

Schnierle, Michael

PLEASE DOCKET

From: Schnierle, Michael
Sent: Monday, January 05, 2004 4:17 PM
To: 'suzan.d.paiva@verizon.com'; Schnierle, Michael
Cc: KOHLER, ALAN; Jones, Angela; SHERIDAN, BARRETT; Gerkin, Charles; KRIETE, DEBRA; dwithers@kelleydrye.com; Jeffrey.heins@telcove.com; jprice@decommunications.com; julia.a.conover@verizon.com; Melillo, Kandace; mhendrix@decommunications.com; PAINTER, MICHELLE; MACRES, PHILIP; PRubino@Z-tel.com; BUNTROCK, ROSS; BARBER, ROBERT; repena@boulderattys.com; rhicks@aghweb.com; STUBBS, RICHARD; saugustino@kellydrye.com; Colwell, Susan; BENEDEK, ZSUZSANNA; william.b.petersen@verizon.com; wward@ctcnet.com; 'Genevieve Morelli'; 'Heather Hendrickson'; Robin F. Cohn
Subject: RE: No. I-00030099 - Subpoena Applications

We have received no answer to this petition from Adelphia; however, upon review of the proposed subpoena, we have determined that we cannot sign it in its present form, and require some additional information to sign an appropriate subpoena. The proposed subpoena requests not the appearance of an individual but the answer to a specific question. After reading the relevant rules, we conclude that such a "subpoena" is not authorized by the rules. The rules permit a party to subpoena a non-party to a deposition. 52 Pa. Code Sec. 5.343. Considering the extreme time limits on this case, we are willing to treat Verizon's petition as a petition seeking to take the deposition of an employee of Adelphia to obtain the requested information. However, we need the name of a person to subpoena and a time and place for the deposition. We are attaching a copy of the Commission's subpoena form for Verizon's assistance as needed. For the future reference of all counsel, that form is on the web site at: http://www.puc.paonline.com/forms/Main_Forms_Page2.htm#Legal

A copy of this email is being placed in the Document Folder for this case.

Michael C. Schnierle
Administrative Law Judge

DOCKETED
FEB 04 2004

DOCUMENT

-----Original Message-----

From: suzan.d.paiva@verizon.com [mailto:suzan.d.paiva@verizon.com]
Sent: Tuesday, December 30, 2003 4:53 PM
To: Schnierle, Michael
Cc: KOHLER, ALAN; JONES, ANGELA; SHERIDAN, BARRETT; Gerkin, Charles; KRIETE, DEBRA; dwithers@kelleydrye.com; Jeffrey.heins@telcove.com; jprice@decommunications.com; julia.a.conover@verizon.com; Melillo, Kandace; lcarroll@dilworthlaw.com; mhendrix@decommunications.com; PAINTER, MICHELLE; MACRES, PHILIP; PRubino@Z-tel.com; BUNTROCK, ROSS; BARBER, ROBERT; repena@boulderattys.com; rhicks@aghweb.com; STUBBS, RICHARD; saugustino@kellydrye.com; Colwell, Susan; BENEDEK, ZSUZSANNA; william.b.petersen@verizon.com; wward@ctcnet.com
Subject: No. I-00030099 - Subpoena Applications

Judges Schnierle and Colwell:

On December 18, 2003 Verizon filed an application for subpoenas to certain non-party CLECs. Since that time CEI Networks/D&E Systems has voluntarily produced the information we requested and we will therefore be withdrawing our application as to that entity only.

Our application still stands with respect to Adelphia Business Solutions d/b/a Telcove.

Suzan Paiva



Michael C. Subpoena.
erle (mschloc (49 KB)

Tracking:

Recipient	Delivery	Read
'suzan.d.paiva@verizon.com'		
Schnierle, Michael	Delivered: 1/5/2004 4:17 PM	Deleted: 1/5/2004 4:58 PM
KOHLER, ALAN		
Jones, Angela	Delivered: 1/5/2004 4:17 PM	Read: 1/6/2004 8:10 AM
SHERIDAN, BARRETT		
Gerkin, Charles		
KRIETE, DEBRA		
dwithers@kelleydrye.com		
Jeffrey.heins@telcove.com		
jprice@decommunications.com		
julia.a.conover@verizon.com		
Melillo, Kandace	Delivered: 1/5/2004 4:17 PM	Read: 1/5/2004 4:20 PM
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PRubino@Z-tel.com		
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rhicks@aghweb.com		
STUBBS, RICHARD		
saugustino@kellydrye.com		
Colwell, Susan	Delivered: 1/5/2004 4:17 PM	Read: 1/6/2004 7:38 AM
BENEDEK, ZSUZSANNA		
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wward@ctcnet.com		
'Genevieve Morelli'		
'Heather Hendrickson'		
Robin F. Cohn		

PLEASE DOCKET

Schnierle, Michael

From: Schnierle, Michael
Sent: Monday, January 05, 2004 3:00 PM
To: 'Buntrock, Ross A.'; Schnierle, Michael; BARBER, ROBERT; BENEDEK, ZSUZSANNA; CONOVER, JULIA; Gerkin, Charles; Jones, Angela; KOHLER, ALAN; KRIETE, DEBRA; MACRES, PHILIP; Melillo, Kandace; PAINTER, MICHELLE; PAIVA, SUZAN; PETERSEN, WILLIAM; SHERIDAN, BARRETT; STUBBS, RICHARD; Withers, Darius B.; Jeffrey.heins@telcove.com; jprice@decommunications.com; mhendrix@decommunications.com; PRubino@Z-tel.com; repena@boulderattys.com; rhicks@aghweb.com; Augustino, Steven A.; wward@ctcnet.com
Cc: 'Genevieve Morelli'; 'Heather Hendrickson'; Robin F. Cohn; Colwell, Susan
Subject: RE: Request for Clarification Regarding Procedural Schedule I-00030099 (FCC 9 month case).

We have considered the request for clarification and the various responses to it. Our ruling is as follows: On the January 20, 2004 date for rebuttal testimony, interveners may file rebuttal testimony to testimony filed by other interveners with which they disagree. No party, however, may use this opportunity to file testimony supporting that of another party under the guise of "rebuttal testimony." In other words, "friendly rebuttal" is not allowed.

A copy of this email is being placed in the Document Folder for this case.

Michael C. Schnierle
Administrative Law Judge

Susan Colwell
Administrative Law Judge

DOCKETED
 FEB 19 2004
 RECEIVED

JAN - 6 2004

PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

-----Original Message-----

From: Buntrock, Ross A. [mailto:RBuntrock@KelleyDrye.com]
Sent: Tuesday, December 30, 2003 4:39 PM
To: Schnierle, Michael; BARBER, ROBERT; BENEDEK, ZSUZSANNA; CONOVER, JULIA; Gerkin, Charles; JONES, ANGELA; KOHLER, ALAN; KRIETE, DEBRA; MACRES, PHILIP; Melillo, Kandace; PAINTER, MICHELLE; PAIVA, SUZAN; PETERSEN, WILLIAM; SHERIDAN, BARRETT; STUBBS, RICHARD; Withers, Darius B.; Jeffrey.heins@telcove.com; jprice@decommunications.com; lcarroll@dilworthlaw.com; mhendrix@decommunications.com; PRubino@Z-tel.com; repena@boulderattys.com; rhicks@aghweb.com; Augustino, Steven A.; wward@ctcnet.com
Subject: Request for Clarification Regarding Procedural Schedule I-00030099 (FCC 9 month case).

Dear Judge Schnierle,

The Second Prehearing Order in this proceeding, issued on December 2, 2003, calls for intervenor direct testimony to be filed on January 9, 2004; Verizon is to file their rebuttal testimony on January 20, 2004. My question is: may CLECs also file rebuttal testimony on January 20 for purposes of addressing issues raised by parties in the January 9 filings?

Thank you for your assistance in clarifying this issue.

Regards,

Ross A. Buntrock

DOCUMENT

Ross A. Buntrock

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January 5, 2004

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

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

DOCKETED
FEB 05 2004

Dear Ms. Jones:

CEI Networks, Inc., a "Footnote 14 CLEC" in this proceeding, has or may produce information in this proceeding which is marked as "Highly Confidential Proprietary Information" and so subject to protection under the Pennsylvania Public Utility Commission's October 2, 2003 Protective Order.

CEI Networks, Inc. hereby authorizes the Pennsylvania Office of Small Business Advocate to disclose such "Highly Confidential Proprietary Information" to the OSBA's expert witness, Allen C. Buckalew, for use in this proceeding, subject to the terms and conditions of the PaPUC's October 2 Protective Order.

Sincerely,

Stacy Wilson Rineer
Staff Counsel
717-738-8574 voice
717-733-2364 fax
swrineer@decommunications.com

cc: James J. McNulty, Secretary
Pa. Public Utility Commission

DOCUMENT

SECRETARY'S BUREAU

2004 JAN -7 AM 9:33

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Communications, Inc.

January 5, 2004

Barrett C. Sheridan
Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street, 5th Fl., Forum Place
Harrisburg, PA 17101-1923

DOCKETED
FEB 05 2004

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2004 JAN - 7 AM 9: 34
PaPUC
SECRETARY'S BUREAU

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

Dear Ms. Sheridan:

DOCUMENT

CEI Networks, Inc., a "Footnote 14 CLEC" in this proceeding, has or may produce information in this proceeding which is marked as "Highly Confidential Proprietary Information" and so subject to protection under the Pennsylvania Public Utility Commission's October 2, 2003 Protective Order.

CEI Networks, Inc. hereby authorizes the Pennsylvania Office of Consumer Advocate to disclose such "Highly Confidential Proprietary Information" to the OCA's expert consultants, Rowland Curry, Melanie Lloyd, and Bob Loube, for use in this proceeding, subject to the terms and conditions of the PaPUC's October 2 Protective Order.

Sincerely,

Stacy Wilson Rineer
Staff Counsel
717-738-8574 voice
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swrineer@decommunications.com

cc: Secretary McNulty, PaPUC

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
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(717) 783-5048
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January 5, 2004

Administrative Law Judge Michael C. Schnierle
Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

DOCUMENT

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

Dear Judge Schnierle and Judge Colwell:

Enclosed please find the Office of Consumer Advocate's Answer in Support of
Request for Clarification of Procedural Schedule in the above-captioned matter.

Copies have been served upon counsel of record as shown on the attached Certificate
of Service.

Sincerely,

A handwritten signature in black ink that reads "Barrett C. Sheridan".

Barrett C. Sheridan
Assistant Consumer Advocate

Enclosures

cc: James McNulty/Secretary ✓

*77513

SECRETARY'S BUREAU

2004 JAN - 5 PM 3: 55

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligations of :
Incumbent Local Exchange Carriers to : Docket No. I-00003099
Unbundle Network Elements :

ANSWER OF THE
OFFICE OF CONSUMER ADVOCATE
IN SUPPORT OF REQUEST FOR
CLARIFICATION OF PROCEDURAL SCHEDULE

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2004 JAN -5 PM 3:55
SECRETARY'S BUREAU
DOCKETED
FEB 04 2004

On November 26, 2003, the presiding officers Administrative Law Judges Schnierle and Colwell issued the Second Prehearing Order in this proceeding. In that Order, the ALJs listed the procedural schedule as providing Verizon with the opportunity to update its filing on December 19, 2003, January 9, 2004 as the due date for Intervenor direct testimony, and January 20, 2004 as the due date for Verizon rebuttal testimony. Second Prehearing Order at 1.

By e-mail dated December 30, 2003 and served on the presiding officers and counsel for parties, Ross Buntrock counsel for certain CLEC intervenors, requested that the ALJs clarify that the January 20, 2004 date for rebuttal testimony also allows for the filing of rebuttal testimony by parties other than Verizon. By e-mail dated December 31, 2003, ALJ Schnierle indicated that the request for clarification would be considered after parties had an opportunity to comment.

The Office of Consumer Advocate joins the Office of Trial Staff, AT&T Communications of Pennsylvania, MCI, and other parties in taking the position that the January

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20, 2004 due date for the filing of rebuttal testimony must be open to all parties. Verizon is the only party to argue that only Verizon may properly file rebuttal testimony, subject to two exceptions designed to benefit Verizon's position. See e-mail from Julia Conover dated January 5, 2004.

The OCA submits that this investigation of the state of local competition, to be conducted within the framework of the FCC's Triennial Review Order, necessarily involves matters of great factual complexity and novel questions of law. For example, the PUC has stated "It is our intent to develop the appropriate market definition for application in the 9-month proceeding based upon the record developed in the 9-month proceeding." Procedural Order at 12, fn. 10. The OCA submits that the question of what is an appropriate definition of the mass market for Pennsylvania should not be reduced to "is Verizon's proposed definition right or wrong?" Verizon's attempt to limit who may file rebuttal testimony and on what subject is not consistent with the PUC's stated intentions. The OCA submits that all parties should be permitted to file rebuttal testimony on January 20, 2004 whether it is Verizon rebutting the direct testimony of an intervenor or one direct intervenor rebutting or replying to the position of another intervenor. The OCA should have the opportunity, for example, to explain to the Commission, in both direct testimony and in rebuttal testimony why the OCA's proposed definition of the mass market is appropriate over some different definition proposed by another intervenor party.

