.com; RFCohn@swidlaw.com; rhicks@aghweb.com; rmblau@swidlaw.com; rstubbs@cavtel.com; saugustino@kelleydrye.com; Colwell, Susan; ssparks@paoca.org; sue.e.benedek@mail.sprint.com; tefinn@swidlaw.com; thansel@covad.com; tkoutsky@Z-tel.com; william.b.petersen@verizon.com
Subject: RE: I-00030099 - AT&T Motion and Covad Petition

DOCKETED
DEC 2 9 2003

PLEASE DOCKET

Michael C.
erle (msch

The answer is due by Monday at noon. As part of its answer, Verizon is directed to supply any documents that support its refusal to supply "operational and/or proprietary information regarding other telecommunications carriers."

We will not entertain oral argument. We intend to have a ruling as soon as possible after receiving Verizon's response. Because both ALJS will be attending the Bench-Bar Conference, no decision would be issued tomorrow in any case.

Michael C. Schnierle
Susan Colwell
Administrative Law Judge

DOCUMENT
FOLDER

RECEIVED
DEC 1 1 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

-----Original Message-----
From: suzan.d.paiva@verizon.com [mailto:suzan.d.paiva@verizon.com]
Sent: Wednesday, December 10, 2003 12:37 PM
To: Barber,Robert C (Bob) - LGCRP
Cc: akohler@wolfblock.com; anjones@state.pa.us; BSheridan@paoca.org; dclearfield@wolfblock.com; dkriete@rhoads-sinon.com; dwithers@kelleydrye.com; esoriano@kelleydrye.com; gmorelli@kelleydrye.com; hhendrickson@kelleydrye.com; jcheskis@paoca.org; jpovilaitis@ryanrussell.com; julia.a.conover@verizon.com; kmelillo@state.pa.us; Lcarroll@dilworthlaw.com; michelle.painter@mci.com; Keffer,Mark A - LGCRP; mschnierle@state.pa.us; pjmacres@swidlaw.com; pmcclelland@paoca.org; rbuntrock@kelleydrye.com; RFCohn@swidlaw.com; rhicks@aghweb.com; rmblau@swidlaw.com; rstubbs@cavtel.com; saugustino@kelleydrye.com; scolwell@state.pa.us; ssparks@paoca.org; sue.e.benedek@mail.sprint.com; tefinn@swidlaw.com; thansel@covad.com; tkoutsky@Z-tel.com; william.b.petersen@verizon.com
Subject: RE: I-00030099 - AT&T Motion and Covad Petition

Your Honors:

As you can imagine, Verizon does not agree with AT&T's characterization of the relevance of the material it seeks to compel to the limited and discrete issues before the Commission in this case, which we intend to set forth in our written response. Notably, we are responding to AT&T's interrogatories today and providing a substantial amount of information -- and AT&T has made its motion without waiting to review our responses.

In our view, Verizon would be prejudiced without the opportunity to respond in writing to AT&T's motion, which makes a number of assertions about the scope of what is relevant to this proceeding that are simply incorrect. Therefore we strongly oppose Mr. Barber's effort to rush his motion and deprive Verizon of the opportunity for a written response. There does not appear to be a material difference to AT&T between having a conference call on Friday versus Monday or Tuesday (and I note that some counsel or judges may be attendingg the Public Utility Bench and Bar Conference on Friday in any event). If you are available Monday afternoon, we could agree to provide our written response via e-mail by noon on Monday.

Suzan Paiva

"Barber,Robert C (Bob) - LGCRP" <rcbarber@att.com> 12/10/2003 12:15 PM

To: Suzan D. Paiva/EMPL/PA/Verizon@VZNotes, dkriete@rhoads-sinon.com, gmorelli@kelleydrye.com, rbuntrock@kelleydrye.com, hhendrickson@kelleydrye.com, rstubbs@cavtel.com, esoriano@kelleydrye.com, saugustino@kelleydrye.com, dwithers@kelleydrye.com, rmblau@swidlaw.com, RFCohn@swidlaw.com, tefinn@swidlaw.com, michelle.painter@mci.com, dclearfield@wolfblock.com, akohler@wolfblock.com, rhicks@aghweb.com, pjmacres@swidlaw.com, sue.e.benedek@mail.sprint.com, kmelillo@state.pa.us, anjones@state.pa.us, pmcclelland@paoca.org, BSheridan@paoca.org, ssparks@paoca.org, jcheskis@paoca.org, Julia A. Conover/EMPL/PA/Verizon@VZNotes, William B. Petersen/EMPL/PA/Verizon@VZNotes, Lcarroll@dilworthlaw.com, tkoutsky@Z-tel.com, mschnierle@state.pa.us, scolwell@state.pa.us, jpovilaitis@ryanrussell.com, thansel@covad.com

cc: "Keffer,Mark A - LGCRP" <mkeffer@att.com>

Subject: RE: I-00030099 - AT&T Motion and Covad Petition

Your Honors:

This responds to Ms. Paiva's e-mail, requesting that Verizon respond to AT&T's Motion to Compel on Monday, December 15.

The timely production of the data that Verizon has indicated it will not provide in the discovery responses that are due today, and for which AT&T consequently has filed the motion to compel (and which, as we indicated in that motion, the Commission itself had sought to obtain in its initial interrogatories), is critical to our ability to present our case within the already-difficult deadlines that have been imposed here. In fact, we have reason to believe that other intervenors also are relying on complete responses to AT&T's Set I interrogatories . The intervenor testimony is now due on January 9. Considerable preparation time already has been lost, and further delay (especially given the onset of the holidays) will only further prejudice our ability to adequately respond to Verizon's claims.

For that reason AT&T requested in the motion that, in accordance with 52 Pa. Code Section 5.342(e)(1), Verizon's response to the motion be expedited and considered at an oral hearing -- such as a conference call. Given the extreme time limitations in this case,

if, as Verizon claims is the case, it is too busy to prepare a written response in an expedited manner, the most efficient process is to resolve this through a conference as soon as possible. Waiting until next week will prejudice AT&T as well as other parties. And any further delay in the production of this information should be reflected in an adjustment to the schedule for the submission of testimony, to include the imposition of the schedule originally proposed by the PCC.

Bob Barber

-----Original Message-----
From: suzan.d.paiva@verizon.com [mailto:suzan.d.paiva@verizon.com]
Sent: Wednesday, December 10, 2003 11:07 AM
To: Barber,Robert C (Bob) - LGCRP; dkriete@rhoads-sinon.com; gmorelli@kelleydrye.com; rbuntrock@kelleydrye.com; hhendrickson@kelleydrye.com; rstubbs@cavtel.com; esoriano@kelleydrye.com; saugustino@kelleydrye.com; dwithers@kelleydrye.com; rmblau@swidlaw.com; RFCohn@swidlaw.com; tefinn@swidlaw.com; michelle.painter@mci.com; dclearfield@wolfblock.com; akohler@wolfblock.com; rhicks@aghweb.com; pjmacres@swidlaw.com; sue.e.benedek@mail.sprint.com; kmelillo@state.pa.us; anjones@state.pa.us; pmcclelland@paoca.org; BSheridan@paoca.org; ssparks@paoca.org; jcheskis@paoca.org; julia.a.conover@verizon.com; william.b.petersen@verizon.com; Lcarroll@dilworthlaw.com; tkoutsky@Z-tel.com; mschnierle@state.pa.us; scolwell@state.pa.us; jpovilaitis@ryanrussell.com; thansel@covad.com
Cc: stephen.l.bachman@verizon.com
Subject: I-00030099 - AT&T Motion and Covad Petition

Judge Schnierle and Judge Colwell:

I am writing regarding two recent procedural issues.

First, you probably have seen that Covad filed a late Petition to Intervene and asked that if Verizon opposes it we should file our response earlier than the rules provide, by Friday December 12. This is to let you, the parties and Covad know that we will be opposing the Petition and that we will file our response on December 12 as Covad requested.

Second, you probably have seen that AT&T filed a Motion to Compel. If it is acceptable to you, Verizon will file its written response to that motion on Monday, December 15 (the prehearing order does not address response time but Rule 3.342(e)(1) allows 5 days, which would bring us to Monday). AT&T has asked for you to order us to respond early, by Friday December 12, but given that we are answering the Covad Petition and 4 sets of discovery (including AT&T's) this week, we would like to respond according to the rule on Monday December 15.

AT&T has also asked for oral argument. While Verizon does not believe oral argument is necessary, if you would like to hear from counsel Verizon can be available for a conference call with you and AT&T on Monday or Tuesday of next week (12/15 or 12/16) at your convenience.

Thank you for your consideration of these matters.

Suzan Paiva

Tracking:	**Recipient**	**Delivery**	**Read**
	'suzan.d.paiva@verizon.com'		
	Barber,Robert C (Bob) - LGCRP		
	akohler@wolfblock.com		
	Jones, Angela	Delivered: 12/10/2003 2:30 PM	

Recipient	Delivery	Read
BSheridan@paoca.org		
dclearfield@wolfblock.com		
dkriete@rhoads-sinon.com		
dwithers@kelleydrye.com		
esoriano@kelleydrye.com		
gmorelli@kelleydrye.com		
hhendrickson@kelleydrye.com		
jcheskis@paoca.org		
jpovilaitis@ryanrussell.com		
julia.a.conover@verizon.com		
Melillo, Kandace	Delivered: 12/10/2003 2:30 PM	
michelle.painter@mci.com		
Keffer,Mark A - LGCRP		
Schnierle, Michael	Delivered: 12/10/2003 2:30 PM	
pjmacres@swidlaw.com		
pmcclelland@paoca.org		
rbuntrock@kelleydrye.com		
RFCohn@swidlaw.com		
rhicks@aghweb.com		
rmblau@swidlaw.com		
rstubbs@cavtel.com		
saugustino@kelleydrye.com		
Colwell, Susan	Delivered: 12/10/2003 2:30 PM	Read: 12/10/2003 2:36 PM
ssparks@paoca.org		
sue.e.benedek@mail.sprint.com		
tefinn@swidlaw.com		
thansel@covad.com		
tkoutsky@Z-tel.com		
william.b.petersen@verizon.com		

Suzan DeBusk Paiva
Assistant General Counsel
Law Department

Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

Tel: (215) 963-6068
Fax: (215) 563-2658
Suzan.D.Paiva@Verizon.com

DOCUMENT

RECEIVED
DEC 1 1 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

December 11, 2003

VIA E-MAIL AND UPS OVERNIGHT DELIVERY
Zsuzsanna Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street
Suite 201
Harrisburg, PA 17101

Re: *Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements*, Docket No. I-00030099

Dear Ms. Benedek:

Enclosed please find Verizon Pennsylvania Inc.'s Responses to Sprint Communications Company, L.P.'s First Set of Interrogatories to Verizon, in the above captioned matter. Please note that the attached documents include proprietary information.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Suzan D. Paiva/SLB

Suzan D. Paiva

SDP/slb

Enclosure

cc: Via UPS Overnight Delivery
Secretary James McNulty (cover and certificate only)
Honorable Michael Schnierle (cover and certificate only)
Honorable Susan Colwell (cover and certificate only)

cc: Via E-Mail and UPS Overnight Delivery
Attached Service List

RECEIVED

DEC 1 1 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s Responses to Sprint Communication Company, L.P.'s Set I Interrogatories upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 11th day of December, 2003.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
212 Locust Street, Suite 500
Harrisburg, PA 17108
Counsel for RTCC

Genevieve Morelli, Esquire
Ross Buntrock, Esquire
Heather Hendrickson, Esquire
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Broadview, BullsEye, ARC/InfoHighway, McGraw, Met Tel and Talk America

Enrico Soriano, Esquire
Steven A. Augostino, Esquire
Darius Withers, Esquire
Kelley Drye & Warren LLP
1200. 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Choice One, Broadview, Focal, SNiP LiNK and XO

Angela Jones, Esquire
Office of Small Business Advocate
Commerce Building – Suite 1102
300 North 2nd Street
Harrisburg, PA 17101

Michelle Painter, Esquire
MCI WorldCom Communications, Inc.
1133 19th Street, NW
Washington, DC 20036
Counsel for MCI

Norman Kennard, Esquire
Hawke McKeon Sniscak & Kennard
100 North Tenth Street
Harrisburg, PA 17101
Counsel for PTA

DOCKETED
JAN 0 8 2004

Alan Kohler, Esquire
Daniel Clearfield, Esquire
Wolf, Block, Schorr & Solis-Cohen
212 Locust Street, Suite 300
Harrisburg, PA 17101-1236
Counsel for ATX, Full Service Network, Line Systems Inc., Remi Retail and Comcast

DOCUMENT

Russell Blau, Esquire
Robin F. Cohn, Esquire
Tamar Finn, Esquire
Philip J. Macres, Esquire
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116
Counsel for RCN, Lightship and CTSI

Philip McClelland, Esquire
Barrett Sheridan, Esquire
Office of Consumer Advocate
555 Walnut Street
Frum Place – 5th Floor
Harrisburg, PA 17101-1923
Via e-mail only to OCA Consultants:
Rowland Curry
Melanie Lloyd
Bob Loube

Sue Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street
Suite 201
Harrisburg, PA 17101
Counsel for Sprint

Richard U. Stubbs, Esquire
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
Counsel for Cavalier

Charles V. Gerkin, Jr., Esquire
Allegiance Telecom, Inc.
9201 North Central Expressway
Dallas, TX 75231
Counsel for Allegiance

Kandace Melillo, Esquire
Office of Trial Staff
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185
Counsel for AT&T

Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, P.C.
1110 N. Mountain Road
Harrisburg, PA 17112
Counsel for Penn Telecom

Thomas Koutsky, Esquire
Z-Tel Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, DC 20036

Suzan D. Paiva /SDB

Suzan DeBusk Paiva
Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103
(215) 963-6068

Michelle Painter, Senior Attorney
Law and Public Policy
1133 19th Street, NW
Washington, DC 20036
Telephone 202 736 6204

ORIGINAL

MCI

December 11, 2003

Via Overnight Delivery

DOCUMENT RECEIVED

DEC 11 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements, Docket No. I-00030099

Dear Mr. McNulty:

Please find enclosed an original and three (3) copies of MCI WorldCom Network Services, Inc.'s Motion to Compel Responses From Verizon Pennsylvania, Inc. in the above-referenced case.

Please contact me if you have any questions or concerns with this filing.

Very truly yours,

Michelle Painter

Michelle Painter

cc: Certificate of Service
Administrative Law Judge Michael C. Schnierle
Administrative Law Judge Susan Colwell

Enclosure

44

RECEIVED

DEC 1 1 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements	)))	**Docket No. I-00030099**

MCI WORLDCOM NETWORK SERVICES, INC.'S MOTION TO COMPEL RESPONSES FROM VERIZON PENNSYLVANIA, INC.

Pursuant to 52 Pa. Code §5.342(e), MCI WorldCom Network Services, Inc. ("MCI") hereby moves the Commission to compel Verizon Pennsylvania Inc. ("Verizon") to respond to MCI's First Set of Interrogatories and Request of Production of Documents ("MCI First Set ").

DOCKETED
JAN 0 8 2004

I. BACKGROUND

MCI issued its First Set on November 24, 2003. Unbelievably, on December 5, 2003, Verizon filed objections to every single one of MCI's requests in the First Set through both General Objections and Specific Objections. Verizon stated in its Objections that it would not provide responses to part, or all, of fifty-two of the seventy-three requests. Those fifty-two data requests for which Verizon is refusing to provide a full response are the subject of this Motion. However, MCI notes that in its responses, Verizon did not respond to several of the questions it stated it would answer in its Objections. This process is improper. MCI is not addressing those additional questions for which Verizon is now withholding a response in this Motion due to the fact that such responses were only received today. However, MCI reserves the right to move to compel responses to those questions at a later date.

DOCUMENT

II. DISCOVERY STANDARD IN PENNSYLVANIA

The predominant objections raised by Verizon in response to the First Set are based on relevance and/or burden. MCI respectfully submits that all of the requests in the First Set are necessary for MCI, other carriers and the Commission to carry out the highly granular analysis required by the *Triennial Review Order* ("TRO").

The standard for discovery in Pennsylvania is broad – a party may obtain discovery regarding any matter relevant to the subject matter or issues in the action.[1] Relevance to the subject or issues in a proceeding is not the same as admissibility, rather, the test is whether the information sought is reasonably calculated to lead to the discovery of other evidence that would be admissible.[2] Information is relevant to the subject matter if it might reasonably assist a party in evaluating the case, preparing for hearings, or facilitating settlement. The burden is on the party seeking to block discovery to demonstrate why discovery should not be allowed.

Further, as discussed in detail below, each of the requests seeks information that Verizon must have in its possession, and in many cases, Verizon will be the only entity has such information in its sole possession. Because the TRO found that CLECs are impaired without access to switching, transport, high capacity loop unbundled network elements ("UNEs") and batch hot cut processes, Verizon has the burden of proof for all UNEs it decides to challenge for withdrawal. The information sought in First Set seeks information regarding the UNEs Verizon intends to challenge at a sufficiently detailed and granular level such that MCI will have the necessary information to evaluate Verizon's claims. Given that opening testimony is due on January 9, 2003, Verizon must

---

[1] 52 Pa. Code §5.321(c).
[2] Id.

already have conducted a comprehensive, thorough analysis to determine which UNEs and which specific locations that it intends to challenge.

Given the timeframes for this proceeding and the critical importance of this proceeding to the future of the competitive telecommunications industry, Verizon must not be allowed to impede MCI or other CLECs' ability to gather the data necessary to present their cases. The information sought in the First Set is necessary for MCI, other parties and the Commission to conduct the granular analysis mandated by the *Triennial Review Order* regarding whether CLECs will be impaired without access to switching, transport and high capacity loop unbundled network elements ("UNEs"). Each of the requests that are the subject of this Motion is reasonably calculated to lead to admissible evidence in the Commission's implementation of the *Triennial Review Order* regarding mass market UNE switching, loops and transport, and MCI respectfully requests that the Commission direct Verizon to respond to the First Set no later than December 19, 2003.

III. MCI'S RESPONSE TO VERIZON OBJECTIONS

Verizon includes five "General Objections," as well as fifteen Specific Objections in its objections to the First Set. All of these objections should be rejected and/or dismissed as improper for numerous reasons discussed below. Also detailed below, most of Verizon's objections are pro-forma one-liners that fail to state with any specificity the basis for the objections. Verizon's objections are summarized and addressed as follow:

General Objection 1 and Special Objections 2, 12, 14 and 15: Requested Information Is Not in Verizon's Possession, Is Outside of Verizon's Possession, Calls for a Special Study, Is in the Public Domain, and Is Readily Available to MCI.

Verizon objects to a number of requests in the First Set on the ground that such requests when read in conjunction with the instructions and definitions contained therein, call for the production of information that Verizon does not maintain in its possession or in the requested format or that would require Verizon to conduct a "special study." Similarly, Verizon objects on the grounds that requested information is either in the public domain or otherwise readily available to MCI.

Verizon's objections are without merit. MCI has a good faith belief that Verizon has responsive, relevant information in its possession regarding the issues in MCI's data requests – basic business information regarding Verizon's inventory of circuit switches, collocation space, loop plant, customer base, revenues, etc. Verizon must provide such information. Further, Verizon's objection on the basis that MCI's data requests require a special study is equally without merit. It is worth noting that Verizon asserts that providing a response will require a special study, but it does not deny that it has raw data responsive to MCI's requests. MCI specifically instructed Verizon to provide data as it is kept in the ordinary course of business, and Verizon should respond accordingly. Merely searching for and providing data from electronic databases or other electronic or paper records does not constitute a special study.

Verizon's objection that information is in the public domain is without merit. Verizon simply claims that information is available from some public source, but does not specifically direct or refer MCI to another source. Without such direction, Verizon would have MCI assume the risk that the answers obtained from another source would be the same as Verizon might later rely on at the time of hearing. MCI is entitled to know what Verizon claims the answers to specific questions are—regardless of what answers

may be available from other sources – public or otherwise. Given the compressed timeframes in this proceeding, Verizon should not be allowed to deny access to MCI even if the information might be obtained from some public source regardless of the resources and effort required to obtain such information. If Verizon has responsive information in its possession, or can easily obtain it, Verizon should be directed to produce such information. Accordingly, this objection should be rejected.

General Objections 2 and 5 and Special Objections 6, 7 and 8: Requested Information is Not About Verizon's Operations in its Pennsylvania Service Territory, Concerns Retail Operations Which is Not Relevant to the Commission's Impairment Analysis, and Seeks Other Information that is Beyond the Scope of the Impairment Analysis that the Commission Will Undertake.

Verizon's second General Objection is premised on the concept that Verizon is not required to provide information "relating to operations in any territory outside of Verizon Pennsylvania Inc.'s or Verizon North Inc.'s territory, except for out of franchise operations." MCI's questions are generally tailored to Pennsylvania specific data. When they are not, it is because such out-of-state data is relevant to this matter. Information regarding Verizon's operations in other states is especially relevant here because many of the issues in this proceeding, including network planning and deployment, Operations Support Systems, and batch hot cut process, are addressed by Verizon on a region-wide basis. Thus, information on Verizon's activities in other states is particularly relevant to an examination of what Verizon is capable of doing to support the provision of UNEs in Pennsylvania.

Verizon objects to all requests for which it refused to respond with a single objection –Special Objection 6—that states the particular requests are not relevant "and/or" not calculated to lead to admissible evidence. In other words, Verizon repeatedly refuses to respond to MCI's data requests with nothing more than a vague, blanket objection that provides no specificity as to why it believes the data request seeks information that is not relevant. The use of this blanket, non-specific objection is excessive and improper. Verizon must provide a clear and proper basis for its objection so that MCI has a fair opportunity to respond to and explain why Verizon's objection is incorrect. Thus, the Commission should reject all of Verizon's objections based on Special Objection 6.