Additionally, the OCA notes that the Commission identified other questions for "interested parties" to address and advise the PUC on, in the "General Inquiry" portion of the Procedural Order. Procedural Order at 13. These questions include "what standards apply to determine whether intermodal providers of service provide service that is 'comparable in quality

to that of the incumbent LEC' and which, if any, of our existing service quality requirements should apply?" Id. Given the Commission's use of the term "interested parties" and the specific issues identified as of general interest to the PUC, OCA submits that all parties should have the opportunity to file rebuttal testimony to all direct testimony presented.

Similarly, the OCA notes that the direct testimony of intervenors may raise questions of fact to which the OCA or other parties may wish to respond. Such questions of fact are best addressed through the presentation of responsive testimony. Again, the January 20, 2004 deadline for rebuttal testimony presents the proper opportunity for parties to address these factual issues.

WHEREFORE, the Office of Consumer Advocate respectfully requests that the Presiding Officers grant the request for clarification of the procedural schedule as presented by Mr. Ross Buntrock.

Respectfully submitted,



Philip F. McClelland
Senior Assistant Consumer Advocate
Barrett C. Sheridan
Joel H. Cheskis
Shaun A. Sparks
Assistant Consumer Advocates

For: Irwin A. Popowsky
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(717) 783-5048

Dated: January 5, 2004
00077508.doc

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the foregoing document, Office of Consumer Advocate's Answer in Support of Request for Clarification of Procedural Schedule, upon counsel for parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 5th day of January, 2004.

SERVICE BY INTER-OFFICE MAIL

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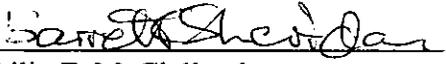
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Suzan DeBusk Paiva
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Suzan.D.Paiva@Verizon.com

DOCUMENT
DOCUMENT

EXTRA
COPY

January 5, 2004

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JAN 5 2004

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

Ross Buntrock, Esquire
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1200 19th Street, N.W., Suite 500
Washington, DC 20036

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Mr. Buntrock:

Enclosed please find Verizon Pennsylvania Inc.'s Responses to the Joint Parties' First Set of Discovery Requests, 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

SDP/meb

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 the Joint Parties' First Set of Discovery Requests, 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 5th day of January, 2004.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
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Counsel for PTA

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JAN 5 2004

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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Barrett Sheridan, Esquire
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Via e-mail only to OCA Consultants:
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Melanie Lloyd
Bob Loube

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Suzan DeBusk Paiva
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RECEIVED

2004 JAN -8 AM 9:52



Robert C. Barber
Senior Attorney
SECRETARY'S BUREAU

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EMAIL rbarber@att.com

January 5, 2004

VIA ELECTRONIC AND OVERNIGHT MAIL

DOCUMENT

Barrett C. Sheridan, Esq.
Office of Consumer Advocate
555 Walnut St., 5th Floor
Harrisburg, PA 17101

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

Dear Barrett:

Please find enclosed AT&T Communications of Pennsylvania, LLC.'s Supplemental Response to OCA's Second Set of Data Requests in the above-captioned matter. **Please note that this response includes information proprietary to AT&T.**

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert C. Barber".

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)

Certificate of Service
RECEIVED Docket No. I-00030099

The undersigned hereby certifies that true and correct copies of AT&T Communications of Pennsylvania, LLC.'s Supplemental response to OCA's Data Requests, Set II 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:

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Thomas, Thomas, Armstrong & Niesen
PO Box 9500
Harrisburg, PA 17108

SECRETARY'S BUREAU

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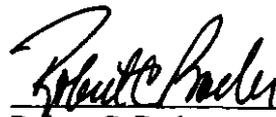
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Robert C. Barber

Dated: January 5, 2004

*By overnight mail

Suzan DeBusk Paiva
Assistant General Counsel
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ORIGINAL

January 6, 2004

RECEIVED

JAN 6 2004

VIA UPS OVERNIGHT DELIVERY

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

DOCUMENT

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Secretary McNulty:

Enclosed please find the original and three copies of Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Motion to Compel TelCove to Provide Complete Responses to the Commission's Appendix A Preliminary Discovery Requests in the above-referenced matter. Also enclosed is a copy of the letter being sent to TelCove, covering a copy of the Motion.

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

Very truly yours,

Suzan DeBusk Paiva

SDP/slb
Enc.

Via UPS Overnight Delivery

cc: Honorable Michael C. Schnierle (Cover Letter and Certificate Only)
Honorable Susan Colwell (Cover Letter and Certificate Only)
Jeffrey J. Heins, TelCove
Certificate of Service

CERTIFICATE OF SERVICE

ORIGINAL

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Motion to Compel TelCove to Provide Complete Responses to the Commission's Appendix A Preliminary Data Responses, 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 6th day of January, 2004.

DOCKETED
FEB 04 2004

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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January 6, 2004

Via E-mail and Overnight Delivery

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JAN 6 2004

DOCUMENT PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Mr. Buntrock:

Please find enclosed the responses of MCI WorldCom Network Services, Inc. ("MCI") to the Interrogatories of Joint Parties, Set I, in the above-referenced case.

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

Very truly yours,


Michelle Painter

cc: Certificate of Service
James McNulty (cover letter and Certificate of Service only)

Enclosures

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Responses to Joint Parties Interrogatories, Set I 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 January 6, 2004

VIA E-MAIL AND FIRST CLASS MAIL OR OVERNIGHT DELIVERY

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Michelle Painter

Suzan DeBusk Paiva
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January 6, 2004

BY OVERNIGHT DELIVERY

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Mr. Heins:

Enclosed please find Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Motion To Compel TelCove to Provide Complete Responses to the Commission's Appendix A Preliminary Discovery Requests in the above-referenced matter.

Please contact me if you have any questions about this matter.

Very truly yours,

Suzan DeBusk Paiva

Enclosures

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Docket No.
I-00030099

JAN 6 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**VERIZON PENNSYLVANIA INC.'S AND VERIZON NORTH INC.'S
MOTION TO COMPEL TELCOVE TO PROVIDE COMPLETE
RESPONSES TO THE COMMISSION'S APPENDIX A
PRELIMINARY DISCOVERY REQUESTS**

Verizon Pennsylvania Inc. and Verizon North Inc. ("Verizon") hereby move to compel complete responses to the Commission's Appendix A Preliminary Discovery Requests appended to the October 3, 2003 Procedural Order in this matter from Adelphia Business Solutions of Pennsylvania Inc. and PECO/Hyperion Telecommunications (now collectively known as "Telcove"). In support of this motion, Verizon states as follows:

1. The Commission's October 3, 2003 Procedural Order required that certain designated competitive local exchange carriers ("CLECs") "must file responses to the attached questions found in Appendix A by November 14, 2003." Among the CLECs required to answer these Commission discovery requests were "Adelphia Business Solutions of Pa., Inc." and "PECO Hyperion Telecommunications." Ordering Paragraph 4.

2. Although TelCove's response was not served upon Verizon, Verizon obtained from the Commission Secretary's Bureau a copy of the November 14, 2003 submission of TelCove, on behalf of Adelphia and PECO/Hyperion, in response to the Commission's Appendix A requests. That document is attached hereto as Exhibit A.

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DOCUMENT

3. TelCove's response attaches a one-page spreadsheet that appears to list the location and type of certain switches and the number of DS-1's served by each switch. TelCove's cover letter states that "TelCove has not been able to compile the information necessary to respond to all of the discovery requests in the time allotted to do so, but will supplement its responses with additional information as soon as we are able."

4. More than a reasonable amount of time has passed and, to Verizon's knowledge TelCove has not completed or supplemented this November 14 response.

5. At best, TelCove's spreadsheet responds to Commission switching request No. 1, but to Verizon's knowledge TelCove has not provided a response to switching requests 2 through 7 or to any of the transport requests. In fact, TelCove has thus far ignored its obligation to respond to the remainder of the Commission's discovery.

6. Verizon believes TelCove has information relevant to this proceeding and responsive to the Commission's discovery. For example, Verizon's own information shows TelCove (as Adelphia) [BEGIN TELCOVE PROPRIETARY] as a significant provider of mass market voice service using non-Verizon switching. It also shows TelCove as one of the companies meeting the transport triggers. [END TELCOVE PROPRIETARY] This information is depicted in the attachments to Verizon's Supplemental Testimony filed on December 19, 2003.

7. Verizon's own evidence is sufficient to establish that TelCove [BEGIN TELCOVE PROPRIETARY] is a provider of mass market service using non-Verizon switching and of dedicated transport as described in the attachments to Verizon's testimony. Indeed, TelCove's limited response corresponds to the locations where Verizon's evidence also shows it providing service through its own switches. [END

TELCOVE PROPRIETARY] However, it would be helpful to the record to have the information that the Commission ordered TelCove to provide. Moreover, it would be inequitable to allow TelCove to ignore the Commission's order to provide this information where the other CLECs that were subject to the Commission's order have made the effort to comply and to provide their competitively sensitive information in aid of the Commission's investigation.

8. Verizon has attempted to contact TelCove regarding this proceeding in the past. E-mail messages to the address on the official Service List have been undeliverable. A telephone message left for the author of the November 14 letter attempting to secure a copy of that filing was unreturned. On December 18, 2003 Verizon sent TelCove a letter by overnight mail requesting voluntary production by December 23 of TelCove's unbundled loops by wire center, disaggregated by business and residence (the same information for which Verizon has applied for a subpoena, and which is also requested in Commission switching request No. 5). To date, TelCove has not responded to that letter.

9. While TelCove has not intervened as a party to this proceeding, it was named in the Procedural Order as a party required to answer the Commission's discovery. The Commission explicitly found that it has the authority to require TelCove, as a public utility and certificated Pennsylvania CLEC, to answer this discovery "pursuant to the Commission's authority under Sections 504, 505, and 506 of the Public Utility Code as well as the authority delegated by the FCC to conduct these proceedings." Procedural Order at 19. The Commission also has the authority to enforce compliance with its own orders. *See e.g.*, 66 Pa. C.S. § 3301.

10. Given the short timeframe of this proceeding, Verizon requests that TelCove be ordered to file a complete response to the Commission's Appendix A discovery requests on behalf of Adelphia and PECO/Hyperion within 5 days of the order compelling the response, and to serve a copy of such responses upon all counsel on the service list via e-mail and overnight mail, or suffer an appropriate penalty.

11. Verizon is serving a copy of this motion upon Telcove via overnight mail to the author of the November 14, 2003 submission at the address listed on that cover letter.



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Counsel for Verizon Pennsylvania Inc. and
Verizon North Inc.

January 6, 2004

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EXHIBIT A

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Suzan DeBusk Paiva
Assistant General Counsel
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January 6, 2004

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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DOCUMENT

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

Dear Mr. Kohler:

Enclosed please find Verizon Pennsylvania Inc.'s Responses to the Pennsylvania Carrier's Coalition's Interrogatories, Set II, 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

SDP/meb

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 the Pennsylvania Carrier's Coalition's Interrogatories, Set II, 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 6th day of January, 2004.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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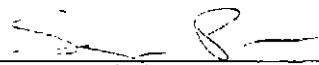
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January 6, 2004

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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DOCUMENT

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 additional responses to 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 additional responses to MCI WorldCom Network Services, Inc.'s First Set of Interrogatories and Requests for Production of Documents, 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 6th day of January, 2004.

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TOKYO, JAPAN

January 6, 2004

VIA ELECTRONIC AND FIRST CLASS MAIL

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2004 JAN -8 AM 9:54
FEDERAL
SECRETARY'S BUREAU

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

Dear Ms Morelli:

Enclosed please find the responses of XO Pennsylvania, Inc. ("XO") to the first set of discovery requests to CLECs filed by the Joint Parties¹ in the above referenced case. Please note that the responses contain proprietary information. Should you have any questions or require additional assistance, please do not hesitate to contact Erin Emmott at (202) 955-9766.

Respectfully submitted,

Erin W Emmott

Steven A. Augustino
Erin W. Emmott

Enclosures

cc: Parties of Record (via electronic and first class mail)
Mr. James M. McNulty, Secretary, Pennsylvania PUC (cover letter and service list)

¹ The Joint Parties are: BullsEye Telecom, InfoHighway Communications Corporation, McGraw Communications, Inc. and Metropolitan Telecommunications, Inc.

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

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

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I-00030099 Investigation into the Obligation of Incumbent Local
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January 6, 2004

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

Dear Ms Morelli:

Enclosed please find the responses of Broadview Networks, Inc. ("Broadview") to the first set of discovery requests to CLECs filed by the Joint Parties¹ in the above referenced case. Please note that the responses contain proprietary information. Should you have any questions or require additional assistance, please do not hesitate to contact Erin Emmott at (202) 955-9766.

Respectfully submitted,

Erin W. Emmott
Steven A. Augustino
Erin W. Emmott

Enclosures

cc: Parties of Record (via electronic and first class mail)
Mr. James M. McNulty, Secretary, Pennsylvania PUC (cover letter and service list)

¹ The Joint Parties are: BullsEye Telecom, InfoHighway Communications Corporation, McGraw Communications, Inc. and Metropolitan Telecommunications, Inc.

I-00030099 Investigation into the Obligation of incumbent Local Exchange Carriers to Unbundle Network Elements.