Verizon seeks to couch another relevancy objection in terms of certain requests seeking information that is being beyond the scope of the proceeding. Specifically, Verizon has stated that requests seeking information about "operational and economic factors are not relevant to this proceeding." However, Verizon's attempt to thwart discovery based on its own internal, narrow view of the scope and purpose of this proceeding should not be allowed. Additionally, yet again, Verizon does not provide any specifics with respect to a particular question as to why that question is not relevant to the issues in this proceeding. As detailed below, each of the requests subject to this motion seeks relevant information about matters the Commission will consider, such as the proper market definition. Certainly, for example, information concerning Verizon's retail operations will be important for purposes of the Commission defining the proper market.

General Objections 3 and 4 and Special Objections 1, 3 and 9: Requested Information Is Covered by Privilege and/or Confidentiality/proprietary Nature of Verizon, Verizon's Customers and/or Other CLECs.

Verizon's third and fourth General Objections are based on Verizon's assertion that MCI's data requests in the First Set seek confidential information that is proprietary to a Verizon customer, another CLEC, other third party that Verizon has an obligation to safeguard from disclosure or business plans. Verizon's objection fails because any information that Verizon deems confidential will be protected by the protective order adopted in this proceeding.

Indeed, in Special Objection 3, Verizon itself acknowledges that any confidential/proprietary information that it provides will be subject to the Protective Order, and as such Verizon recognizes the validity of the Protective Order. Verizon acknowledges that the Protective Order exists and governs the handling of confidential/proprietary information. Additionally, the judges have already required Verizon to provide third party confidential information. Accordingly, any of Verizon's objections based on disclosure of confidential information should be dismissed.

With regard to requests for which Verizon states there is responsive material that is protected by the Attorney Client privilege, the instructions for the First Set provide a specific procedure for Verizon to follow when withholding information on the basis of privilege. Verizon should follow that process by immediately identifying any information it is withholding on the basis of privilege, including a sufficient description to advise the parties of the type of information being withheld, and then if necessary,

submit those descriptions to the ALJs for a determination of the validity of the privilege. Without additional information explaining the claim, this objection should be denied.

Special Objections 4, 5, 10, 11 and 13[3]: Requests are Vague and Ambiguous, Cumulative, Argumentative, Call of Speculation or Legal Conclusions.

Verizon's generic objection, with no specificity at all, asserts that some unidentified portion of the data requests are vague and ambiguous and should be dismissed. Without some specificity as to what portion of any given request falls into these categories, the objections are meaningless. Verizon claims that some of the requests are cumulative or duplicative (Special Objection 5), call for legal conclusions (Special Objection 10) argumentative, (Special Objection 11) and call for speculation (Special Objection 13). These objections also fail to state a proper basis because they lack specificity. Verizon relies on these objections generically and does not refer to or recite any particular language with regard to such objections.

If Verizon were permitted to simply state that all the requests are vague and duplicative without more, it would make this discovery process meaningless. Accordingly, for all of the reasons discussed herein, MCI requests that the Commission strike and/or reject Verizon's objections.

IV. THE COMMISSION SHOULD COMPEL RESPONSES FROM VERIZON TO MCI'S FIRST SET

The information sought in the First Set is necessary for MCI, other parties and the Commission to conduct the granular analysis mandated by the *Triennial Review Order*

[3] Verizon did not object to any of the requests subject to this motion on the basis of Special Objections 11 (Argumentative) or 13 (Calls for Speculation), but MCI responds to these objections here to ensure that the record demonstrates that Verizon's objections are without merit and should be dismissed.

regarding whether CLECs will be impaired without access to switching, transport and high capacity loop unbundled network elements ("UNEs"). Each of the requests that is the subject of this Motion is reasonably calculated to lead to admissible evidence in the Commission's implementation of the *Triennial Review Order* regarding mass market UNE switching, loops and transport. MCI responds specifically to each of Verizon's objections raised for particular Data Requests.

MCI-2-3 and 8 (Collocation Information)

Verizon objects to these requests on the grounds that they 1) seek information protected by attorney-client privilege (MCI-2 only); 2) seek information not in Verizon's possession (MCI-8 only); 3) are cumulative or duplicative (MCI-2 and 3 only); 4) are overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; 5) are not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding; and 6) calls for legal conclusions (MCI-2 only). With regard to MCI-8, Verizon states that it "will provide information on carriers with fiber-based collocation arrangements in Verizon wire centers that Verizon identified in its initial testimony as meeting one or both of the FCC's triggers." Verizon should not be allowed to arbitrarily circumscribe its answers. Thus, MCI is moving to compel a response from Verizon regarding all collocation arrangements.

Verizon fails to identify any specific portion of the data requests that it asserts are privileged, and has provided no privilege information as requested by MCI in its instructions. Further, Verizon failed to identify any specific portion of the data requests that it believes seek information outside of its possession, are cumulative and/or

duplicative, or are overly broad and burdensome. Thus, Verizon's objections on all of these grounds should be rejected.

With regard to relevance, collocation is the primary means by which CLECs access UNE loops and transport. These requests seek information about rates, terms, and conditions of collocation. The availability of collocation directly relates to trigger analysis because it determines whether a CLEC can pick up and aggregate traffic from UNE loops terminating at the central office for transport to its own switch. Collocation also is the means by which CLECs access transport UNEs. The TRO makes clear that the rates, terms and conditions of collocation are directly relevant to trigger analysis for mass market switching. TRO, ¶371, 462, 476, and 480.

Verizon's objections and asserted limits on its responses should be rejected, and Verizon should be ordered to provide the requested information for all wire centers and not those just identified by Verizon in its initial testimony on the grounds that the requested information will assist the Commission in determining and adopting the proper market for purposes of applying the trigger analysis.

Although some rate and term information is indeed public, MCI is attempting to determine all areas where Verizon provides such rates and terms to various carriers. MCI does not know where all such rates and terms are offered, and Verizon should identify such places. Additionally, on a typical collocation, it is not always clear from the tariff all of the rate elements or terms that may apply. MCI is merely asking Verizon to identify those rate elements that Verizon charges, and Verizon should do so.

MCI-11 (CLEC Cross Connections)

Verizon objects to this request on the grounds that it is 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding.

Verizon failed to identify any specific portion of the data request that it believes is overly broad, burdensome or oppressive. Thus, Verizon's objections on all of these grounds should be rejected. With regard to relevance, this question is seeking details about CLECs' existing collocation cross connection arrangements to determine alternatives to transport in the event UNE transport is lost and whether the possibility exists to partner with another CLEC to provide bundled services (e.g., voice and DSL.) Further, the TRO states that the ILEC's failure to timely provide such cross connections could result in impairment if competitors lose access to unbundled switching. This question is supported by the following paragraphs in the *Triennial Review Order*: ¶462, 477, 478, 480.

MCI-13 (EEL Information)

Verizon objects to this request on the grounds that it 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to the issues delegated by the FCC to state commissions in the *Triennial Review Order*. Verizon's objections are without merit and should be rejected.

Verizon failed to identify any specific portion of the data request that it believes is overly broad, burdensome or oppressive. It is difficult to understand how this question could be burdensome because it asks straightforward information about Verizon's EELs

that Verizon must know (i.e., the location, number and types of EELs it provides to CLECs). Verizon's objection of burden is particularly without merit because the information sought is available only from Verizon --no other party or non-party would be in possession of such information. If parts of these requests are specifically difficult for Verizon, then Verizon is under the obligation to define the parts and specify the difficulty in providing a response. Verizon has not done so, therefore Verizon's objections on all of these grounds should be rejected.

With regard to relevance, this question MCI-13 is part of a two-part set, MCI-12 and MCI-13, in which MCI seeks information about Verizon central offices where loops and transports are connected at collocation arrangements (MCI-12) and without collocation arrangements (MCI-13) to form EELs. Verizon stated it would provide an answer to MCI-12 but refused to answer MCI-13. Because MCI-12 and MCI-13 seek information regarding the same topic, Verizon has conceded the relevance of this question. The requested data is necessary in order for the Commission to conduct the analysis directed by the *Triennial Review Order*. EELs are an alternative means to collocation for CLECs to pick up traffic for transport to the CLECs' switch. EELs may be configured with and without collocation at the end-user's serving wire center, so both questions are relevant. The ability of CLECs to pick up and transport customer traffic to their own switches is an important factor to be considered by the Commission in analyzing Verizon's claims that the Commission should withdraw UNE switching in any particular wire center. TRO, ¶ 462-463, 477, 480, and 503.

MCI-14, 16-17 (Enterprise / Mass Market Distinctions)

Verizon objects to these requests on the grounds that they are 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding.

Verizon failed to identify any specific portion of the data requests that it believes is overly broad, burdensome or oppressive. Thus, Verizon's objections on all of these grounds should be rejected. With regard to relevance, this request seeks information (about enterprise/mass market customer numbers and sub-class target markets) that is directly relevant, and critical to the Commission's ability to determine the proper enterprise/mass market crossover point and the proper market definition for its impairment analysis, as mandated in the TRO at ¶421, fn. 1296; ¶497, fn.1546;, and ¶525, as well as 47 CFR §51.319(d)(2)(iii)(B)(4) ("state commission shall establish a maximum number of DS0 loops…."). Further, these questions seek information on the crossover point to demonstrate that the four-line top 50 MSA "carve-out" is not mandatory as a crossover point despite the *Triennial Review Order* suggesting it, and that the "carve-out" has no apparent economic or operational basis. TRO, ¶¶ 497, fn.1546). To the extent that Verizon intends to present information about a crossover point, or rebut other parties' positions about crossover points, information about Verizon's own experience in the market is indeed relevant. Additionally, Verizon is a provider of retail services in the market, and therefore the manner in which it conducts business is relevant to the definition of the market.

The requested information is wholly relevant to this proceeding and Verizon should therefore, be required to fully respond to these requests with the relevant data that it does track and maintain.

MCI-18-20 (Technical Characteristics)

Verizon objects to this series of requests on the grounds that it 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding.

Verizon failed to identify any specific portion of the data requests that it believes is overly broad, burdensome or oppressive. These questions are not burdensome because they merely ask for Verizon to disclose the technical specifications that Verizon has already established in its own internal technical publications regarding the required technical characteristics of a loop to support various services. Thus, Verizon's objections on all of these grounds should be rejected.

With regard to relevance, the data sought in these questions are directly relevant to this proceeding. The *Triennial Review Order* repeatedly uses the term "voice grade" and "DS-0" throughout, thus MCI-18 seeks to understand the technical characteristics that Verizon associates with voice grade and/or DS-0 loops so that MCI may properly evaluate Verizon's assertions in its testimony and at hearing regarding voice grade/DS-0 loops.

MCI-19 and MCI-20 seek information on the technical characteristics of loops to support DSL. This information is relevant to the definition of markets and trigger analysis mandated in the *Triennial Review Order*. Because all carriers, including

Verizon, are marketing bundled services that include DSL, an accurate assessment of which portion of Verizon's loop plant that can support DSL is relevant to determine whether CLECs can provide the same set of bundled services. If not, then CLECs are impaired with regard to that portion of the service area served by the ILEC switch, and thus the switching trigger is not met for that service area or customer base. The FCC recognized that different classes of customers are served by different loop types and "resulting in different economic considerations for competitive carriers seeking to self-deploy." TRO, ¶ 197.

MCI-22-25 (Breakdown of Loops In Service)

Verizon objects to this series of requests on the grounds that they are 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding.

Verizon failed to identify any specific portion of the data requests that it believes is overly broad, burdensome or oppressive. Thus, Verizon's objections on all of these grounds should be rejected.

With regard to relevance, these requests for monthly line counts by wire center seek information relevant to a variety of issues mandated by the TRO for state commission review. The size of an ILEC wire center, in terms of number of loops in service and counts of various types of services, provides a baseline for estimating churn quantities. (*Triennial Review Order*, ¶ 471.) Moreover, the specific line counts per customer are relevant to the determination of a crossover point between mass market and enterprise customers by examining actual marketplace behavior, as well as to the

estimation of market potential on a wire center specific basis. TRO ¶421, fn. 1296; ¶485; ¶497, fn.1546;, and ¶525) CLECs make entry decisions on an ILEC wire center specific basis. Variations in overall line counts, business/residence customer proportions, and take rates for bundles of voice and DSL services occur on a wire center level basis. The information requested is also basic data at a wire center level, necessary for fundamental decision-making. These questions are seeking data on the number of in-service loops carrying various services on statewide and CLLI basis.

MCI-28-31 (Loop Plant Baseline Data)

Verizon objects to these requests on the grounds that they are 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding. In addition, Verizon objects to MCI-31 on the grounds that responsive documents are subject to attorney-client privilege and that responsive documents are outside Verizon's possession.

Verizon failed to identify any specific portion of the data requests that it believes is overly broad, burdensome or oppressive. Verizon also fails to identify any specific portion of the data requests that it asserts are privileged, and has provided no privilege information as requested by MCI in its instructions. Thus, Verizon's objections should be rejected.

This series of questions seeks basic information about the ILEC's loop plant. This information is relevant to market definition and trigger analysis, including but not limited to, possible difficulties using UNE loops to customer premises served by IDLC, while still providing UNE-P to CLECs using those same loops at those same premises.

TRO, ¶ 495. The questions about copper loop plant are relevant to whether CLECs have access today, and will have access in the future, to loops on which they can provision voice plus DSL, given that the *Triennial Review Order* denies them access to the "packet" portion of ILEC hybrid fiber/copper loops. TRO, ¶286, 296. Further, the TRO identifies issues, such as variations in loop plant that affect a CLEC's ability to serve customers, as relevant to the market definition analysis. Specifically, the TRO states that factors relevant to market definition include "the variations in factors affecting competitors' ability to serve each group of customers, and competitors' ability to target and serve specific markets economically and efficiently using currently available technologies." TRO, ¶495.

MCI-32 (Dark Fiber)

Verizon objects to this request on the grounds that it is 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding. The objections do not withstand scrutiny and should be rejected.

The question is seeking information from Verizon regarding the amount of dark fiber in its loop plant, including the locations and capacity. The question is not overly broad or burdensome. Verizon must keep an inventory of the facilities in its loop plant available for assignment, and even if facilities are not available for assignment, ILECs keep inventory of facilities in Continuing Property Records. This question merely asks Verizon to disclose the information it already maintains.

Finally, this question is directly relevant to this proceeding. MCI, other parties and the Commission will need to analyze dark fiber that is available for CLEC use as part of the mass market switching trigger analysis (transport available or that could be available to CLECs to pick up traffic at the wire center and transport it to the CLEC's own switch), and analysis of loop and transport UNEs.

MCI-33 (Warm Line Information)

Verizon objects to this request on the grounds that it is 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding. Verizon failed to identify any specific portion of the data request that it believes is overly broad, burdensome or oppressive. Verizon also fails to identify any specific portion of the data request that it asserts are privileged, and has provided no information as requested by MCI in its instructions. Thus, Verizon's objections should be rejected.

The data sought in this request are directly relevant, and within the scope of this proceeding. This request, seeking information on "connect through" or "warm line" status of otherwise "disconnected" lines, provides data that will enable the Commission to evaluate Verizon's current claimed ability to quickly provision volumes of loops. Including loops that are still in service via warmline in provisioning performance skews results because such loops require no wiring work on the frame in the wire center. Further, the volumes of these lines affect both lines that are available to be placed in service to a CLEC and lines a CLEC may be disconnecting. (See, e.g., *Triennial Review Order*, ¶465). The information is available only from Verizon and will be most valuable

in a suitably granular form. Beyond the request for granular detail, no specific "format" such as a table or spreadsheet is requested, so MCI fails to understand Verizon's "format" objection.

MCI-40-42 (Demand Growth/Decline)

Verizon objects to these requests on the grounds that they are 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding. Verizon's objection to MCI-41 is based solely on subsection (b) of that question which requests that Verizon provide its current in-service quantities for UNE loops used for DSL service (including line split configurations).

Verizon failed to identify any specific portion of the data requests that it believes is overly broad, burdensome or oppressive. Thus, Verizon's objections should be rejected.

The data sought in these requests are directly relevant, and within the scope of this proceeding. These requests seek information on demand growth or decline for specific services. Such information is necessary for MCI, other parties and the Commission to determine the proper market definition for purposes of conducting a trigger analysis on mass market switching UNEs. TRO, ¶496). Both market definition and trigger issues must be on a more granular basis than "statewide", TRO ¶495 and 47 CFR § 51.319(d)(2)(i)). Accordingly, detailed information about Verizon's past and current line counts by wire center, in various service categories will provide the Commission necessary information concerning the various factors affecting competitors'

ability to target, serve and compete, and thereby, necessary data from which it can properly define the market on a granular level. Such factors are expressly identified as relevant for the market definition analysis in the TRO at ¶ 495. Verizon's objections are without merit and should be rejected.

MCI-44 (Targeted Prices/Price Floors)

Verizon objects to this request on the grounds that it is 1) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) not relevant to or beyond the scope of the impairment analysis that the Commission will undertake in this proceeding.

Verizon failed to identify any specific portion of the data request that it believes is overly broad, burdensome or oppressive. Thus, Verizon's objections should be rejected.

The data sought in this request are directly relevant, and within the scope of this proceeding. These requests seek information directed at Verizon's ability to geographically segment its customer base and direct its marketing accordingly. This series of requests seeks information necessary for the Commission to acquire the appropriate level of granularity for analysis for market definition. MCI's requests are carefully tailored to obtain the data that the Commission must have to issue a determination consistent with the *Triennial Review Order*. TRO¶ 485, 495, 496, 497, fn. 1579.) Moreover, this information is relevant because it determines Verizon's ability to target competitive pricing responses following entry by competitors. TRO ¶ 80, 83, 88, fn. 298, 539).

MCI-51, 54, 57, 60, and 63 (Transport Routes)

Verizon objects only to subsection (c) of these requests on the grounds that it 1) is overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) seeks responsive documents that are subject to attorney-client privilege. These objections should be rejected.

Verizon failed to identify any specific portion of the data requests that it believes is overly broad, burdensome or oppressive. Thus, Verizon's objections should be rejected.

The data sought in these requests are directly relevant, and within the scope of this proceeding. Each of these questions is part of a series of questions (MCI-49-51 and MCI 52-54, MCI-55-57, MCI-58-60 and MCI-61-63) in which MCI seeks information about what transport routes should be removed from the list of available DS-1 UNEs pursuant to specific FCC Rules. Subsection (c) of each of these questions requests that Verizon provide all documents that it has stating that state each of the alternative providers that Verizon claims is available are actually willing to provide the transport route on widely available basis. This request seeks information necessary to determine the validity of the claimed alternative wholesale provider. It is necessary to know the exact route, as well as whether there are actual providers of such routes. Further, the information concerning availability of wholesale services is necessary to ensure that the provider is actually a wholesale provider. Accordingly, Verizon should be directed to respond to MCI-51, 54, 57, 60 and 63 in full.

MCI-64 (Transition Services)

Verizon objects to this request on the grounds that it 1) is overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) seeks responsive documents that are subject to attorney-client privilege. These objections should be rejected.

Verizon failed to identify any specific portion of the data requests that it believes is overly broad, burdensome or oppressive. Verizon also fails to identify any specific portion of the data requests that it asserts are privileged, and has provided no information as requested by MCI in its instructions. Thus, Verizon's objections should be rejected.

The data sought in this request are directly relevant, and within the scope of this proceeding. In MCI-64, MCI seeks additional information about the routes identified in the series of questions in the immediately preceding response. Specifically, MCI seeks information related to forecasts and Verizon current transport utilization, among other matters. This information is relevant to the time and resources required to transition services off of ILEC UNEs which are to be withdrawn, because the growth and the facilities available to handle that growth affect the resources available to execute the cross-connects and other work necessary to transition off UNEs. The Commission should require Verizon to provide the requested information.

MCI-65-66 (Cost Data)

Verizon objects to these requests on the grounds that they 1) are overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) seek responsive documents that are subject to attorney-client privilege. These objections should be rejected. Verizon failed to identify any specific

portion of the data requests that it believes is overly broad, burdensome or oppressive. Thus, Verizon's objections are without merit and should be rejected.

The data sought in these requests are directly relevant, and within the scope of this proceeding. It is hard to imagine better indications of the cost of installing fiber and conduit than the costs actually recently experienced and expected soon by a major player in the marketplace. TRO, ¶¶410, 411. Additionally, this information may provide valuable data concerning any "shared" (i.e., non-independent and therefore non-triggering) facilities. TRO¶400, 405, 408, 412, and 414.

MCI-67 (Documents governing facilities)

Verizon objects to this request on the grounds that it 1) is overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding; and 2) seeks responsive documents that are in the public domain. These objections should be rejected.

Verizon failed to identify any specific portion of the data requests that it believes is overly broad, burdensome or oppressive. Verizon's "burdensome" objection is disingenuous—these are Verizon's own documents. It should be a simple, straightforward process for Verizon to produce them. If they are needlessly complex, widely varying, and different for every vendor or customer, then they are very relevant to questions concerning the current levels of competition for these services. With regard to the information being available in the public domain, only Verizon can provide a complete set of responsive documents, especially in the time frame permitted by this proceeding. Verizon should be compelled to produce the requested documents.

Verizon failed to indicate which part of the data request could be answered from public sources, or which public sources it was aware of. Verizon's objections are without merit and should be rejected.

The data sought in these requests are directly relevant, and within the scope of this proceeding. This information is important to the economic factors (costs and revenue) for purposes of identifying situations where ILEC facilities and CLEC facilities are the same and for properly defining the market for trigger analysis as required in the TRO. This information serves as a check on (1) self-provisioning claims by ILECs for a route (it's not CLEC self-provisioning if the ILEC is selling the "triggering" CLEC a DS-3), and (2) CLEC information about their own routes. TRO, ¶400, 405, 408, 410, 412, and 414.

MCI-69-73 (Enterprise circuit cutovers.)

Verizon objects to these requests on the grounds that they are 1) vague and ambiguous; and 2) overbroad, unduly burdensome and oppressive and/or seeks information not relevant to this proceeding. Additionally, Verizon objects to MCI-73 on the grounds that responsive documents are subject to attorney-client privilege.

As with other data requests, Verizon failed to identify any specific portion of the data requests that it believes is vague and ambiguous, overly broad, burdensome or oppressive, or privileged. Thus, Verizon's objections are without merit and should be rejected.