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

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I-00030099 Investigation into the Obligation of Incumbent Local
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January 6, 2004

VIA ELECTRONIC AND OVERNIGHT MAIL

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DOCUMENT

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

Dear Alan:

Please find enclosed AT&T Communications of Pennsylvania, LLC.'s Responses to PCC's First Set of Data Requests in the above-captioned matter. **Please note that this response includes information proprietary to AT&T.**

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

Very truly yours,

A handwritten signature in black ink that reads "Robert C. Barber".

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)

Certificate of Service

Docket No. I-00030099

RECEIVED

The undersigned hereby certifies that true and correct copies of AT&T Communications of Pennsylvania, LLC.'s Responses to the Pennsylvania Carrier Coalition's Data Requests, Set I 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:

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Dated: January 6, 2004

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DOCUMENT

SECRETARY'S BUREAU
04 JAN 12 AM 9:08

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

Dear Ross:

Please find enclosed AT&T Communications of Pennsylvania, LLC.'s Responses to the Joint Parties' First Set of Data Requests in the above-captioned matter. **Please note that this response includes 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)

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 Joint Parties' Data Requests, Set I 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:

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January 7, 2004

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JAN 07 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements; Docket No. I-00030099
Motion to Strike of the Loop/Transport Carrier Coalition

Dear Secretary McNulty:

Enclosed for filing with the Pennsylvania Public Utility Commission, please find an original and three (3) copies of the public version of the Loop/Transport Carrier Coalition's¹ Motion to Strike portions of the Direct and Supplemental Testimony filed by Verizon Pennsylvania, Inc. and Verizon North (collectively "Verizon") in the above captioned docket. The proprietary version of this filing is also included in the enclosed sealed envelope. Please date stamp the duplicate and return it in the provided envelope. Please feel free to contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W Emmott

Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures

cc: Service List (proprietary version via first class and electronic mail)
ALJ Michael C. Schnierle and ALJ Susan D. Colwell (proprietary version via first class and electronic mail)

¹ The Loop/Transport Carrier Coalition is comprised of Choice One Communications of Pennsylvania, Inc., Focal Communications Corporation of Pennsylvania, SNiP LiNK LLC, and XO Pennsylvania, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation into the
Obligation of Incumbent
Local Exchange Carriers
To Unbundle Network Elements

DOCKETED
FEB 05 2004

Docket No.
I-00030099

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

MOTION TO STRIKE

1. After finding on a nationwide basis that requesting carriers are impaired without access to unbundled loops and unbundled transport at the dark fiber, DS3 and DS1 levels, the Federal Communications Commission ("FCC") delegated to state commissions "the fact-finding role to determine on a route-specific basis where alternatives to the incumbent LECs' networks exist such that competing carriers are no longer impaired." Triennial Review Order, ¶ 398.¹ The FCC emphasized that when the states conduct their route-specific analysis, state commissions "need only address routes for which there is *relevant evidence in the proceeding* that the route satisfies one of the triggers." Triennial Review Order, ¶¶ 339, 417 (emphasis added). Pursuant to 52 Pa Code § 5.101, Choice One Communications of Pennsylvania, Inc., Focal Communications Corporation of Pennsylvania, SNiP LiNK LLC, and XO Pennsylvania, Inc. (collectively, the "Loop/Transport Carrier Coalition" or "Coalition"), by their undersigned counsel, move to strike portions of the testimony of Harold E. West, III and Carlo Michael Peduto, II ("West/Peduto testimony") submitted by Verizon Pennsylvania Inc. and Verizon

¹ *Review of the 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, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, 18 FCC Rcd 16978, FCC 03-36 (rel. Aug. 21, 2003) ("Triennial Review Order").*

DOCUMENT

North Inc. (collectively, “Verizon”)² filed with the Pennsylvania Public Utility Commission (“Commission”) As explained below, the West/Peduto testimony fails to present any route-specific evidence that wholesale service is available on the challenged routes, and therefore Verizon has failed to present any “relevant evidence” that the route satisfies the wholesale trigger. Verizon’s generalized assertions of wholesale availability should be stricken from the record.

ARGUMENT

2. Under the Commission’s rules, the Commission may order any redundant, immaterial, impertinent or scandalous matter stricken from a document filed with it. 52 Pa. Code § 1.4(e). In addition, a presiding judge has the power to exclude irrelevant, immaterial or unduly repetitive evidence from the scope of the proceeding. 52 Pa. Code § 5.483. In the case at hand, Verizon has been given two opportunities – in its October 31, 2003 Initial Testimony and its December 19, 2003 Supplemental Testimony – to present its evidence challenging the FCC’s findings of impairment. Verizon also has had access to the responses to the Commission’s data requests, and has propounded discovery to all CLEC parties in this case. Yet, as explained below, in the case of the wholesale triggers, Verizon has failed to produce any relevant evidence to support its assertion that the carriers make their own facilities available at wholesale on the routes in issue (for transport) or to the customer locations (for loops) identified. Since Verizon has now certified that its case is complete, the Commission should strike the West/Peduto testimony insofar as it claims that wholesale facilities are made available.

² Verizon’s October 31 testimony originally was filed by Mr. Peduto and Deborah M. Berry, but Mr. West has subsequently adopted Ms. Berry’s testimony. Accordingly, both the October 31 and December 19 testimony will be referred to as West/Peduto testimony. Attachment A lists the specific portions of the West/Peduto testimony that should be stricken from the record.

I. VERIZON'S TESTIMONY SHOULD BE STRICKEN TO THE EXTENT THAT IT ASSERTS WHOLESALE FACILITIES ARE MADE AVAILABLE

3. In support of the claim that wholesale facilities are made available, Verizon classifies entities as wholesale carriers if any of the following circumstances exist: (1) the carrier “holds itself out as a wholesale provider on its website – and does not limit its representation to particular routes”; (2) the carrier supplies transport facilities to Universal Access, Inc.; (3) the carrier “has a CATT arrangement in any of Verizon’s wire centers”; or (4) the carrier is listed in the New Paradigm CLEC Report 2003 as offering “dedicated access transport.”³ Similarly, with respect to loops, Verizon classifies a carrier as a wholesale provider if the carrier “publicly holds itself out as a wholesale provider – and does not limit its representation to particular locations or to exclude loops.”⁴ Verizon admits that it does not present “particularized, location-specific [or route-specific] evidence” of wholesale availability on any transport route or to any customer location.⁵

4. First and foremost, Verizon’s assertions of wholesale availability should be stricken because the evidence does not comply with the FCC’s requirement of route-specific (or location specific) evidence. Triennial Review Order, ¶¶ 339, 417. The Triennial Review Order requires states to conduct a granular, route-specific analysis of impairment with respect to unbundled loops and unbundled transport. As the FCC explained, it made “affirmative national findings of impairment and non-impairment for transport at the national level, as supported by

³ West/Peduto October 31 Testimony at 52-53.

⁴ West/Peduto December 19 Testimony at 27.

⁵ West/Peduto October 31 Testimony at 54; West/Peduto December 19 Testimony at 28. Verizon explicitly asks the Commission to rely on evidence of a carrier’s “general willingness” to provide wholesale service as a substitute for particularized, location-specific evidence. *Id.*

the record.” Triennial Review Order, ¶ 394. The FCC found, however, that the evidence in the record was not sufficiently detailed for it to identify those specific routes “where carriers likely are not impaired without access to unbundled transport in some particular instances.” *Id.* Therefore, it delegated to the states, “the fact-finding role of *identifying on which routes requesting carriers are not impaired* ... when there is evidence that two or more competing carriers, not affiliated with each other or the incumbent LEC, offer wholesale transport service completing that route.” Triennial Review Order, ¶ 412 (emphasis added).

5. The purpose of state application of the triggers was to enable the impairment analysis to be conducted at a granular, route-specific level, in order to identify where actual deployment demonstrated that requesting carriers would not be impaired. This fact-finding role requires that the Commission receive evidence relating to each specific route that is challenged by a carrier. Here, Verizon has failed to present the granular evidence necessary for the Commission to do so. Although Verizon presents route-specific evidence that CLEC-owned facilities exist on an “A to Z” route, nowhere in its testimony does Verizon assert that a carrier, in fact, provides wholesale transport on the route.⁶ On the key question of whether the identified facilities are made “readily available” on the route (*see* Triennial Review Order at ¶ 414 n.1279), Verizon is silent. It asks the Commission to infer wholesale availability on all routes based on non-granular assertions that some form of “wholesale” generally is offered. But this evidence, even if credited, would not establish that wholesale service was offered on the particular routes in question. Because Verizon has failed to connect its wholesale evidence with any of the

⁶ To be clear, Verizon’s evidence concerning facilities deployment is flawed in its own respect, including by way of illustration, Verizon’s erroneous assumption that two collocations necessarily indicate a transport route. Because the testimony is route-specific, however, CLECs will respond to these assertions in their testimony.

transport routes or customer locations challenged, its testimony on wholesale availability should be stricken as irrelevant.⁷

6. It is not sufficient for the ILEC challenging the FCC finding to cite to a “general willingness” to wholesale, as Verizon admits that it does. The FCC test avoids reliance on a “general willingness” in favor of actual availability on the route. As the FCC explained in the Triennial Review Order, the competitive wholesale facilities trigger safeguards *against* “counting alternative fiber providers that may offer service, but ... are otherwise unable immediately to provision service along the route” and *avoids* “counting alternative transport facilities owned by competing carriers not willing to offer capacity to their network on a wholesale basis.” Triennial Review Order, ¶ 414. In short, the test “ensures that transport can readily be obtained from a firm using facilities that are not provided by the incumbent LEC.” Triennial Review Order, ¶ 412. Without route-specific evidence, these purposes cannot be satisfied.

7. Verizon tries to gloss over this deficiency by arguing that the burden is on CLECs to refute that they offer wholesale service on the routes. But Verizon cannot shift to CLECs its burden of proof to overcome the FCC’s findings of impairment. Moreover, Verizon has failed to provide any evidence of wholesale alternatives on the specific transport routes or to the specific customer locations, despite the availability of relevant information in discovery. The Commission’s questions for CLECs, for example, asked the specified carriers to “identify and describe any arrangements into which you have entered with another entity for such other entity’s use of transport facilities in Pennsylvania that you own or control, on a lease or other

⁷ Among other things, under Verizon’s criteria, the carriers in question could offer wholesale service in another state altogether, but not in Pennsylvania, and not on the specific routes challenged by Verizon.

basis.”⁸ Responses to this question could have been used to identify specific routes where wholesale arrangements had been made. But Verizon chose to ignore this route-specific evidence, presumably because it severely undermines its efforts to show wholesale availability on any routes. By way of illustration, Verizon’s October 31 route list identifies XO as a wholesale provider on *****BEGIN PROPRIETARY***** *****END PROPRIETARY***** routes. XO’s response to the Commission’s question 6, however, *****BEGIN PROPRIETARY*****

*****END PROPRIETARY***** By

eschewing route-specific information, Verizon has substantially inflated the number of transport routes that it challenges.

8. Similarly, Verizon served its own discovery on CLECs on November 25, 2003, and had the opportunity to request route-specific wholesale information in those requests. It chose not to do so, ignoring wholesale transport entirely and asking only an irrelevant question of entities that buy loop services from other carriers.⁹ Verizon had several opportunities to obtain route-specific evidence in this proceeding; it simply chose not to do so.

9. Second, Verizon’s “general willingness” evidence fails even to make a *prima facie* case of wholesale availability as defined by the triggers. Two of the enumerated transport criteria – “holding oneself out” as a wholesale provider and being listed in the New Paradigm CLEC Report 2003 -- offer no evidence that the carrier uses its own facilities to provision

⁸ See October 2, 2003 Procedural Order at Appendix A, Transport Q. 6.

⁹ Verizon asked CLECs to “Provide a list of the customer locations in Pennsylvania to which you have obtained high-capacity loop facilities or services from a supplier other than an ILEC (including wholesale providers and non-certificated providers), as well as the address of each location.” Verizon’s question does not elicit information that would enable a party to distinguish special access resale from facilities-based wholesale, however.

transport. Even if the carrier offered service at wholesale (which Verizon's evidence does not show), the carrier satisfying these criteria could be reselling special access services of the ILEC. Further, the New Paradigm CLEC Report's "evidence" of wholesale activity is pure hearsay. It could be stricken for that reason alone.¹⁰ With respect to wholesaling based on the provision of facilities to Universal Access, Verizon offers no evidence that the facilities alleged to be provided to Universal Access terminate in a collocation arrangement at each end of the transport route, and thus are even "transport" as defined in the trigger. Moreover, Verizon does not allege that the wholesale carriers make any of the transport routes identified available to other carriers through Universal Access. As a result, even if some facilities are made available to Universal Access, those facilities are not relevant to any of the routes (or customer locations) that Verizon places in issue.

10. Finally, Verizon's assertion of wholesale availability based on CATT arrangements is a sleight of hand. Verizon classifies the entity as a wholesale provider if it "has a CATT arrangement in *any* of Verizon's wire centers."¹¹ Tellingly, putting aside the question whether a CATT arrangement qualifies as collocation within the meaning of the triggers, Verizon did not require that a CATT arrangement be in place on even one end of the transport route that it identifies as a wholesale route, let alone on both ends, as the FCC's definition of a route requires. Indeed, a carrier with a single CATT arrangement in an unrelated central office could be classified as a wholesale provider on scores (or hundreds) of transport routes, even if it purchases transport from Verizon at each of the central offices on the routes. As a result, Verizon's CATT criterion does not identify wholesale availability on any routes.