Verizon does not object on the grounds of relevance. These questions are clearly relevant because they all pertain to the difficulties involved in transitioning enterprise circuits. These are very important in order to ensure that an adequate time and procedure

is in place to transition these circuits to alternative facilities in the event any UNE transport is withdrawn. The TRO identifies issues for which these data are sought in paragraph 417, relative to transition procedures and timing, and paragraph 411, relative to potential barriers to entry not otherwise considered. Thus, all of these questions are proper, and Verizon should be directed to respond.

Respectfully submitted,

Michelle Painter

Michelle Painter, Esq.
MCI
1133 19th Street, NW
Washington, DC 20036
(202) 736-6204
Facsimile: (202) 736-6242
Email: Michelle.Painter@mci.com

Dated: December 11, 2003

RECEIVED

DEC 11 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Motion to Compel Responses From Verizon Pennsylvania, Inc. to be served upon the parties of record in Docket Nos. I-00030099 in accordance with the requirements of 52 Pa. Code Sections 1.52 and 1.54 in the manner and upon the parties listed below.

Dated in Washington, DC on December 11, 2003

VIA E-MAIL AND FIRST CLASS MAIL OR OVERNIGHT DELIVERY

Julia Conover
Verizon
1717 Arch Street, 32N
Philadelphia, PA 19103
Phone – 717-963-6001

Debra Kriete
Rhoads & Sinon, LLP
One South Market St, 12th Fl.
Harrisburg, PA 17108
717-237-6738

Kandace F. Melillo
Pennsylvania Public Utility Commission
Office of Trial Staff – 2nd Floor
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Phone – 717-783-6155

Angela Jones
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101
Phone – 717-783-2525

Alan Kohler
Wolf Block Schorr and Solis-Cohen
212 Locust Street, Suite 300
Harrisburg, PA 17108
Phone – 717-237-7172

Robert C. Barber
AT&T
3033 Chain Bridge Road
Oakton, VA 22185
Phone – 703-691-6061

Phil McClelland
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
Phone – 717-783-5048

Rogelio Pena
Level 3 Communications
1375 Walnut St, Suite 220
Boulder, CO 80302

Robin Cohn
Swidler Berlin Sheriff Friedman LLP
3000 K St, NW
Washington, DC 20007
Phone – 202-945-6915

Philip Macres
Swidler Berlin Shereff Friedmann
3000 K Street, NW
Washington, DC 20007
202-945-6915

Richard Stubbs
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
(267)803-4002

Ross Buntrock
Kelley Drye & Warren
1200 19th Street, NW, Suite 500
Washington, DC 20036
202-887-1248

Rick Hicks
Anderson Gulotta & Hicks, PC
1110 N. Mountain Rd
Harrisburg, PA 17112
717-541-1194

Jeffrey Heins
Adelphia d/b/a Telcove
712 North Main St
Coudersport, PA 16915

Thomas Koutsky
Z-Tel
1200 19th St, NW, Suite 500
Washingon, DC 20036

Sue Benedek
Sprint/United
204 North Third St, Suite 201
Harrisburg, PA 17101
Phone – 717-236-1385

Darius Withers
Kelley Drye & Warren
1200 19th St, NW, Suite 500
Washington, DC 20036
202-955-9774

William Ward
CTC Communications Corp.
115 Second Avenue
Waltham, MA 02451

Jeanne Price
CEI Networks
130 East Main St
Ephrata, PA 17522

Michelle Painter

Michelle Painter

RECEIVED

DEC 11 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Suzan DeBusk Paiva
Assistant General Counsel
Law Department

Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

Tel: (215) 963-6068
Fax: (215) 563-2658
Suzan.D.Paiva@Verizon.com

December 11, 2003

RECEIVED
DEC 1 1 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
DOCUMENT

VIA E-MAIL AND UPS OVERNIGHT DELIVERY
Michelle Painter, Esquire
MCI WorldCom Communications, Inc.
1133 19th Street, NW
Washington, DC 20036

Re: *Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements*, Docket No. I-00030099

Dear Ms. Painter:

Enclosed please find Verizon Pennsylvania Inc.'s Revised Response to Interrogatory I-1 of MCI WorldCom Network Services, Inc.'s First Set of Interrogatories and Request for Production of Documents to Verizon Pennsylvania Inc., in the above captioned matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Suzan D. Paiva

SDP/slb

Enclosure

cc: Via UPS Overnight Delivery
Secretary James McNulty (cover and certificate only)
Honorable Michael Schierle (cover and certificate only)
Honorable Susan Colwell (cover and certificate only)

cc: Via E-Mail and UPS Overnight Delivery
Attached Service List

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s Revised Response to Interrogatory I-1 of MCI WorldCom Network Services, Inc.'s First Set of Interrogatories and Request for Production of Documents to Verizon Pennsylvania Inc., upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 11th day of December, 2003.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
212 Locust Street, Suite 500
Harrisburg, PA 17108
Counsel for RTCC

Norman Kennard, Esquire
Hawke McKeon Sniscak & Kennard
100 North Tenth Street
Harrisburg, PA 17101
Counsel for PTA

DOCKETED
JAN 08 2004

Genevieve Morelli, Esquire
Ross Buntrock, Esquire
Heather Hendrickson, Esquire
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Broadview, BullsEye, ARC/InfoHighway, McGraw, Met Tel and Talk America

Alan Kohler, Esquire
Daniel Clearfield, Esquire
Wolf, Block, Schorr & Solis-Cohen
212 Locust Street, Suite 300
Harrisburg, PA 17101-1236
Counsel for ATX, Full Service Network, Line Systems Inc., Remi Retail and Comcast

Enrico Soriano, Esquire
Steven A. Augostino, Esquire
Darius Withers, Esquire
Kelley Drye & Warren LLP
1200, 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Choice One, Broadview, Focal, SNiP LiNK and XO

Russell Blau, Esquire
Robin F. Cohn, Esquire
Tamar Finn, Esquire
Philip J. Macres, Esquire
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116
Counsel for RCN, Lightship and CTSI

DOCUMENT

Angela Jones, Esquire
Office of Small Business Advocate
Commerce Building – Suite 1102
300 North 2nd Street
Harrisburg, PA 17101

Philip McClelland, Esquire
Barrett Sheridan, Esquire
Office of Consumer Advocate
555 Walnut Street
Frum Place – 5th Floor
Harrisburg, PA 17101-1923
Via e-mail only to OCA Consultants:
Rowland Curry
Melanie Lloyd
Bob Loube

Michelle Painter, Esquire
MCI WorldCom Communications, Inc.
1133 19th Street, NW
Washington, DC 20036
Counsel for MCI

RECEIVED
DEC 11 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Sue Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street
Suite 201
Harrisburg, PA 17101
Counsel for Sprint

Richard U. Stubbs, Esquire
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
Counsel for Cavalier

Charles V. Gerkin, Jr., Esquire
Allegiance Telecom, Inc.
9201 North Central Expressway
Dallas, TX 75231
Counsel for Allegiance

Kandace Melillo, Esquire
Office of Trial Staff
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185
Counsel for AT&T

Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, P.C.
1110 N. Mountain Road
Harrisburg, PA 17112
Counsel for Penn Telecom

Thomas Koutsky, Esquire
Z-Tel Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, DC 20036

Suzan DeBusk Paiva
Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103
(215) 963-6068

Suzan DeBusk Paiva
Assistant General Counsel
Law Department

Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

Tel: (215) 963-6068
Fax: (215) 563-2658
Suzan.D.Paiva@Verizon.com

DOCUMENT

RECEIVED
DEC 1 1 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

December 11, 2003

VIA E-MAIL AND UPS OVERNIGHT DELIVERY
Philip McClelland, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place – 5th Floor
Harrisburg, PA 17101-1923

Re: *Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements*, Docket No. I-00030099

Dear Mr. McClelland:

Enclosed please find Verizon Pennsylvania Inc.'s Responses to the Office of Consumer Advocate's Interrogatories, Set I, in the above captioned matter. Please note that the attached documents include proprietary information.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Suzan D. Paiva/SLB

Suzan D. Paiva

SDP/slb

Enclosure

cc: Via UPS Overnight Delivery
Secretary James McNulty (cover and certificate only)
Honorable Michael Schnierle (cover and certificate only)
Honorable Susan Colwell (cover and certificate only)

cc: Via E-Mail and UPS Overnight Delivery
Attached Service List

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon's Responses to the Office of Consumer Advocate's Interrogatories, Set I, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 11th day of December, 2003.

DOCKETED
JAN 0 8 2004

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
212 Locust Street, Suite 500
Harrisburg, PA 17108
Counsel for RTCC

Norman Kennard, Esquire
Hawke McKeon Sniscak & Kennard
100 North Tenth Street
Harrisburg, PA 17101
Counsel for PTA

DOCUMENT

Genevieve Morelli, Esquire
Ross Buntrock, Esquire
Heather Hendrickson, Esquire
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Broadview, BullsEye, ARC/InfoHighway, McGraw, Met Tel and Talk America

Alan Kohler, Esquire
Daniel Clearfield, Esquire
Wolf, Block, Schorr & Solis-Cohen
212 Locust Street, Suite 300
Harrisburg, PA 17101-1236
Counsel for ATX, Full Service Network, Line Systems Inc., Remi Retail and Comcast

Enrico Soriano, Esquire
Steven A. Augostino, Esquire
Darius Withers, Esquire
Kelley Drye & Warren LLP
1200. 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Choice One, Broadview, Focal, SNiP LiNK and XO

Russell Blau, Esquire
Robin F. Cohn, Esquire
Tamar Finn, Esquire
Philip J. Macres, Esquire
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116
Counsel for RCN, Lightship and CTSI

Angela Jones, Esquire
Office of Small Business Advocate
Commerce Building – Suite 1102
300 North 2nd Street
Harrisburg, PA 17101

Philip McClelland, Esquire
Barrett Sheridan, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place – 5th Floor
Harrisburg, PA 17101-1923
Via e-mail only to OCA Consultants:
Rowland Curry
Melanie Lloyd
Bob Loube

Michelle Painter, Esquire
MCI WorldCom Communications, Inc.
1133 19th Street, NW
Washington, DC 20036
Counsel for MCI

RECEIVED
DEC 1 1 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Sue Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street
Suite 201
Harrisburg, PA 17101
Counsel for Sprint

Richard U. Stubbs, Esquire
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
Counsel for Cavalier

Charles V. Gerkin, Jr., Esquire
Allegiance Telecom, Inc.
9201 North Central Expressway
Dallas, TX 75231
Counsel for Allegiance

Kandace Melillo, Esquire
Office of Trial Staff
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185
Counsel for AT&T

Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, P.C.
1110 N. Mountain Road
Harrisburg, PA 17112
Counsel for Penn Telecom

Thomas Koutsky, Esquire
Z-Tel Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, DC 20036

Suzan D. Paiva/SDB

Suzan DeBusk Paiva
Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103
(215) 963-6068

KELLEY DRYE & WARREN LLP
A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.
SUITE 500
WASHINGTON, D.C. 20036

(202) 955-9600

NEW YORK, NY
TYSONS CORNER, VA
CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MUMBAI, INDIA
TOKYO, JAPAN

FACSIMILE
(202) 955-9792
www.kelleydrye.com

DIRECT LINE: (202) 955-9766
EMAIL: eemmott@kelleydrye.com

December 11, 2003

RECEIVED
DEC 1 1 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT

Susan D. Paiva
Verizon Pennsylvania, Inc.
1717 Arch Street, 32 NW
Philadelphia, PA 19103

Re: Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements

Docket No. I-00030099

Dear Ms. Paiva:

Enclosed please find the response of XO Pennsylvania, Inc. to question 6 of Verizon's First Set of Interrogatories directed to CLEC Parties in the above referenced case. Please note that the response contains proprietary information.

Should you have any questions or require any additional assistance, please do not hesitate to contact me at (202) 955-9766.

Respectfully submitted,

Erin W Emmott

Erin Emmott

Enclosure

cc: Secretary James J. McNulty (cover letter and service list)
Parties of Record (via electronic mail and first class mail)

I-00030099 Investigation into the Obligation of Incumbent Local Exchange Carries to Unbundle Network Elements.

KANDACE F MELILLO ESQUIRE
PA PUBLIC UTILITY COMMISSION
OFFICE OF TRIAL STAFF
PO BOX 3265
HARRISBURG PA 17105-3265
(OTS)
kmelillo@state.pa.us

BARRETT C SHERIDAN ESQUIRE
PHILIP F MCCLELLAND ESQUIRE
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET
5th FLOOR FORUM PLACE
HARRISBURG PA 17101-1923
(OSA)
bsheridan@paoca.org
pmcclelland@paoca.org

CAROL PENNINGTON ESQUIRE
ANGELA T JONES ESQUIRE
OFFICE OF SMALL BUSINESS ADVOCATE
COMMERCE BUILDING SUITE 1102
300 NORTH 2ND STREET
HARRISBURG PA 17101
(OSBA)
anjones@state.pa.us

ROSS A BUNTROCK ESQUIRE
GENEVIEVE MORELLI ESQUIRE
HEATHER T HENDRICKSON ESQUIRE
KELLEY DRYE & WARREN LLP
1200 19TH STREET NW SUITE 500
WASHINGTON DC 20036
(BROADVIEW, INFO HIGHWAY,METTEL, MCGRAW, TALK AMERICA, BULLSEYE TELECOM)
rbuntrock@ekllydrye.com

ZSUZSANNA E BENEDEK ESQUIRE
SPRINT COMMUNICATIONS COMPANY LP
240 NORTH THIRD STREET
SUITE 201
HARRISBURG PA 17101
(SPRINT)
sue.e.benedek@mail.sprint.com

ALAN C KOHLER ESQUIRE
WOLF BLOCK SCHORR & SOLIS-COHEN
SUITE 300
LOCUST COURT BUILDING
212 LOCUST STREET
HARRISBURG PA 17101
(FSN,REMI, ATX, LSI, COMCAST)
akohler@wolfblock.com

PHILIP J MACRES ESQUIRE
SWIDLER BERLIN SHEREFF FRIEDMAN LLP
3000 K STREET NW
SUITE 300
WASHINGTON DC 20007-5116
(LIGHTSHIP TELECOM, RCN)
pjmacres@swidlaw.com

JULIA A CONOVER ESQUIRE
WILLIAM B PETERSEN ESQUIRE
SUZAN DEBUSK PAIVA ESQUIRE
VERIZON COMMUNICATIONS
1717 ARCH STREET 32 NW
PHILADELPHIA PA 19103
(Verizon)
julia.a.conover@verizon.com

I-00030099 Investigation into the Obligation of Incumbent Local Exchange Carries to Unbundle Network Elements.

ROBERT C BARBER ESQUIRE
AT&T COMMUNICATIONS OF PA
3033 CHAIN BRIDGE ROAD
OAKTON VA 22185
(AT&T & TCG)
rcbarber@att.com

MICHELLE PAINTER ESQUIRE
MCI WORLDCOM NETWORK
SERVICES INC
1133 19TH STREET NW
WASHINGTON DC 20036
(MCI)
Michelle.painter@mci.com

ENRICO C SORIANO ESQUIRE
STEVEN A AUGUSTINO ESQUIRE
DARIUS B WITHERS ESQUIRE
KELLEY DRYE & WARREN LLP
1200 19TH STREET NW
WASHINGTON DC 22182
(SNIPLINK, CHOICE ONE, XO,
FOCAL, BROADVIEW)
dwithers@kelleydrye.com
saugustino@kellydrye.com

DEBRA M. KRIETE
RHOADS & SINAN LLP
12TH FLOOR
ONE SOUTH MARKET STREET
P O BOX 1146
HARRISBURG PA 17108-1116
(ALLEGIANCE TELECOM INC)
dkriete@rhoads.sinon.com

LINDA CARROLL
8TH FLOOR
112 MARKET STREET
HARRISBURG PA 17101
(CTSI)
Lcarrol@dilworthlaw.com

PEGGY RUBINO ESQUIRE
Z-TEL COMMUNICATIONS INC
601 S HARBOUR ISLAND BLVD
SUITE 220
TEMPA FL 33602
(Z-TEL)
PRubino@Z-tel.com

DOCKETED
JAN 0 8 2004

RENARDO L HICKS
ANDERSON GULOTTA & HICKES PC
1110 N MOUNTAIN ROAD
HARRISBURG PA 17112
(PENN TELECOM)
rhicks@aghweb.com

RICHARD U STUBBS
CONRAD COUNSEL
CAVALIER TELEPHONE MID
ATLANTIC LLC
965 THOMAS DRIVE
WARMINSTER PA 18974
rstubbs@cavtel.com

ROGELIO E PENA ESQUIRE
1375 WALNUT STREET
SUITE 220
BOULDER CO 80302
(LEVEL 3)
repena@boulderattys.com

WILLIAM E WARD
CTC COMMUNICATIONS CORPORATION
115 SECOND AVENUE
WALTHAM MA 02451
wward@ctcnet.com

JEFFREY J HEINS
ALDELPHIA BUSINESS SOLUTIONS
OF PA INC D/B/A TELCOVE
712 NORTH MAIN STREET

DOCUMENT

I-00030099 Investigation into the Obligation of Incumbent Local Exchange Carries to Unbundle Network Elements.

COUDERSPORT PA 16915
Jeffrey.heins@telcove.com

JEANNE PRICE
MARVIN HENDRIX
CEI NETWORKS
P O BOX 458
130 EAST MAIN STREET
EPHRATA PA 17522
mhendrix@decommunictions.com
jprice@decommunications.com

WolfBlock

212 Locust Street, Suite 300, Harrisburg, Pennsylvania 17101
Tel: (717) 237-7160 ■ Fax: (717) 237-7161 ■ www.WolfBlock.com

Alan C. Kohler
Direct Dial: (717) 237-7172
Direct Fax: (717) 237-2752
E-mail: akohler@wolfblock.com

RECEIVED
2003 DEC 11 PM 3:59
SECRETARY'S BUREAU

December 11, 2003

VIA HAND DELIVERY
Honorable Michael Schnierle
Honorable Susan Colwell
PA Public Utility Commission
Commonwealth Keystone Bldg., 2nd Floor,
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCKETED
FEB 06 2004

Re: Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements, Docket No. I-0003099; AT&T Interrogatories to Verizon-Set I

DOCUMENT

Dear ALJs Schnierle and Colwell:

The Pennsylvania Carriers' Coalition joins AT&T in its Motion to Compel Verizon to answer the above-referenced interrogatories. As indicated in Mr. Barber's correspondence from yesterday, parties other than AT&T are relying on and waiting for complete answers to AT&T-Set 1. As I am sure you will recall, at the Prehearing Conference, Judge Schnierle tentatively approved the PCC's proposed schedule. Despite Your Honor's tentative approval, the parties went off-the-record to evaluate whether a consensus schedule could be reached. The discussions between the parties focused on Verizon's ability to comprehensively answer AT&T-Set 1 in a timely manner. Discussions included specific reference to the ability of Verizon to provide data in the requested form and specifically the residential/business split which is now at issue. Only after representations by Verizon's counsel that no problems were expected in providing the data in that form did PCC counsel (and others) agree to provide Verizon additional time in the schedule.

Obviously, this decision based on our good faith belief that the data would be provided in the form requested in a timely manner has come back to haunt the PCC and other parties. Given the circumstances, the PCC believes that a return to the PCC schedule is appropriate.

DSH:39140.1/FUL022-216383

With this said, the PCC strongly supports AT&T's motion to compel for all of the reasons set forth by Mr. Barber in his motion and appreciates Your Honors' efforts to resolve this dispute in a timely manner.

Respectfully submitted,

Alan Kohler

Alan C. Kohler
For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/lww
cc: File Room (via hand delivery)
Parties of Record (via email and first class mail)

ORIGINAL

AT&T

Robert C. Barber
Senior Attorney

DOCKETED
FEB 0 4 2004

Room 3D
3033 Chain Bridge Road
Oakton, VA 22185
703 691-6061
FAX 703 691-6093
EMAIL rcbarber@att.com

December 12, 2003

BY OVERNIGHT MAIL

RECEIVED
DEC 1 2 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Investigation Into Obligations Of Incumbent
Local Exchange Carriers To Unbundle Network Elements
Docket No. I-00030099

DOCUMENT

Dear Mr. McNulty:

I am writing to confirm for the Presiding Officers and the Commission that Verizon has not provided the data that that were the subject of AT&T Communications of Pennsylvania, LLC.'s Motion to Overrule Objections and to Compel Responses to the First Set of Interrogatories and Requests for Production of Documents to Verizon Pennsylvania Inc., which was filed with the Commission on December 9, 2003. Accordingly, AT&T still desires to pursue its Motion to obtain complete responses to its discovery requests.

AT&T's Motion was filed before Verizon submitted its formal responses to AT&T's First Set of Interrogatories, based on counsel for Verizon's representation that it would not provide certain information that had been requested in AT&T's First Set of Interrogatories, Nos. I-1, I-13, I-15, I-16, I-17, I-19, I- 20 and I-21. The data that Verizon indicated that it would not provide involved the number of unbundled loops, explicitly disaggregated between residential and business lines, that Verizon provides to those competitive local exchange carriers it claims meet the "trigger" requirements for self-provided switching under the FCC's Triennial Review Order. This data was requested for each wire center in each Metropolitan Statistical Area in which Verizon it is seeking a finding of "non-impairment" under the TRO's self-provisioning switching trigger.

Verizon served its written responses to AT&T's First Set of Interrogatories electronically on the evening of December 10. Hard copies

63

Recycled Paper

were received by overnight mail on December 11. We have confirmed that those responses did **not** include the breakdown of unbundled loop data that had been requested in AT&T's First Set of Interrogatories, Nos. I-1, I-13, I-15, I-16, I-17, I-19, I- 20 and I-21. Accordingly, Verizon should be compelled to provide that information for the reasons explained in AT&T's Motion.

Please do not hesitate to contact me with any questions regarding this matter.