¹⁰ See e.g. 52 Pa. Code § 5.401(a) (regarding the relevance and materiality of evidence).

¹¹ West/Peduto October 31 Testimony at 53 (emphasis added).

11. In sum, Verizon's evidence of wholesale availability simply is immaterial to the granular analysis required by the FCC's triggers. Because Verizon has been given every opportunity to develop and present relevant evidence that wholesale facilities are made available on the routes it challenges, and Verizon has failed to do so, the Commission should strike those portions of Verizon's testimony relating to wholesale facilities. CLECs should not be made to refute, on a "particularized, location-specific basis," evidence that does not address those locations in the first place.

II. IN THE ALTERNATIVE, EVIDENCE OF DS1 WHOLESALE SHOULD BE STRICKEN

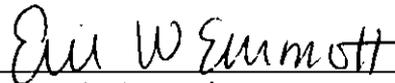
12. Even if Verizon's showing with respect to wholesale availability in general is not stricken, the Commission should nevertheless strike all claims that DS1 loops or transport are available on a wholesale basis. Verizon assumes that all wholesale providers will offer DS1 transport, despite the FCC's finding that "DS1 transport is not generally made available on a wholesale basis."¹² Given this finding by the FCC, at a minimum, Verizon must submit evidence that the wholesale carriers (assuming, *arguendo*, that they are properly classified as wholesalers) offer transport and loops to other carriers at a DS1 level. Evidence that carriers offer service "at varying transmission speeds" or "up to OC 48" (see West/Peduto October 31 Testimony at 55) does not identify whether that carrier is willing to offer it at a DS1 level. Because Verizon's testimony simply assumes this without any support, its assertions regarding the availability of DS1 wholesale should be stricken.

¹² *TRO*, ¶ 392; *see id.* at n. 1216 (noting the "very limited evidence of carriers using alternative DS1 transport").

CONCLUSION

13. For the reasons explained above, Verizon fails to present any relevant evidence on which the Commission could rely to conclude that competitive facilities are made available at wholesale on any of the transport routes or to any of the customer locations identified by Verizon in its testimony. Accordingly, the Commission should strike those portions of Verizon's testimony that relate to wholesale facilities. At a minimum, the Commission should strike all assertions that DS1 facilities are made available on a wholesale basis, because the bare assertion conflicts with the FCC's findings based on a national record.

Respectfully submitted,



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Dated: January 7, 2004

**Attachment A
Portions of Verizon Testimony
To be Stricken**

I. Generalized Evidence of Wholesale Availability

West/Peduto October 31, 2003 Direct Testimony

Page	Lines
44	8-12, 14-22
45	1-3 (through "other carriers"), 12-16
52	20-24
53	1-21
54	1-7, 17-22
55	1-12
Attachment 6	sections B, B.1 and B.2
Attachment 8	(entire)

West/Peduto December 19, 2003 Supplemental Direct Testimony

Page	Lines
8	10-16, 20-25
22	21 (beginning with "There are", ending with "wholesale trigger")
22	23 (through "wholesale trigger")
26	9-22
27	1-16
28	1-5
Attachment 3	sections C and D
Attachment 4	sections C and D
Attachment 5	sections C and D
Attachment 6	sections C and D
Attachment 7	columns F and G

II. Evidence of DS1 Wholesale Availability

West/Peduto October 31, 2003 Direct Testimony

Page	Lines
54	17-22
55	1-12
Attachment 6	sections B, B.1 and B.2
Attachment 8	(entire)

West/Peduto December 19, 2003 Supplemental Direct Testimony

Page	Lines
27	7-13
28	1-5
Attachment 3	section C
Attachment 4	section C
Attachment 5	section C
Attachment 6	section C
Attachment 7	column G

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

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January 7, 2004

VIA EMAIL AND UPS OVERNIGHT DELIVERY

DOCUMENT

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

To All Parties In Docket No. I-00030099:

Enclosed please find Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Fourth Set of Interrogatories And Document Requests To Choice One, Focal and AT&T in the above-captioned matter. Please note that due to the information contained in them, the questions are marked Proprietary as to each of these parties.

Please do not hesitate to contact me if you have questions about this matter.

Very truly yours,

Suzan D. Paiva

SDP/meb
Enc.

Via UPS Overnight Delivery

cc: Secretary James J. McNulty (cover and certificate only) ✓
Honorable Michael Schmierle (cover and certificate only)
Honorable Susan Colwell (cover and certificate only)
Attached Certificate of Service

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Fourth Set of Interrogatories to Choice One. Focal and AT&T, 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 7th day of January, 2004.

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PLEASE DOCKET

COMMISSION
PA PUBLIC UTILITY SECRETARY'S OFFICE
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of: Investigation into the
Obligation of Incumbent Local Exchange Carriers
To Unbundle Network Elements

Docket No. I-00030099

SUBPOENA

Jeffrey J. Heins
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DOCKETED
FEB 05 2004
DOCUMENT

To: _____
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to 1717 Arch Street, 32nd
Floor, at Philadelphia
(place)

Pennsylvania, on January 14, 2004, at 10:00 a.m. o'clock, in the above case, to testify
(date)
on behalf of the petitioner (Verizon Pennsylvania Inc. and Verizon North Inc.) and to remain
until excused;

2. And bring with you and produce the following: _____

Please provide the total number of voice grade unbundled loops, including voice grade loops
provisioned as part of an EEL, that you have purchased or obtained from Verizon Pennsylvania Inc.
or Verizon North Inc., by wire center, broken down into business and residential loops.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

Date 1/7/2004

BY THE COMMISSION
Michael C. Schmale
Administrative Law Judge

Commonwealth of Pennsylvania)
) SS:
Count of)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon _____
by handing the same to him/her at _____ on the
_____ day of _____, 20 at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 20

Notary Public

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BEFORE THE PENNSYLVANIA PUBLIC UTILITIES COMMISSION

INVESTIGATION INTO THE OBLIGATION OF INCUMBENT LOCAL EXCHANGE CARRIERS TO UNBUNDLE NETWORK ELEMENTS	PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU	Docket No. I-000300099
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Certificate of Service

I hereby certify that I have caused the Testimony of Richard Anderson on behalf of Allegiance Telecom of Pennsylvania, Inc. to be served upon counsel for all parties VIA e-mail and VIA UPS overnight to the following addresses:

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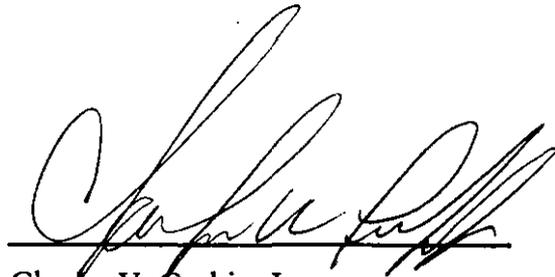
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EMAIL: hhendrickson@kelleydrye.com

January 8, 2004

RECEIVED

JAN 09 2004

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth of Pennsylvania
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

DOCUMENT

Re: *Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Local Circuit Switching for the Enterprise Market, Investigation into the Obligations of Incumbent Local Exchange Carriers Unbundle Network Elements, and Development of an Efficient Loop Migration Process, Procedural Order Executed Confidentiality Agreements*

Dear Secretary McNulty:

Enclosed please find the executed confidentiality agreement for the above listed dockets for the following employees of Broadview Networks, Inc.: Timothy J. Bell, Seong Kim, James Lennon, Sean P. Lynch, John F. Raigosa and JoAnn Wight. Please feel free to contact the undersigned counsel at 202-887-1284 if you have any questions regarding this filing.

Respectfully submitted,

Heather T. Hendrickson

Enclosures

cc: Service List (via first class and electronic mail)

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~M00031754~~

I-00030099

DOCKETED
FEB 05 2004

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the Director, Financial Reporting of Broadview Networks, Inc. (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/24/03



Signature

SEONG KIM

Print Name

Employer

Status relative to Retaining Party

BROADVIEW NETWORKS

Employer

45-18 CT SQ SUITE 300

Address

DOCUMENT

RECEIVED

APPENDIX A-2

JAN 09 2004

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~A-00031754~~

I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED
JAN 05 2004

TO WHOM IT MAY CONCERN:

The undersigned is the Managing Director - Vendor Management of Broadview Networks (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 12/8/03



Signature

James Lennon

Print Name

Employee

Status relative to Retaining Party

Broadview Networks

Employer

744 Broad Street

Address

Newark NJ 07102

DOCUMENT

APPENDIX A-2

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

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JAN 09 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~M00031754~~

I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED
FEB 05 2004

TO WHOM IT MAY CONCERN:

The undersigned is the Director Network Capacity of Broadview Networks, Inc. (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/21/03

[Signature] DOCUMENT
Signature
SEAN PLYNCH
Print Name
EMPLOYEE
Status relative to Retaining Party
BROADVIEW NETWORKS
Employer
37-18 Northham Blvd LICNY 11101
Address

APPENDIX A-2

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

RECEIVED

JAN 09 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~A~~400031754

20030099

CONFIDENTIALITY AGREEMENT

DOCKETED

FEB 05 2004

TO WHOM IT MAY CONCERN:

The undersigned is ~~the~~ an employee of Broadview Networks, Inc. (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 12-16-03

John F. Raigosa DOCUMENT
Signature
JOHN F. RAIGOSA
Print Name
Employee
Status relative to Retaining Party
BROADVIEW NETWORKS
Employer
39-18 NORTHERN BLVD
Address LONG ISLAND CITY, NY
11101

✓

APPENDIX A-2

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

RECEIVED

JAN 09 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~M-00031754~~
I-00030600

CONFIDENTIALITY AGREEMENT

DOCKETED
FEB 05 2004

TO WHOM IT MAY CONCERN:

The undersigned is the Director, Operations Support of Broadview Networks, Inc. (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 12/3/03

John Wight
Signature
John Wight
Print Name
Dir, Operations Support
Status relative to Retaining Party
Broadview Networks
Employer
100 Hasbain Rd, Ste. 130
Address
Harrisburg, PA 17104

DOCUMENT

RECEIVED

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

JAN 09 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~M-00031754~~

I-01030009

CONFIDENTIALITY AGREEMENT

DOCKETED
FEB 05 2004

TO WHOM IT MAY CONCERN:

The undersigned is the VP customer operations of Broadview Networks Inc. (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of Verizon (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 1/5/04

[Signature]
Signature

Timothy J Bell
Print Name

Employee
Status relative to Retaining Party

Broadview Networks
Employer

Address

DOCUMENT



Robert C. Barber
Senior Attorney

ORIGINAL

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

January 8, 2004

BY OVERNIGHT MAIL

RECEIVED

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

DOCUMENT

JAN 08 2004

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Mr. McNulty:

Please find enclosed for filing in the above-captioned proceeding the original and three (3) copies of AT&T Communications of Pennsylvania, LLC.'s Objections to Verizon's Third set of Interrogatories and Requests for Production of Documents.

Please do not hesitate to contact me with any questions regarding the enclosures.

Very truly yours,

Robert C. Barber

Enclosures

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JAN 08 2004

INVESTIGATION INTO OBLIGATIONS
OF INCUMBENT LOCAL EXCHANGE
CARRIERS TO UNBUNDLE
NETWORK ELEMENTS

Docket No. I-00030099

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKETED
FEB 05 2004

FEB 4 5 2004

AT&T COMMUNICATIONS OF PENNSYLVANIA, LLC.'S
OBJECTIONS TO VERIZON'S
THIRD SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS

DOCUMENT

Pursuant to 52 Pa. Code §5.342 and §5.349, AT&T Communications of Pennsylvania, LLC. ("AT&T") objects to Verizon Pennsylvania Inc. and Verizon North Inc.'s Third Set of Interrogatories and Requests for Production of Documents as follows:

GENERAL OBJECTIONS

AT&T objects to Verizon Pennsylvania Inc.'s First Set of Interrogatories and Request for Production of Documents on the following grounds, which are incorporated by reference without waiver into each answer to Interrogatory and the corresponding response to request for production of documents:

1. AT&T objects to the Interrogatories and request for production of documents to the extent they seek information or documents that are protected by the attorney/client privilege, the work product immunity or any other applicable privilege.
2. AT&T objects to the Interrogatories and request for production of documents to the extent they seek to obtain confidential or proprietary information concerning AT&T's business plans, technology, trade secrets and other sensitive commercial information.
3. AT&T objects to the definitions and instructions included in the Interrogatories and request for production of documents to the extent they purport to

require responses or impose obligations beyond those that are required by the Public Utility Code.

4. AT&T objects to the Interrogatories and request for production of documents to the extent they seek information or documents not directly concerning the market for jurisdictional telecommunications services in the Commonwealth of Pennsylvania on the ground they are overly broad, unduly burdensome, irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

5. AT&T objects to the Interrogatories and request for production of documents to the extent they are overly broad, unduly burdensome and oppressive.

6. AT&T objects to the Interrogatories and request for production of documents to the extent they are vague, ambiguous or based upon imprecise terms.

SPECIFIC OBJECTIONS TO INTERROGATORIES

Subject to and without waiving the foregoing General Objections, which are incorporated by reference into each answer to Interrogatory and response to document request, AT&T objects as follows to the specific Interrogatories and requests for production of documents:

VZ II-7 Identify all fiber optic transport facilities in Pennsylvania that you own, by street address of its origination and termination points (or if no termination point, by the location of a fiber ring), as well as a description of the route between those points. (For purposes of responding to this question, your own transport facilities include facilities that you own solely or jointly, as well as facilities that you have obtained from another entity on a long-term, indefeasible right of use basis.) (For the definitions of transport facilities or transport services for this and all other interrogatories, see Instruction M.)

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-8 For each transport facility identified in response to Question II-7, provide a map in an electronic form (such as MapInfo, Arcview, or another GIS program) showing its location.

Objection. Especially insofar as this data request, by its terms, appears to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services, it is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-9 Identify all transport facilities in Pennsylvania that you *offer* to make available to other carriers, by street address of its origination and termination points, as well as a description of the route between those points.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-10 For each transport facility identified in response to Questions II-9, identify by CLLI code and street address, all incumbent LEC switches and wire centers to which the transport facility is directly or indirectly connected, regardless whether the route passes through one or more intermediate wire centers or switches.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-11 For each incumbent LEC switch or wire center identified in response to Question II-10, identify the optical speed at which the facilities connected to each operates.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-12 For each incumbent LEC switch or wire center identified in response to Question II-10, identify the capacity or capacities of services (e.g., DS-1, DS-3) carried by the transport facilities to and/or from the incumbent LEC switch or wire center.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-13 For each incumbent LEC switch or wire center identified in response to Question II-10, identify the carrier or carriers to which you make the transport facility available, or to which you have offered to make the facility available.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-14 For each collocation arrangement in a Verizon wire center or central office identified in response to the Commission's Transport Question 2, identify where your fiber goes after it leaves each Verizon wire center. For example, if you have fiber at five Verizon wire centers, and all of the fiber runs to a single POP, identify the location of that POP by the street address and unique reference number (e.g., CLLI), and describe precisely where the fiber goes at the POP.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-15 Identify by street address and unique reference number (e.g., CLLI) where your POPs or transport facilities interconnect with each other in Pennsylvania.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-16 Describe how your fiber connects or terminates at each of your POPs, wire centers, or collocation arrangements in Pennsylvania.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-17 Identify the termination equipment at each of your POPs, wire centers, or collocation arrangements in Pennsylvania.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-18 Identify the services or capacities offered to end users over your OC-n level transport facilities in Pennsylvania.

Objection. This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence.

VZ II-26 Provide all documents identifying the fiber optic dedicated transport in Pennsylvania that you make available, or have offered to make available (e.g., through lease, indefeasible right of use), to other carriers.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

VZ II-27 Provide all documents that discuss or describe your willingness to provide dedicated transport in Pennsylvania to other carriers.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

VZ II-28 Produce all documents that discuss or describe your unwillingness to provide dedicated transport in Pennsylvania to other carriers.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

VZ II-29 Provide all documents that discuss or describe the capacity or capacity of services (e.g., DS-1, DS-3) that you offer in Pennsylvania to other carrier, or have offered to other carriers.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

VZ II-30 Provide all documents that discuss or describe the capacity or capacity of services (e.g., DS-1, DS-3) that you offer in Pennsylvania to retail customers, or have offered to retail customers.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

VZ II-31 Provide all documents that discuss or describe whether you are willing to provide dark fiber dedicated transport in Pennsylvania to other carriers.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the

request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

VZ II-32 Provide all documents that discuss or describe the dedicated transport in Pennsylvania that you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LECs.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

VZ II-33 Provide all documents that discuss or describe the capacity or capacity of services (e.g., DS-1, DS-3) in Pennsylvania that you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LEC carriers.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

VZ II-34 Provide all documents that discuss or describe dark fiber in Pennsylvania that you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LEC carriers.

Objection: This data request, by its terms, would appear to be seeking information related to transport facilities that are not pertinent to this proceeding, such as facilities related to the provision of long distance and other similar services. As such the request is overbroad and unduly burdensome, and is irrelevant to the subject matter involved in this action and not reasonably calculated to lead to the discovery of admissible evidence. The request for "all documents" also is vague and overbroad.

Respectfully submitted,

**AT&T COMMUNICATIONS
OF PENNSYLVANIA, LLC.**

By its Attorneys,

A handwritten signature in black ink, appearing to read "Robert C. Barber", written over a horizontal line.

Robert C. Barber
3033 Chain Bridge Road
Oakton, VA 22185
(703) 691-6061

Of Counsel:
Mark Keffer

Dated: January 8, 2004

Certificate of Service
Docket No. I-00030099

JAN 08 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

The undersigned hereby certifies that true and correct copies of the AT&T Communications of Pennsylvania, LLC.'s Objections to Verizon's Third Set of Interrogatories and Requests for Production 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

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

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

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

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

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

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

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

Steven A. Augustino, Esq.
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1200 19th Street N.W.
Suite 500
Washington, DC 20036

Richard U. Stubbs, Esq.
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Warminster, PA 18974

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

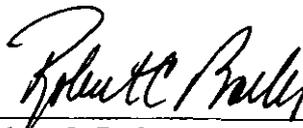
Philip Macres, Esq.
Swidler Berlin Shereff & Friedmann
3000 K Street, NW
Washington, DC 20007

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

Debra M. Kriete, Esq.
Rhoads & Sinon LLP
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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: January 8, 2004

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

January 8, 2004

RECEIVED

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

DOCUMENT

JAN 08 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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 Additional Supplemental Responses to 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. Additional Supplemental Responses to MCI WorldCom Network Services, Inc.'s First Set of Interrogatories and Request for Production of Documents, 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 8th day of January, 2004.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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Via e-mail only to OCA Consultants:
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Melanie Lloyd
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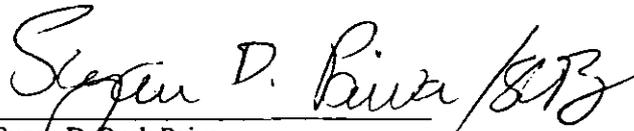
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January 8, 2004

BY OVERNIGHT MAIL AND ELECTRONIC MAIL

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DOCUMENT

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JAN 9 2004
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Mr. Buntrock:

Enclosed please find the PROPRIETARY responses of CTSI, LLC to the Joint Parties' 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)
Service List

I hereby certify that on this 9TH day of January, 2004, I served a copy of the foregoing Responses of CTSI, LLC to Set I Interrogatories of Joint Parties in Docket Number I-00030099, by U.S. first class mail, postage prepaid, except where otherwise indicated, on the following individuals:

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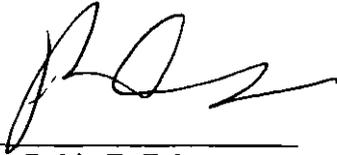
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A handwritten signature in black ink, appearing to read 'R. Cohn', written over a horizontal line.

Robin F. Cohn

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Mr. Buntrock:

Enclosed please find the PROPRIETARY responses of RCN Telecom Services, Inc., and RCN Telecom of Philadelphia, Inc., to the Joint Parties' 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)
Patrick McGuire
Service List

I hereby certify that on this 8TH day of January, 2004, I served a copy of the foregoing Responses of RCN Telecom Services Inc., and RCN Telecom of Philadelphia, Inc., to Set I Interrogatories of Joint Parties in Docket Number I-00030099, by U.S. first class mail, postage prepaid, except where otherwise indicated, on the following individuals:

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UNITED STATES OF AMERICA

A handwritten signature in black ink, appearing to read 'R. Cohn', written over a horizontal line.

Robin F. Cohn

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Telephone: 717-541-1194

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January 9, 2004

James J. McNulty, Secretary
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Public Utility Commission
Commonwealth Keystone Building
400 North Street
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ORIGINAL

RE: Interrogatory Responses of Penn Telecom
Docket No. I-00030099

DOCUMENT

Dear Mr. McNulty:

Enclosed please find for filing a Certificate of Service for Penn Telecom Inc.'s responses to Verizon's Second Set of Interrogatories and PCC Interrogatories to CLECs in the above-referenced matter.

Should you have any questions, please do not hesitate to contact me at (717) 541-1194.

Renardo L. Hicks

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Fax: (717) 541-5434
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cc: Attached Certificate of Service w/enc.

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2004 JAN 20 AM 11:46
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80

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the forgoing documents upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant).

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SECRETARY'S BUREAU

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DATE: January 9, 2003

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S/ Renardo L. Hicks

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January 9, 2004

VIA UPS

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT

**Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements; Docket No. I-00030099
Direct Testimony on Behalf of the CLEC Coalition**

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the following Direct Testimony issued on behalf of ARC Networks, Inc. d/b/a InfoHighway Communications, Corp., Broadview Networks, Inc., BullsEye Telecom, Inc., McGraw Communications, Inc. and Metropolitan Telecommunications of PA, Inc. (collectively the "CLEC Coalition") in the above-captioned docket:

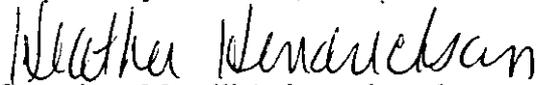
- 1) Direct Testimony and Exhibits of Joseph Gillan, Consultant for the CLEC Coalition;
- 2) Direct Testimony of Rebecca H. Sommi, Vice President – Operations and Support for Broadview Networks, Inc.; and
- 3) Direct Panel Testimony of Michael Hou, Senior Vice President of Broadview Networks, Inc., and Peter Karoczkai, Senior Vice President of ARC Networks, Inc. d/b/a InfoHighway Communications, Corp.

KELLEY DRYE & WARREN LLP

James J. McNulty, Secretary
January 9, 2004
Page Two

The proprietary version of this filing including the exhibits is being provided to the service list for this docket and Administrative Law Judges Schnierele and Colwell via overnight and electronic mail. Please date stamp the enclosed duplicate and return it in the provided envelope. Please feel free to contact the undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,


Genevieve Morelli (*admitted pro hac vice*)
Ross A. Buntrock (*admitted pro hac vice*)
Heather T. Hendrickson (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

cc: Service List (proprietary version and exhibits via overnight and electronic mail)
ALJ Michael C. Schnierle and ALJ Susan D. Colwell (proprietary version and exhibits
via overnight and electronic mail)

CERTIFICATE OF SERVICE

RECEIVED

JAN 09 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

I hereby certify that I have this day served a true copy of the foregoing Direct Testimony of Joseph Gillan, Direct Testimony of Rebecca H. Sommi, and the Direct Panel Testimony of Michael Hou and Peter Karozckai upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant). The served testimony is filed on behalf of the CLEC Coalition in Docket No. I-00030099.

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Date: January 9, 2004

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January 9, 2004

VIA UPS

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Pennsylvania Public Utility Commission
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Harrisburg, Pennsylvania 17120

DOCUMENT

**Re: Investigation into the Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements; Docket No. I-00030099
Direct Testimony of SNIp LiNK LLC**

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the Direct Testimony of SNIp LiNK LLC in the above captioned docket. The proprietary version of this filing including the exhibits is being provided to the service list for this docket and Administrative Law Judges Schnierle and Colwell via overnight and electronic mail. Please date stamp the enclosed duplicate and return it in the provided envelope. Please feel free to contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W Emmott

Steven A. Augustino (*admitted pro hac vice*)
Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

cc: Service List (proprietary version and exhibits via overnight and electronic mail)
ALJ Michael C. Schnierle and ALJ Susan D. Colwell (proprietary version and exhibits
via overnight and electronic mail)

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I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

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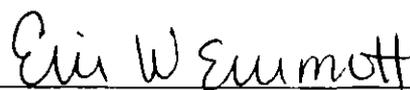
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DOCUMENT

**Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements; Docket No. I-00030099
Direct Testimony of XO Pennsylvania, Inc.**

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the Direct Testimony of XO Pennsylvania Inc. in the above captioned docket. The proprietary version of this filing including the exhibits is being provided to the service list for this docket and Administrative Law Judges Schmierle and Colwell via overnight and electronic mail. Please date stamp the enclosed duplicate and return it in the provided envelope. Please feel free to contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W Emmott

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Enclosures (cover letter and certificate of service only)

cc: Service List (proprietary version and exhibits via overnight and electronic mail)
ALJ Michael C. Schmierle and ALJ Susan D. Colwell (proprietary version and exhibits via overnight and electronic mail)

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I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

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January 9, 2004

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**Re: Investigation into the Obligations of Incumbent Local Exchange Carriers
to Unbundle Network Elements; Docket No. I-00030099
Direct Testimony of Choice One Communications of Pennsylvania Inc.**

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the Direct Testimony of Choice One Communications of Pennsylvania Inc. in the above captioned docket. The proprietary version of this filing including the exhibits is being provided to the service list for this docket and Administrative Law Judges Schnierele and Colwell via overnight and electronic mail. Please date stamp the enclosed duplicate and return it in the provided envelope. Please feel free to contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W. Emmott

Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

cc: Service List (proprietary version and exhibits, excluding Exhibit E to be provided under separate cover via overnight and electronic mail)
ALJ Michael C. Schnierle and ALJ Susan D. Colwell (proprietary version and exhibits, excluding Exhibit E to be provided under separate cover via overnight and electronic mail)

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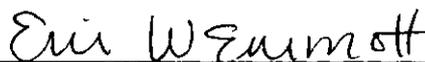
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Erin W. Emmott

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January 9, 2004

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SECRETARY'S BUREAU

RE: Petition to Intervene of Penn Telecom
Docket No. I-00030099

Dear Mr. McNulty:

DOCUMENT

Enclosed please find for filing an original Certificate of Service for the Direct Testimony of Penn Telecom in the above-referenced matter.