Very truly yours,

Robert C. Barber

Enclosures

cc: (w/ encl)
The Honorable Michael Schnierle
The Honorable Susan Colwell
Service List (w/ encl)

Service List
Docket No. I-00030099

Patricia Armstrong, Esq.
Thomas, Thomas, Armstrong & Niesen
PO Box 9500
Harrisburg, PA 17108

Philip F. McClelland
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Alan Kohler
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen
Locust Court, Suite 300
212 Locust Street
Harrisburg, PA 17101

Julia A. Conover, Esq.*
Suzan Paiva, Esq.
Verizon Pennsylvania, Inc.
1717 Arch Street 32 NW
Philadelphia, PA 19103

Steven A. Augustino, Esq.
Kelley Drye & Warren LLP
1200 19th Street N.W.
Suite 500
Washington, DC 20036

Renardo L. Hicks, Esq.
Anderson Gulotta & Hicks, PC
1110 N. Mountain Road
Harrisburg, PA 17112

Ross A. Buntrock, Esq.
Kelley Drye & Warren LLP
1200 19th Street N.W.
Suite 500
Washington, DC 20036

Thomas Koutsky, Esq.
Z-Tel
1200 19th Street, NW
Suite 500
Washington, DC 20036

*By overnight mail

Michelle Painter, Esq.
MCI
1133 19th Street, NW
Washington, DC 20036

Zsuzsanna E. Benedek
Sprint
240 North Third St., Suite 201
Harrisburg, PA 17101

Angela Jones, Esq.
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Kandace Melillo, Esq.
Office of Trial Staff
Pennsylvania PUC
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Richard U. Stubbs, Esq.
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974

Philip Macres, Esq.
Swidler Berlin Shereff & Friedmann
3000 K Street, NW
Washington, DC 20007

Debra M. Kriete, Esq.
Rhoads & Sinon LLP
1 South Market Square, 12th Fl.
Harrisburg, PA 17101

Robin Cohn, Esq.
Russell Blau, Esq.
Swidler Berlin Shereff Friedman
3000 K St., NW
Washington, DC 20007

RECEIVED
DEC 12 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Suzan DeBusk Paiva
Assistant General Counsel
Law Department

ORIGINAL

verizon

Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

Tel: (215) 963-6068
Fax: (215) 563-2658
Suzan.D.Paiva@Verizon.com

December 12, 2003

RECEIVED

DEC 1 2 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT

VIA UPS OVERNIGHT DELIVERY
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: *Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements*, Docket No. I-00030099

Dear Secretary McNulty:

I enclose for filing the original and three copies of the Opposition of Verizon Pennsylvania Inc. and Verizon North Inc. to the Petition To Intervene of Covad Communications Company in the above named matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Suzan D. Paiva/SDB

Suzan D. Paiva

SDP/slb

Enclosure

cc: Via E-Mail and UPS Overnight Delivery
Honorable Michael Schnierle
Honorable Susan Colwell
John Povilaitis, Esquire
Anthony Hansel, Esquire
Attached Service List

64

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
DEC 12 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements	:	Docket No. I-000300099

OPPOSITION OF VERIZON PENNSYLVANIA INC. AND VERIZON NORTH INC. TO THE PETITION TO INTERVENE OF COVAD COMMUNICATIONS COMPANY

Pursuant to 52 Pa. Code § 5.74, Verizon Pennsylvania Inc. and Verizon North Inc. ("Verizon") oppose the late-filed Petition to Intervene of Covad Communications Company ("Covad").

DOCKETED
FEB 04 2004

Covad's Petition, filed three weeks after the intervention deadline established in this Commission's Procedural Order, is untimely under 52 Pa. Code § 5.74(a). This regulation allows late intervention ***only*** upon a showing that the petitioner had "good cause" for missing the Commission-established deadline. Covad has not even attempted to make such a showing – nor can it. No such justification exists. And having failed so much as to offer one, Covad's Petition must be summarily denied.

Even if the Commission reaches the merits of Covad's Petition – which it should not, given Covad's failure to offer a "good cause" for its untimeliness – Covad's Petition should be denied. Not only are Covad's interests already more than adequately represented by the 24 other competitive local exchange carriers ("CLECs") that have already intervened in this proceeding, but the specific issue Covad claims that it needs to raise -- Line Splitting for DSL service – is an issue that the Federal Communications Commission ("FCC") has indicated should be addressed elsewhere, if it needs to be addressed at all. The FCC's *Triennial Review Order* ("*TRO*") limits and narrowly

DOCUMENT

defines the issues relevant to the nine-month "triggers" case that is before this Commission.[1] Not only is Line Splitting not properly raised here, but the *TRO* already decrees the extent to which Covad is entitled to Line Splitting and the FCC's holding on that issue is binding on this Commission.

1. By Order entered October 3, 2003, this Commission opened this docket and detailed the process and procedure that will be used to implement the FCC's *TRO* (the "Procedural Order").

2. The *TRO* provides state commissions with nine months from the effective date of the order to consider specific issues on a more granular basis and to determine whether ILECs must continue to provide competing carriers with unbundled access to high-capacity loops, mass market switching and dedicated transport.

3. Pursuant to the Procedural Order, Verizon filed a Petition to Initiate a nine month proceeding on October 31, 2003. Verizon declined to bring a more complex "potential deployment" case as described in the *TRO*, but rather elected to bring only a case under the FCC's "bright-line" triggers. (*See TRO* ¶ 498). These triggers are objective standards that, if met, "require" the Commission to find "no impairment" and therefore no obligation to unbundle the network element at issue (in this case switching and dedicated transport). (*Id.*)

---

[1] *Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98; *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, FCC 03-36 (rel. August 21, 2003) ("TRO").

4. The Commission's Procedural Order also provided that "[a]ny interested party must file a Petition to Intervene . . . by November 14, 2003. (Procedural Order, p. 20 and Ordering Paragraph 3(c)).

5. The Procedural Order was published in the *Pennsylvania Bulletin* on October 18, 2003. (*See* 33 Pa. B. 5267). Under Commission regulations, publication in the *Pennsylvania Bulletin* constitutes notice to all interested parties. *See* 52 Pa. Code § 5.201("Where notice and hearing are required under the act, publication in the *Pennsylvania Bulletin* of a notice of application or other initial pleading is sufficient to provide notice of the proceeding.") The contents of the *Pennsylvania Bulletin* are available for free on-line at www.pabulletin.com.

6. The Procedural Order also directed the Secretary's Bureau to "to serve this Order upon all jurisdictional telecommunications carriers." (Procedural Order, Ordering Paragraph 11).

7. As detailed in paragraph 4 of Covad's Petition, 24 CLECs petitioned to intervene on or before November 14, 2003, and all were granted intervener status orally at the November 25, 2003 Prehearing Conference, as confirmed in writing by the Second Prehearing Order dated December 9, 2003.

8. Covad did not file a timely Petition to Intervene on or before November 14, 2003.

9. Covad filed the instant Petition to Intervene on December 5, 2003 – three weeks after the Commission's deadline.

10. The Commission's regulations provide that petitions to intervene must be filed "no later than the date fixed for the filing of petitions to intervene in an order or

notice with respect to the proceedings or, ***except for good cause shown***, the date fixed for filing protests as published in the *Pennsylvania Bulletin*." 52 Pa. Code § 5.74(a) (emphasis added).

11. The Commission has made clear that the "good cause" that must be shown to allow late intervention is "good cause" for missing the Commission's deadline – not simply an argument under the substantive standards for intervention. Specifically, "[l]ate intervention will normally only be granted" when, among other things, "the petitioner has a reasonable excuse for missing the protest due date." *See Joint Application of Pennsylvania-American Water Company and Thames Water Aqua Holdings*, No. A-212285F0096, 2002 Pa. PUC Lexis 15 (Opinion and Order entered May 9, 2002) (upholding denial of an untimely petition to intervene where the petitioner gave no reasonable excuse and was a sophisticated frequent participant in Commission proceedings).

12. Covad's Petition to Intervene does not even attempt to show "good cause" for missing the Commission's intervention deadline. Indeed, Covad does not even state why it missed the deadline. Therefore, Covad's petition is faulty on its face and must be denied.

13. Covad relies solely on the contention that it meets the "substantive standard for intervention stated in Section 5.72 of the Commission's regulations" – an argument the Commission cannot even consider since Covad has failed to show "good cause" for missing the Commission's intervention deadline. (Covad Petition ¶ 6).

14. Even if the Commission were to consider Covad's petition as a substantive matter, Covad does not meet the substantive standards set forth in 52 Pa. Code § 5.72.

15. Covad has not made the required showing that its interest is "not adequately represented by existing participants." (52 Pa. Code § 5.72). Indeed, the Commission has already granted intervener status to 24 CLEC parties, as detailed in Covad's petition. Given the limited issues before the Commission in this case – which relate only to whether the FCC's objective triggers are satisfied for certain Pennsylvania markets and routes – these parties certainly will adequately represent the interests of the CLEC community.

16. Moreover, Covad purports to be seeking intervention in order to make arguments regarding the necessity for "Line Splitting where Covad partners with voice providers over the UNE-Platform to offer a bundled voice and data product." (Covad Petition ¶ 5).

17. The issue Covad purports to raise is irrelevant and cannot be considered in this triggers proceeding. The FCC has "delegate[d] to the states a role in the implementation" of the "federal unbundling requirements for certain network elements," and has limited "the delegated authority to the specific areas and network elements identified in this Order." (*TRO* ¶ 186 and 189). The FCC's triggers are straightforward and are keyed to "objective data" in order to "provide bright-line rules" for determining impairment. (*Id.* ¶ 498). The TRO does ***not*** allow this Commission to consider the question Covad posits – "whether competitors are impaired without access to . . . Line Splitting where Covad partners with voice providers over the UNE-Platform" –

as part of the nine month triggers proceeding. (Covad Petition ¶ 5). Rather, the FCC "require[s]" a state commission to find no impairment in a particular market for unbundled circuit switching (leading to no UNE-Platform in that market) when either of the objective switching triggers is met. (*TRO* ¶ 498). The impact of the availability of Line Splitting in conjunction with the UNE-Platform is ***not*** relevant to the objective triggers and ***may not*** be considered.

18. Verizon's obligation to provide Line Splitting is not only irrelevant to a triggers analysis, but is also outside the scope of this Commission's jurisdiction because it has already been addressed by the FCC in a holding that is binding on this Commission. The FCC has already conducted the statutory impairment analysis with regard to broadband services and has determined the circumstances under which Covad and others would be entitled to Line Splitting, or would ***not*** be entitled to it. According to the FCC, "so long as the unbundled loop-switch combination is permitted in a particular state, the rules make clear that incumbent LECs must permit competitive LECs providing voice service through that arrangement to line split." (*TRO* ¶ 252). Additionally, "when competitive carriers opt to take an unbundled stand-alone loop, the incumbent LEC must provide the requesting carrier with the ability to engage in line splitting arrangements." (*Id.* ¶ 251).

19. But contrary to Covad's suggestion, the Commission ***cannot*** ignore the FCC's mandatory guidelines and attempt to require the offering of the UNE-Platform in conjunction with Line Splitting merely because Covad contends that data carriers are somehow "impaired" without access to such a service.