Should you have any questions, please do not hesitate to contact me at (717) 541-1194.

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cc: Attached Certificate of Service with
VIA Overnight Mail

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the forgoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant).

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SECRETARY'S BUREAU
01 JUN 11 10:42 AM '04

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FEB 05 2004

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DATE: January 9, 2003

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January 9, 2004

BY ELECTRONIC AND OVERNIGHT MAIL

Administrative Law Judge Michael C. Schnierle
Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RECEIVED
JAN 9 2004
PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

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

Dear Judge Schnierle and Judge Colwell:

Please find enclosed on behalf of AT&T Communications of Pennsylvania, LLC, the original copy of the Direct Testimony of Robert J. Kirchberger and E. Christopher Nurse (AT&T Stmt. 1.0) and of the Direct Testimony of John Mayo, Ph.D. (AT&T Stmt. 2.0). **Please note that AT&T Stmt. 1.0 includes information that has been designated as proprietary in this proceeding.**

Copies of the enclosed testimony also are being served on all parties of record, as reflected on the attached service list. Please do not hesitate to contact me with any questions regarding the enclosures.

Very truly yours,

Robert C. Barber

Enclosures

cc: Service List (w/ encl)
James McNulty, Secretary (cert. of service only)

Certificate of Service
Docket No. I-00030099

The undersigned hereby certifies that true and correct copies of the Direct Testimony of Robert Kirchberger and E. Christopher Nurse and of John Mayo, Ph.D. on behalf of AT&T Communications of Pennsylvania, LLC. were caused to be served on the persons named below by electronic and overnight mail in accordance with the requirements of 52 Pa. Code §§1.52 and 1.54:

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Robert C. Barber

Dated: January 9, 2004



Zsuzsanna E. Benedek
Senior Attorney

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

January 9, 2004

VIA HAND DELIVERY

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

DOCUMENT

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SECRETARY'S BUREAU

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

Dear Judges Schnierle and Colwell:

In accordance with the Second Prehearing Order dated January 2, 2004, enclosed please find the following prefiled Direct Testimony of Sprint Communications Company, L.P. (hereinafter "Sprint"):

Sprint Statement 1.0 of Peter N. Sywenki
Sprint Statement 2.0 of James D. Dunbar

Proprietary and public versions of both Sprint Statement Nos. 1 and 2 are being served upon parties listed on the attached certificate of service. The proprietary version is distributed to parties who have executed confidentiality agreements. Parties who have not executed the Confidentiality Agreement are only served a public version of Sprint Statement Nos. 1 and 2.

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

Sincerely,

Sue Benedek

ZEB/jh
enclosures

cc: James J. McNulty, Secretary (*letter and certificate only*)(*via hand delivery*)
Certificate of Service (*via electronic mail and overnight mail*)

**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

DUCKETED
FEB 05 2004

I hereby certify that I have this 9th day of January, 2004, served a true copy, via electronic and overnight mail, of the foregoing Testimony, in accordance with the requirements of 52 Pa. Code §1.54:

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* Proprietary Version

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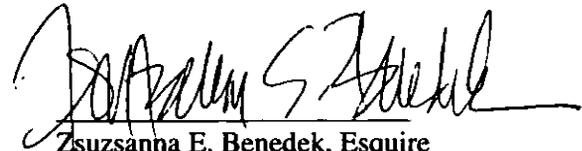
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Respectfully Submitted,



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* Proprietary Version

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2004 JAN -9 PM 3:50
SECRETARY'S BUREAU



"Your Local Telephone Company"

VIA EMAIL AND OVERNIGHT DELIVERY

January 9, 2004

Hon. Michael C. Schnierle, Administrative Law Judge
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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JAN 9 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Hon. Susan D. Colwell, Administrative Law Judge
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
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Harrisburg, PA 17120

DOCUMENT

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

Dear Judges Colwell and Schnierle:

Pursuant to 52 Pa. Code Sec. 5.412(f) and the Orders issued in the above-referenced docket, Cavalier Telephone Mid-Atlantic, LLC ("Cavalier") hereby submits the Direct Testimony of Jim Vermeulen in the referenced matter.

Please do not hesitate to contact me if you have any questions or comments.

Very truly yours,

Richard U. Stubbs
267.803.4002
rstubbs@cavtel.com

cc: James J. McNulty, Secretary (certificate of service only)
Parties of Record

Enclosure

SERVICE LIST

DOCKETED
FEB 05 2004

I hereby certify that I have this day served a true copy of Cavalier Telephone Mid-Atlantic, LLC's Direct Testimony of Tom Vermeulen upon the participants listed below in accordance with 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys) and the Orders issued in the referenced matter.

Dated in Warminster, Pennsylvania on January 9, 2004.



Richard U. Stubbs

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JAN 9 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

January 9, 2004

DOCUMENT

Via E-Mail and Overnight Delivery

The Honorable Michael Schnierle
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

The Honorable Susan Colwell
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Commonwealth Keystone Building
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 Your Honors:

Please find enclosed a copy of the Direct Testimony of the following witnesses on behalf
of MCI WorldCom Network Services, Inc. in the above referenced matter:

Michael D. Pelcovits	MCI Statement 1.0
Earle Jenkins	MCI Statement 2.0
Mindy Chapman	MCI Statement 3.0

Please note that all three pieces of Testimony contain Proprietary information.

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

Very truly yours,

A handwritten signature in black ink that reads "Michelle Painter".
Michelle Painter

cc: Certificate of Service
James McNulty (Cover Letter and Certificate of Service only)

Enclosures

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Direct Testimony 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 January 9, 2004

VIA E-MAIL AND FIRST CLASS MAIL OR OVERNIGHT DELIVERY

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FEB 05 2004

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Michelle Painter

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2004 JAN 14 AM 11:00

PA. P.U.C.
SECRETARY'S BUREAU

January 9, 2004

VIA E-MAIL W/MAIL CONFIRMATION

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

DOCKETED
FEB 05 2004

Re: Pennsylvania Public Utility Commission Docket I-0030099
Joint Parties' First Set of Discovery Requests to CLECs

DOCUMENT

Dear Mr. Buntrock:

On December 18, 2003, you issued the above-referenced Joint Parties' Discovery Request to various CLECs pursuant to the Chapter 52, Section 5.341, *et. seq.* of the Pennsylvania Code. The accompanying service list did not include US LEC. In the text of the Discovery Request, however, the Joint Parties named US LEC as an "active participant", and sought a response from US LEC.

In the Procedural Order,¹ the Commission provided that interested parties could intervene, and also sought responses from certain CLECs that were authorized to provide local exchange services in Pennsylvania. US LEC has not intervened in the docket nor was it identified as a CLEC from whom the Commission sought information. We understand that Verizon may have named US LEC as a trigger candidate in its petition. Nevertheless, such identification does not result in US LEC being considered an active participant in this proceeding.

The Commission's Procedural Order in this docket states that the adjudication in this docket will be pursuant to the administrative rules and procedures that typically apply to an on-the-record, contested hearing before the Commission.² Accordingly, neither the Pennsylvania Code sections that were cited in the Discovery Request nor the Procedural Order provide authority to the Joint Parties to issue the Discovery Request to US LEC, as it is a non-participant in the proceeding.

Should the Joint Parties wish to obtain information about US LEC's services and products, we point you to our web site, www.uslec.com. You will note that our services to our customers are provisioned using T1 circuits or above. Consequently, as a majority of the questions seek

¹ *Pennsylvania Public Utility Commission Procedural Order*, adopted October 2, 2003, *Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Local Circuit Switching for the Enterprise Market*, Docket No. I-00030100; *Investigation into the obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements*, Docket No. I-00031754; *Development of an Efficient Loop Migration Process*, Docket No. M-00030099 ("Procedural Order").

² *Id.*, para. 4

responses for DS-0 and voice-grade equivalents and exclude such circuits that are a part of a T1 circuit, US LEC would have no facilities responsive to such questions.

The locations and CLLI codes of our switches are found in the LERG, and, therefore, are available to the Joint Parties, as such information was available to Verizon.

Any additional information sought in the Discovery Request is considered confidential and proprietary and US LEC will not provide this information pursuant to the Discovery Request.

Should you have any questions in connection with this response, please contact the undersigned at (704) 319-1119 or tromine@uslec.com.

Sincerely,



Terry J. Romine
Deputy General Counsel – Regulatory

cc: James J. McNulty, Secretary
Pennsylvania Public Utility Commission

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

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January 12, 2004

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JAN 12 2004

VIA UPS

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
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Harrisburg, Pennsylvania 17120

DOCUMENT

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

Exhibit E to the Direct Testimony of Choice One Communications of Pennsylvania Inc.

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for Exhibit E to the Direct Testimony of Choice One Communications of Pennsylvania Inc. in the above captioned docket. The Direct Testimony and corresponding exhibits were provided to the service list on January 9, 2004. The proprietary version of exhibit is being provided to the service list for this docket and Administrative Law Judges Schnierele and Colwell via overnight and electronic mail. Please date stamp the enclosed duplicate and return it in the provided envelope. Please contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W Emmott

Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

cc: Service List (proprietary version of Exhibit E via overnight and electronic mail)
ALJ Michael C. Schnierle and ALJ Susan D. Colwell (proprietary version of Exhibit E via overnight and electronic mail)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Exhibit E to the Direct Testimony of Choice One Communications of Pennsylvania Inc. upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

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FEB 05 2004
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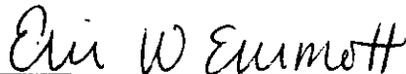
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Erin W. Emmott

Date: January 12, 2004

ORIGINAL



January 12, 2004

Via Overnight Delivery

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

DOCUMENT

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 Objections to Verizon Pennsylvania, Inc.'s Set III Interrogatories and Requests for Documents in the above-referenced case.

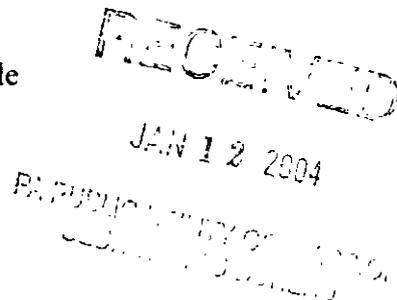
Please contact me if you have any questions or concerns with this filing.

Very truly yours,


Michelle Painter

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

Enclosure



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ORIGINAL

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JAN 12 2004

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

UTILITY COMMISSION
REGULATORY BUREAU

**MCI'S OBJECTIONS TO VERIZON'S THIRD SET OF INTERROGATORIES AND
DOCUMENT REQUESTS**

MCI WorldCom Network Services, Inc., ("MCI"), hereby objects to the Third Set of Interrogatories and Document Requests served January 2, 2004 by Verizon Pennsylvania, Inc. ("Verizon"), and states as follows:

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General Objections

1. MCI is a large corporation with employees located in many different locations in Pennsylvania and in other states. In the course of its business, MCI creates countless documents that are not subject to the Commission's or the FCC's retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. MCI will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information, and will supplement its discovery responses if appropriate. To the extent that Verizon's Third Set of Interrogatories purport to require more, MCI objects on the grounds that compliance would impose an undue burden or expense.

2. MCI objects to Verizon's Third Set of Interrogatories to the extent they request that MCI provide information that MCI does not maintain in the ordinary course of business, and to the extent that the request requires a special study.

DOCUMENT

3. MCI objects to Verizon's Third Set of Interrogatories to the extent they seek to have MCI create documents not in existence at the time of the request.

4. MCI objects to Verizon's Third Set of Interrogatories to the extent they seek information not within MCI's possession, custody, or control.

5. MCI objects to Verizon's Third Set of Interrogatories to the extent the Requests are not reasonably calculated to lead to the discovery of admissible evidence and are not relevant to the subject matter of the action.

6. MCI objects to providing information to the extent that such information is already in the public record before the Commission or which is already in the possession, custody, or control of Verizon.

7. MCI objects to the Requests to the extent that such Requests are overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

Notwithstanding the General Objections stated herein, MCI is making every effort to obtain information responsive to Verizon's Set III interrogatories, with the exception of the questions to which MCI has filed Specific Objections, as outlined below.

SPECIFIC OBJECTIONS

OBJECTION OF MCI WORLDCOM NETWORK SERVICES, INC. TO SET III, INTERROGATORY NO. 3 OF VERIZON PENNSYLVANIA, INC. DATED DECEMBER 2, 2003 SUBMITTED IN DOCKET I-00030099

REQUEST: Please identify all carriers that to your knowledge provide local exchange service to residential customers in Pennsylvania using non-ILEC switching. To the extent and in the level of detail known to you, indicate (i) the location of the switch each such carrier uses; (ii) the owner of the switch each such carrier uses; and (iii) the location in which the carrier provides service to residential customers using that switch. Produce all documents upon which your knowledge is based. (This request is not intended to require production of documents already formally served upon Verizon in this proceeding (such as responses to formal discovery or Appendix A responses) or Verizon's own documents).

OBJECTION: MCI hereby incorporates its General Objections. MCI further objects on the ground that MCI's information or knowledge of the practices or facilities of carriers other than MCI is not relevant, and is not calculated to lead to the discovery of admissible evidence. Numerous parties, including this Commission, have propounded discovery on other parties to determine whether such carriers provide local exchange service or where they have facilities in Pennsylvania. There is no reason Verizon cannot obtain information about other carriers' business directly from each individual carrier. Thus, this information is already in the possession of Verizon, or Verizon is fully capable of obtaining such information directly from each carrier.

OBJECTION OF MCI WORLDCOM NETWORK SERVICES, INC. TO SET III, INTERROGATORY NO. 4 OF VERIZON PENNSYLVANIA, INC. DATED DECEMBER 2, 2003 SUBMITTED IN DOCKET I-00030099

REQUEST: Please identify all carriers that to your knowledge provide voice grade local exchange service to business customers in Pennsylvania using non-ILEC switching. To the extent and in the level of detail known to you, indicate (i) the location of the switch each such carrier uses; (ii) the owner of the switch each such carrier uses; and (iii) the location in which the carrier provides service to residential customers using that switch. Produce all documents upon which your knowledge is based. (This request is not intended to require production of documents already formally served upon Verizon in this proceeding (such as responses to formal discovery or Appendix A responses) or Verizon's own documents).

OBJECTION: MCI hereby incorporates its General Objections. MCI further objects on the ground that MCI's information or knowledge of the practices or facilities of carriers other than MCI is not relevant, and is not calculated to lead to the discovery of admissible evidence. Numerous parties, including this Commission, have propounded discovery on other parties to determine whether such carriers provide local exchange service or where they have facilities in Pennsylvania. There is no reason Verizon cannot obtain information about other carriers' business directly from each individual carrier. Thus, this information is already in the possession of Verizon, or Verizon is fully capable of obtaining such information directly from each carrier.

OBJECTION OF MCI WORLDCOM NETWORK SERVICES, INC. TO SET III, INTERROGATORY NO. 5 OF VERIZON PENNSYLVANIA, INC. DATED DECEMBER 2, 2003 SUBMITTED IN DOCKET I-00030099

REQUEST: Please identify all competitive wholesale suppliers of unbundled local circuit switching in Pennsylvania of which you are aware. Produce all documents upon which your knowledge is based. (This request is not intended to require production of documents already formally served upon Verizon in this proceeding (such as responses to formal discovery or Appendix A responses) or Verizon's own documents).

OBJECTION: MCI hereby incorporates its General Objections. MCI further objects on the ground that MCI's information or knowledge of the practices or facilities of carriers other than MCI is not relevant, and is not calculated to lead to the discovery of admissible evidence. Numerous parties, including this Commission, have propounded discovery on other parties to determine whether such carriers provide unbundled local switching in Pennsylvania. There is no reason Verizon cannot obtain information about other carriers' business directly from each individual carrier. Thus, this information is already in the possession of Verizon, or Verizon is fully capable of obtaining such information directly from each carrier.

OBJECTION OF MCI WORLDCOM NETWORK SERVICES, INC. TO SET III, INTERROGATORY NO. 6 OF VERIZON PENNSYLVANIA, INC. DATED DECEMBER 2, 2003 SUBMITTED IN DOCKET I-00030099

REQUEST: Please identify all entities that to your knowledge are willing to provide dedicated DS1 or DS3 transport and/or dark fiber on a wholesale basis to other carriers in Pennsylvania. Produce all documents upon which your knowledge is based. (This request is not intended to require production of documents already formally served upon Verizon in this proceeding (such as responses to formal discovery or Appendix A responses) or Verizon's own documents).

OBJECTION: MCI hereby incorporates its General Objections. MCI further objects on the ground that MCI's information or knowledge of the practices or facilities of carriers other than MCI is not relevant, and is not calculated to lead to the discovery of admissible evidence. Numerous parties, including this Commission, have propounded discovery on other parties to determine whether such carriers provide dedicated transport and/or dark fiber in Pennsylvania. There is no reason Verizon cannot obtain information about other carriers' business directly from each individual carrier. Thus, this information is already in the possession of Verizon, or Verizon is fully capable of obtaining such information directly from each carrier.

OBJECTION OF MCI WORLDCOM NETWORK SERVICES, INC. TO SET III, INTERROGATORY NO. 8 OF VERIZON PENNSYLVANIA, INC. DATED DECEMBER 2, 2003 SUBMITTED IN DOCKET I-00030099

REQUEST: For each transport facility identified in response to Question II-7, provide a map in an electronic form (such as MapInfo, Arcview, or another GIS program) showing its location.

OBJECTION: MCI hereby incorporates its General Objections. Further, MCI is making every effort to provide responsive information to Interrogatory #7 indicating the location of MCI's transport facilities. Requiring MCI to generate maps showing that same information would be duplicative, oppressive, and unduly burdensome.

OBJECTION OF MCI WORLDCOM NETWORK SERVICES, INC. TO SET III, DOCUMENT
REQUEST NO. 35 OF VERIZON PENNSYLVANIA, INC. DATED DECEMBER 2, 2003
SUBMITTED IN DOCKET I-00030099

REQUEST: Provide the confidential filings with respect to dedicated transport that you made with the FCC in the Triennial Review docket. (*See, e.g.*, FCC's Triennial Review Order, ¶ 392 n.1216 (relying on AT&T's confidential comments)).

OBJECTION: MCI hereby incorporates its General Objections. Furthermore, MCI was not mentioned in footnote 1216. Accordingly, it is unclear what, if any, information is being requested.

Respectfully submitted,



Michelle Painter, Esq.

MCI

1133 19th Street, NW

Washington, DC 20036

(202) 736-6204

Facsimile: (202) 736-6242

E-mail: Michelle.Painter@mci.com

Dated: January 12, 2004

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Set III Objections 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 January 12, 2004

VIA E-MAIL AND FIRST CLASS MAIL OR OVERNIGHT DELIVERY

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JAN 12 2004

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Michelle Painter

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January 12, 2004

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Verizon Pennsylvania, Inc.
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Philadelphia, PA 19103

DOCUMENT

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2004 JAN 12 PM 3:49
SECRETARY'S BUREAU

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

Dear Ms. Conover & Mr. Petersen:

Enclosed please find the Office of Consumer Advocate's Responses to Verizon's Interrogatories and Request for Production of Documents, Set III.

If you have any questions, please call us. By copy of this letter, copies of these responses have been served upon all parties.

Sincerely,

Barrett C. Sheridan
Assistant Consumer Advocate

Enclosures

cc: All parties of record
James McNulty/Certificate Only

*77597

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Responses to Set III of Verizon's Interrogatories and Requests for Production of Documents, upon counsel for parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 12th day of January, 2004.

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January 12, 2004

Administrative Law Judge Michael C. Schnierle
Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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SECRETARY'S BUREAU

2004 JAN 12 PM 3:48

RECEIVED

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

Dear Judge Schnierle and Judge Colwell:

Enclosed please find the Office of Consumer Advocate's Objections to Verizon Interrogatories II-1 and II-2 in the above-captioned matter. Verizon allowed an extension of time for the filing of written objections to today.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely,

Barrett C. Sheridan
Assistant Consumer Advocate

Enclosures

cc: James McNulty/Secretary
*77513

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligation :
Of Incumbent Local Exchange : Docket No. I-00030099
Carriers to Unbundle Network Elements :

DOCKETED
FEB 05 2004

OBJECTIONS OF
THE OFFICE OF CONSUMER ADVOCATE
TO VERIZON'S THIRD SET OF INTERROGATORIES
QUESTIONS 1 AND 2

Pursuant to 52 Pa. Code § 5.342, the Pennsylvania Office of Consumer Advocate (OCA) hereby files these objections to Verizon Pennsylvania Inc.'s and Verizon North Inc.'s (collectively Verizon) Third Set of Interrogatories and Request for Production of Documents. In support of these Objections, the OCA submits the following:

DOCUMENT

I. INTRODUCTION

On January 2, 2004, Verizon served Set III interrogatories on all parties, including the Office of Consumer Advocate (OCA). On January 7, 2004, the OCA discussed with Suzan Paiva, counsel for Verizon, the OCA's objections to Verizon Set III, Question 1 and 2. Additionally, OCA and Verizon discussed the scope of Verizon Questions 4 through 6. While the discussion resulted in some useful clarification by Verizon, the OCA's objections were not resolved and Verizon did not waive Set III, Questions 1 and 2 as directed at the OCA.

Briefly, Verizon Question 1 is directed at discovering what the OCA has learned through informal discovery of other parties to this proceeding. Verizon Question 2 is directed at

discovering what the OCA has learned from all entities not a party to this proceeding. In its Definition N, Verizon offers a lengthy definition of what is meant by “informal discovery.”

II. OBJECTIONS

In proceedings before the Commission, a participant may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party or participant. 52 Pa.Code § 5.321(c). However, Section 5.361 of the Commission’s regulations specifically limits the scope of discovery in proceedings before the Commission. In particular Section 5.361 provides that:

(a) No discovery or deposition is permitted which:

- (1) Is sought in bad faith.
- (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or participant.
- (3) Relates to matter which is privileged.
- (4) Would require the making of an unreasonable investigation by the deponent, a participant or witness.

52 Pa.Code § 5.361. The OCA submits these objections because Verizon II-1 and II-2 are outside the scope of permissible discovery or are otherwise limited by Section 5.361.

More specifically, the OCA objects to Verizon’s interrogatories as follows:

Verizon III-1

Please provide all documents and information provided to you by another party to this proceeding in response to informal discovery (see definition N), including but not limited to any e-mail messages, factual data, copies of documents or other types of written responses.

By its very terms, Verizon's discovery is directed at "the Office of Consumer Advocate ... to be answered by those officers, employees or agents who may be cognizant of or who may possess the information, data and documents requested" Verizon Set III, pp. 1-2.

It appears that Verizon's Set III-1 interrogatory is directed primarily at the efforts of OCA counsel to conduct informal discovery in this proceeding. The OCA objects to Verizon III-1 on the grounds that what is sought is privileged under the attorney work product privilege and/or Section 5.323. 52 Pa.Code § 5.323.

Section 5.323 of the Commission's regulations addresses discovery of trial preparation material. While some discovery of trial preparation materials is permissible, Section 5.323(a) states:

The discovery may not include disclosure of the mental impressions of a participant's attorney or his conclusions, opinions, memoranda, notes, summaries, legal research or legal theories.

52 Pa.Code § 5.323(a).

The OCA submits that all records created by OCA counsel for the purpose of researching, analyzing, and/or critiquing Verizon's case are not discoverable, as they fall within the protection of Section 5.323(a). The OCA notes that Section 5.323 is not limited to protecting any specific media, thus not only are hard copies of OCA memoranda, notes, summaries... etc. protected, but e-mails and electronic memoranda, etc. are also protected.

Verizon III-1 requests OCA to produce all "the documents and information provided to [OCA] by another party to this proceeding in response to informal discovery (see definition N)..." The OCA further objects to Verizon III-1 because disclosure of the fruits, if any, of informal contacts between OCA counsel and other participants would disclose a pattern reflective of the impressions and opinions of OCA counsel of the merits of Verizon's case.

Specifically, this would encompass the question asked by OCA attorneys to other attorneys representing parties and non-parties alike.

OCA submits that neither the Commission's regulation nor the attorney work product doctrine as recognized by Pennsylvania Courts should require the OCA to identify for Verizon through the discovery process the weaknesses or omissions, if any, of Verizon's case. The attorney work product doctrine "promotes the adversary system by enabling attorneys to prepare cases without fear that their work product will be used against their clients."

Commonwealth v. Noll, 662 A.2d 1123, 1126 (Pa.Super. 1995). In this proceeding, Verizon is a provider of wholesale telecommunications services which enable Pennsylvania consumers to enjoy competitive choice. The OCA represents the interest of retail consumers including residential customers of competitive local exchange carriers which depend on access to Verizon's unbundled network elements to provide service. The adversarial nature of OCA's participation in this proceeding relative to Verizon's interest is clear.

To the extent that Verizon III-1 could be read as limited to discovery of facts provided by other participants to the OCA which have not been served upon Verizon, the OCA objects to the Company's request as burdensome. Verizon's request covers much ground already covered by the intensive formal discovery conducted by Verizon and other parties. Compliance with the Company's request would impose an unreasonable burden on the OCA to sift through a multitude of e-mails, correspondence and phone calls to determine whether or not OCA possess any fact which came from another participant, which is not otherwise privileged or protected from discovery, which Verizon (as opposed to the OCA) might deem relevant or leading to the discovery of admissible evidence, and yet has not been produced to Verizon in formal discovery.

The OCA objects to Verizon III-1 as contrary to Section 5.361(a)(4) which protects parties from discovery requests which would impose burdensome and unreasonable investigations.

Verizon III-2

Please provide all documents and information provided to you by any entity, including but not limited to any entity that provides local telephone service in Pennsylvania, that is not a party to this proceeding in response to informal discovery (see definition N), including but not limited to any e-mail messages, factual data, copies of documents or other types of written responses.