20. Nor are any operational issues associated with Line Splitting properly part of this proceeding. To the contrary, the FCC has expressly stated that ILECs and interested CLECs should "use existing state commission collaboratives and change management processes to address OSS modifications that are necessary to support line splitting." (*Id.* ¶ 252).

21. Even if Covad had offered a good cause for its untimeliness – which it has not – and even if the Line Splitting issues Covad untimely seeks to raise in this proceeding were relevant – which they are not – the Commission would still grant an untimely petition to intervene ***only*** if the granting of intervention "will not broaden significantly the issues" in the proceeding. *See Joint Application of Pennsylvania-American Water Company and Thames Water Aqua Holdings*, No. A-212285F0096, 2002 Pa. PUC Lexis 15 (Opinion and Order entered May 9, 2002). Covad's attempt to interject new – albeit irrelevant – issues into this proceeding only provides another basis to deny its Petition.

22. Finally, Covad's attempt to barter purportedly "relevant" information regarding its network and operations in exchange for allowing its late intervention is not only a woefully inadequate basis, but it is improper and should not be tolerated. (Covad Petition ¶ 7). If Covad does indeed have relevant information, it should provide that information voluntarily to the Commission regardless of whether it is allowed to intervene, so that the Commission may make a fully informed decision. In any event, Covad would be subject to the Commission's subpoena power even if it is not a party to this proceeding.

WHEREFORE, the Commission should deny Covad's untimely Petition to Intervene.

Suzan D. Paiva /SJB
Julia A. Conover
William B. Petersen
Suzan DeBusk Paiva
1717 Arch Street, 32N
Philadelphia, PA 19103
(215) 963-6001
fax (215) 563-2658
e-mail: Julia.a.conover@verizon.com
William.b.petersen@verizon.com
Suzan.d.paiva@verizon.com

Counsel for Verizon Pennsylvania Inc. and
Verizon North Inc.

December 12, 2003

RECEIVED
DEC 12 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Robert C. Barber
Senior Attorney

Room 3D
3033 Chain Bridge Road
Oakton, VA 22185
703 691-6061
FAX 703 691-6093
EMAIL rcbarber@att.com

DOCUMENT

December 12, 2003

RECEIVED
DEC 12 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VIA ELECTRONIC AND OVERNIGHT MAIL

Suzan D. Paiva, Esq.
Bell Atlantic-Pennsylvania, Inc.
1717 Arch Street, 32N
Philadelphia, PA 19103

Re: Investigation into Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements
Docket No. I-00030099

Dear Suzan:

Please find enclosed AT&T Communications of Pennsylvania, LLC.'s Second Set of Data Requests directed to Verizon Pennsylvania Inc. in the above-captioned matter.

Please do not hesitate to contact me with any questions regarding these requests.

Very truly yours,

Robert C. Barber

Enclosures

cc: The Honorable Michael Schnierle (w/o enclosures)
The Honorable Susan Colwell (w/o enclosures)
Secretary McNulty (w/o enclosures)
Service List (w/ enclosures)

Recycled Paper

Certificate of Service
Docket No. I-00030099

The undersigned hereby certifies that true and correct copies of AT&T Communications of Pennsylvania, LLC.'s Second Set of Interrogatories and Requests for Production of Documents to Verizon Pennsylvania, Inc. were caused to be served on the persons named below by electronic and overnight or first class mail in accordance with the requirements of 52 Pa. Code §§1.52 and 1.54:

Patricia Armstrong, Esq.
Thomas, Thomas, Armstrong & Niesen
PO Box 9500
Harrisburg, PA 17108

Philip F. McClelland
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Alan Kohler
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen
Locust Court, Suite 300
212 Locust Street
Harrisburg, PA 17101

Julia A. Conover, Esq.*
Suzan Paiva, Esq.
Verizon Pennsylvania, Inc.
1717 Arch Street 32 NW
Philadelphia, PA 19103

Steven A. Augustino, Esq.
Kelley Drye & Warren LLP
1200 19th Street N.W.
Suite 500
Washington, DC 20036

Renardo L. Hicks, Esq.
Anderson Gulotta & Hicks, PC
1110 N. Mountain Road
Harrisburg, PA 17112

Ross A. Buntrock, Esq.
Kelley Drye & Warren LLP
1200 19th Street N.W.
Suite 500
Washington, DC 20036

Michelle Painter, Esq.
MCI
1133 19th Street, NW
Washington, DC 20036

Zsuzsanna E. Benedek
Sprint
240 North Third St., Suite 201
Harrisburg, PA 17101

Angela Jones, Esq.
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Kandace Melillo, Esq.
Office of Trial Staff
Pennsylvania PUC
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Richard U. Stubbs, Esq.
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974

Philip Macres, Esq.
Swidler Berlin Shereff & Friedmann
3000 K Street, NW
Washington, DC 20007

Debra M. Kriete, Esq.
Rhoads & Sinon LLP
1 South Market Square, 12th Fl.
Harrisburg, PA 17101

Thomas Koutsky, Esq.
Z-Tel
1200 19th Street, NW
Suite 500
Washington, DC 20036

Robin Cohn, Esq.
Russell Blau, Esq.
Swidler Berlin Shereff Friedman
3000 K St., NW
Washington, DC 20007

Robert C. Barber

Dated: December 12, 2003

*By overnight mail

RECEIVED
DEC 12 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Robert C. Barber
Senior Attorney

AT&T

Room 3D
3033 Chain Bridge Road
Oakton, VA 22185
703 691-6061
FAX 703 691-6093
EMAIL rcbarber@att.com

December 12, 2003

VIA ELECTRONIC AND OVERNIGHT MAIL

DOCUMENT

Suzan D. Paiva, Esq.
Bell Atlantic-Pennsylvania, Inc.
1717 Arch Street, 32N
Philadelphia, PA 19103

Re: Investigation into Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements
Docket No. I-00030099

Dear Suzan:

Please find enclosed AT&T Communications of Pennsylvania, LLC.'s Responses to Verizon Pennsylvania Inc.'s First Set of Data Requests in the *above-captioned matter.* ***Please note that these responses include information proprietary to AT&T.***

Please do not hesitate to contact me with any questions regarding these requests.

Very truly yours,

Robert C. Barber

Enclosures

cc: The Honorable Michael Schnierle (w/o enclosures)
The Honorable Susan Colwell (w/o enclosures)
Secretary McNulty (w/o enclosures)
Service List (w/ enclosures)

Recycled Paper

Certificate of Service
Docket No. I-00030099

The undersigned hereby certifies that true and correct copies of AT&T Communications of Pennsylvania, LLC.'s Responses to Verizon Pennsylvania, Inc. First Set of Data Requests were caused to be served on the persons named below by electronic and overnight or first class mail in accordance with the requirements of 52 Pa. Code §§1.52 and 1.54:

Patricia Armstrong, Esq.
Thomas, Thomas, Armstrong & Niesen
PO Box 9500
Harrisburg, PA 17108

Philip F. McClelland
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Alan Kohler
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen
Locust Court, Suite 300
212 Locust Street
Harrisburg, PA 17101

Julia A. Conover, Esq.*
Suzan Paiva, Esq.
Verizon Pennsylvania, Inc.
1717 Arch Street 32 NW
Philadelphia, PA 19103

Steven A. Augustino, Esq.
Kelley Drye & Warren LLP
1200 19th Street N.W.
Suite 500
Washington, DC 20036

Renardo L. Hicks, Esq.
Anderson Gulotta & Hicks, PC
1110 N. Mountain Road
Harrisburg, PA 17112

Ross A. Buntrock, Esq.
Kelley Drye & Warren LLP
1200 19th Street N.W.
Suite 500
Washington, DC 20036

Michelle Painter, Esq.
MCI
1133 19th Street, NW
Washington, DC 20036

Zsuzsanna E. Benedek
Sprint
240 North Third St., Suite 201
Harrisburg, PA 17101

Angela Jones, Esq.
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Kandace Melillo, Esq.
Office of Trial Staff
Pennsylvania PUC
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Richard U. Stubbs, Esq.
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974

Philip Macres, Esq.
Swidler Berlin Shereff & Friedmann
3000 K Street, NW
Washington, DC 20007

Debra M. Kriete, Esq.
Rhoads & Sinon LLP
1 South Market Square, 12th Fl.
Harrisburg, PA 17101

RECEIVED
DEC 12 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Thomas Koutsky, Esq.
Z-Tel
1200 19th Street, NW
Suite 500
Washington, DC 20036

Robin Cohn, Esq.
Russell Blau, Esq.
Swidler Berlin Shereff Friedman
3000 K St., NW
Washington, DC 20007

Robert C. Barber

Dated: December 12, 2003

*By overnight mail

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of the opposition of Verizon Pennsylvania Inc. and Verizon North Inc. to the Petition To Intervene of Covad Communications Company, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 12th day of December, 2003.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
212 Locust Street, Suite 500
Harrisburg, PA 17108
Counsel for RTCC

Genevieve Morelli, Esquire
Ross Buntrock, Esquire
Heather Hendrickson, Esquire
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Broadview, BullsEye, ARC/InfoHighway, McGraw, Met Tel and Talk America

Enrico Soriano, Esquire
Steven A. Augostino, Esquire
Darius Withers, Esquire
Kelley Drye & Warren LLP
1200. 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Choice One, Broadview, Focal, SNiP LiNK and XO

Angela Jones, Esquire
Office of Small Business Advocate
Commerce Building – Suite 1102
300 North 2nd Street
Harrisburg, PA 17101

Michelle Painter, Esquire
MCI WorldCom Communications, Inc.
1133 19th Street, NW
Washington, DC 20036
Counsel for MCI

Norman Kennard, Esquire
Hawke McKeon Sniscak & Kennard
100 North Tenth Street
Harrisburg, PA 17101
Counsel for PTA

RECEIVED
DEC 12 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Alan Kohler, Esquire
Daniel Clearfield, Esquire
Wolf, Block, Schorr & Solis-Cohen
212 Locust Street, Suite 300
Harrisburg, PA 17101-1236
Counsel for ATX, Full Service Network, Line Systems Inc., Remi Retail and Comcast

Russell Blau, Esquire
Robin F. Cohn, Esquire
Tamar Finn, Esquire
Philip J. Macres, Esquire
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116
Counsel for RCN, Lightship and CTSI

Philip McClelland, Esquire
Barrett Sheridan, Esquire
Office of Consumer Advocate
555 Walnut Street
Frum Place – 5th Floor
Harrisburg, PA 17101-1923
Via e-mail only to OCA Consultants:
Rowland Curry
Melanie Lloyd
Bob Loube

Sue Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street
Suite 201
Harrisburg, PA 17101
Counsel for Sprint

Richard U. Stubbs, Esquire
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
Counsel for Cavalier

Charles V. Gerkin, Jr., Esquire
Allegiance Telecom, Inc.
9201 North Central Expressway
Dallas, TX 75231
Counsel for Allegiance

Kandace Melillo, Esquire
Office of Trial Staff
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185
Counsel for AT&T

Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, P.C.
1110 N. Mountain Road
Harrisburg, PA 17112
Counsel for Penn Telecom

Thomas Koutsky, Esquire
Z-Tel Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, DC 20036

Suzan D. Paiva/SDB

Suzan DeBusk Paiva
Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103
(215) 963-6068