The OCA objects to Verizon III-2 for the same reasons as stated above.

Specifically, that Verizon's interrogatory is directed at obtaining information or materials which are privileged and not discoverable. The investigation by OCA counsel of the merits of Verizon's case, as reflected in e-mails, memoranda, summaries, and legal research are not discoverable under Sections 5.361(a), 5.323(a), and/or the attorney work product doctrine. The strategy of OCA counsel for identifying and investigating perceived errors, omissions or flaws in Verizon's case are protected from discovery under both the Commission's regulations and the attorney work product doctrine, as addressed in the OCA's objection to Verizon III-1 above.

Whereas Verizon III-1 was limited to informal discovery which the OCA may have engaged in with other participants, OCA submits that Verizon casts its discovery nets even more widely with Verizon III-2. Specifically, Verizon III-2 is directed at discovering everything that OCA has discovered regarding Verizon's case from "any entity ... not a party to this proceeding..." The OCA objects to Verizon III-2 as overbroad and burdensome to answer.

Though Verizon points to discovery of non-party CLECs as of interest, the interrogatory is more broadly directed and could fairly include any information or document obtained by OCA in recent months, whether downloaded from the FCC's website, received as a

hand-out at a conference, or otherwise obtained from "an entity" which is not a party to this proceeding. The OCA submits that Verizon III-2 imposes a wholly unreasonable burden on the OCA to produce copies of any and all materials obtained in the course of OCA's research and investigation of the issues raised by the FCC's Triennial Review Order as applied to Verizon's Petition to Initiate. The OCA objects to Verizon III-2 as overly broad, burdensome and not proper discovery pursuant to Section 5.361(a)(4) of the Commission's regulations, as reviewed above.

III. CONCLUSION

WHEREFORE, the Pennsylvania Office of Consumer Advocate respectfully submits the OCA's Objections to Interrogatories 1 and 2 in Verizon Pennsylvania Inc. and Verizon North Inc.'s Third Set of Interrogatories and Request for Production of Documents.

Respectfully submitted,



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Senior Assistant Consumer Advocate
Barrett C. Sheridan
Assistant Consumer Advocate

For: Irwin A. Popowsky
Consumer Advocate

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(717) 783-5048

Dated: January 12, 2004

00077571.doc

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the foregoing document, the
Office of Consumer Advocate's Objections to Verizon Interrogatories II-1 and II-2, upon counsel
for parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54
(relating to service by a participant), in the manner and upon the persons listed below:

Dated this 12th day of January, 2004.

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January 12, 2004

VIA ELECTRONIC AND OVERNIGHT MAIL

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DOCUMENT

RECEIVED

JAN 12 2004

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

Dear Ms Morelli:

Enclosed please find the responses of Choice One Communications of Pennsylvania Inc. ("Choice One") to the first set of discovery requests to CLECs filed by the Joint Parties¹ in the above referenced case. Please note that the responses contain proprietary information. Should you have any questions or require additional assistance, please do not hesitate to contact Erin Emmott at (202) 955-9766.

Respectfully submitted,

Erin W Emmott

Steven A. Augustino
Erin W. Emmott

Enclosures

cc: Parties of Record (via electronic and overnight mail)
Mr. James M. McNulty, Secretary, Pennsylvania PUC (cover letter and service list)

¹ The Joint Parties are: BullsEye Telecom, InfoHighway Communications Corporation, McGraw Communications, Inc. and Metropolitan Telecommunications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

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JAN 12 2004

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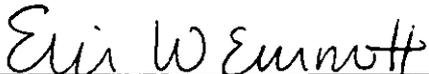
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Erin W. Emmott

Date: January 12, 2004



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January 13, 2004

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DOCUMENT

RECEIVED
2004 JAN 13 PM 2:42
SECRETARY'S BUREAU

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

Dear Counsel:

On behalf of Sprint Communications Company, L.P. ("Sprint"), enclosed please find an original and two (2) copies of Sprint's Objections to Set II Interrogatories propounded by Verizon Pennsylvania Inc. ("Verizon").

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

Sincerely,

Sue Benedek

ZEB/jh

cc: James J. McNulty, Secretary (*cover letter and certificate only (via hand delivery)*)
Certificate of Service (*via first-class mail and electronic mail*)

**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 13th day of January, 2004, served a true copy, via electronic and first-class mail, of the foregoing Objections, in accordance with the requirements of 52 Pa. Code §1.54:

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Respectfully Submitted,



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ORIGINAL

January 14, 2004

VIA OVERNIGHT MAIL

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Secretary James P. McNulty
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Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

DOCUMENT

JAN 14 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Mr. McNulty:

Enclosed for filing in the above-captioned case please find an original and three (3) copies of the Objections of CTSI, LLC, RCN Telecom Services, Inc., and RCN Telecom of Philadelphia, Inc., to Verizon Pennsylvania, Inc. and Verizon North Inc.'s Third Set of Interrogatories.

An extra copy of this filing has been provided to be stamped and returned. Please do not hesitate to contact the undersigned if you have any questions regarding this matter.

Sincerely,



Robin F. Cohn

cc: Honorable Michael Schnierle (via overnight mail)
Honorable Susan Colwell (via overnight mail)
Attached Service List (via electronic mail and first-class mail)

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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JAN 14 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**OBJECTIONS OF CTSI, LLC, RCN TELECOM SERVICES, INC., AND
RCN TELECOM OF PHILADELPHIA, INC., TO VERIZON
PENNSYLVANIA INC.'S AND VERIZON NORTH INC.'S THIRD SET OF
INTERROGATORIES AND DOCUMENT REQUESTS TO ALL PARTIES**

Pursuant to 52 Pa. Code § 5.342 and 5.349, CTSI, LLC ("CTSI"), RCN Telecom Services, Inc., and RCN Telecom of Philadelphia, Inc. (collectively, "RCN"), hereby object to Verizon Pennsylvania Inc. and Verizon North Inc.'s (collectively "Verizon") Third Set of Interrogatories and Requests for Production as follows:

DOCKETED
FEB 05 2004

GENERAL OBJECTIONS

CTSI and RCN make these General Objections to the data requests and incorporate each of the General Objections into its specific objections to each data request.

DOCUMENT

1. CTSI and RCN object to the data requests to the extent that they seek information that is privileged or otherwise exempt from discovery, including but not limited to documents or information protected by the attorney-client privilege, the work-product doctrine, or the trade secrets doctrine.

2. CTSI and RCN have made a reasonable effort to respond to each and every data request as they understand and interpret such request. If Verizon should assert an interpretation of any data request that differs, CTSI and RCN reserve the right to

supplement or amend its objections. CTSI and RCN further reserve the right to produce responsive documents or information received after the date of their responses.

3. CTSI and RCN object to the requests to the extent they seek to impose an obligation on CTSI and RCN to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such data requests are overly broad and unduly burdensome.

4. CTSI and RCN object to the data requests to the extent they seek irrelevant information beyond the LATAs at issue in this proceeding.

5. CTSI and RCN expressly reserve and do not waive any and all objections they may have to the admissibility, authenticity or relevancy of the responses produced pursuant to the requests.

6. CTSI and RCN object to the data requests to the extent that they seek to obtain confidential or proprietary information concerning CTSI and RCN's business plans, technology, trade secrets, and other sensitive commercial information.

OBJECTIONS TO VERIZON'S REQUESTS

Many of the specific objections that CTSI and RCN make are applicable to several of Verizon's Requests. For this reason, CTSI and RCN provide the following definitions of those objections and, where applicable, repeat only the defined term in stating their specific objections.

1. *Not Relevant*: the request is not relevant to any specific claims, defenses, issues or questions presented in this proceeding and is not reasonably calculated to lead to the discovery of data relevant to resolution of these issues.

2. *Unduly Burdensome*: the request is unduly burdensome in that providing the requested data (i) would require an unreasonable expenditure of time and resources to search for documents or information, (ii) is cumulative and/or has only a limited likelihood of leading to the discovery of data relevant to resolution of the specific issue and either (a) the value of providing the data is outweighed by the burden of production or (b) Verizon can obtain the data through publicly available information.

3. *Overly Broad*: the request seeks a general category of information within which only certain portions of the information are reasonably related to the subject matter of this proceeding.

4. *Vague and Ambiguous*: the request is vague and ambiguous in that it does not describe the data sought with particularity or fails to convey with reasonable clarity what is being requested and, as such, the responding party cannot reasonably determine the intended meaning, scope or limits of Verizon's Request.

5. *Commercially Sensitive, Proprietary, and Confidential*: the requested data relates to issues, matters, or materials that contain proprietary, confidential, and/or trade secret information which would cause competitive harm to CTSI and RCN if disclosed.

6. *Calls for a legal conclusion*: the request calls for a conclusion of law.

SPECIFIC OBJECTIONS TO REQUESTS

Subject to and without waiving the foregoing General Objections, which are incorporated by reference into each Specific Objection, CTSI and RCN object to the following specific interrogatories and requests for production of documents:

I. INTERROGATORIES AND DOCUMENT REQUESTS TO ALL PARTIES

VZ III-1 Please provide all documents and information provided to you by another party to this proceeding in response to informal discovery (see definition N), including but not limited to any e-mail messages, factual data, copies of documents or other types of written responses.

Objection: CTSI and RCN object to this Interrogatory as oppressive and burdensome to the extent it requests “all” documents, and to the extent it seeks information that is not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-2 Please provide all documents and information provided to you by any entity, including but not limited to any entity that provides local telephone service in Pennsylvania, that is not a party to this proceeding in response to informal discovery (see definition N), including but not limited to any e-mail messages, factual data, copies of documents or other types of written responses.

Objection: CTSI and RCN object to this Interrogatory as oppressive and burdensome to the extent it requests “all” documents, and to the extent it seeks information that is not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-3 Please identify all carriers that to your knowledge provide local exchange service to residential customers in Pennsylvania using non-ILEC switching. To the extent and in the level of detail known to you, indicate (i) the location of the switch each such carrier uses; (ii) the owner of the switch each such carrier uses; and (iii) the location in which the carrier provides service to residential customers using that switch. Produce all documents upon which your knowledge is based. (This request is not intended to require production of documents already formally served upon Verizon in this proceeding (such as responses to formal discovery or Appendix A responses) or Verizon’s own documents).

Objection: CTSI and RCN object on the ground that any knowledge possessed by them about the practices or facilities of carriers other than themselves is not relevant, and is not calculated to lead to the discovery of admissible evidence. CTSI and RCN have already responded to numerous discovery requests, including those from the Commission and Verizon, that address issues related to their practices and facilities in Pennsylvania. Verizon may review those responses for information about CTSI and RCN, and may review the responses of other carriers for information about the practices and facilities of other carriers. CTSI and RCN also object on the ground that this

request improperly calls for their speculation about the practices or facilities of carriers other than themselves, which is information that CTSI and RCN cannot convey with any reasonable degree of certainty. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-4 Please identify all carriers that to your knowledge provide voice grade local exchange service to business customers in Pennsylvania using non-ILEC switching. To the extent and in the level of detail known to you, indicate (i) the location of the switch each such carrier uses; (ii) the owner of the switch each such carrier uses; and (iii) the location in which the carrier provides service to residential customers using that switch. Produce all documents upon which your knowledge is based. (This request is not intended to require production of documents already formally served upon Verizon in this proceeding (such as responses to formal discovery or Appendix A responses) or Verizon's own documents).

Objection: See Objection to VZ III-3. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-5 Please identify all competitive wholesale suppliers of unbundled local circuit switching in Pennsylvania of which you are aware. Produce all documents upon which your knowledge is based. (This request is not intended to require production of documents already formally served upon Verizon in this proceeding (such as responses to formal discovery or Appendix A responses) or Verizon's own documents).

Objection: See Objection to VZ III-3. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-6 Please identify all entities that to your knowledge are willing to provide dedicated DS1 or DS3 transport and/or dark fiber on a wholesale basis to other carriers in Pennsylvania. Produce all documents upon which your knowledge is based. (This request is not intended to require production of documents already formally served upon Verizon in this proceeding (such as responses to formal discovery or Appendix A responses) or Verizon's own documents).

Objection: See Objection to VZ III-3. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

II. INTERROGATORIES TO CLEC PARTIES ONLY

VZ III-7 Identify all fiber optic transport facilities in Pennsylvania that you own, by street address of its origination and termination points (or if no termination point, by the location of a fiber ring), as well as a description of the route between those points. (For purposes of responding to this question, your own

transport facilities include facilities that you own solely or jointly, as well as facilities that you have obtained from another entity on a long-term, indefeasible right of use basis.) (For the definitions of transport facilities or transport services for this and all other interrogatories, see Instruction M.)

Objection: CTSI and RCN object on the ground that this request appears to be seeking information related to transport facilities that are not relevant to this proceeding, such as facilities related to the provision of long distance and other similar services, and facilities that are outside the LATAs at issue in this proceeding. The request is therefore overbroad and unduly burdensome, and is irrelevant to the subject matter of the instant case and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-8 For each transport facility identified in response to Question II-7, provide a map in an electronic form (such as MapInfo, Arcview, or another GIS program) showing its location.

Objection: See Objection to VZ III-7. In addition, CTSI and RCN object on the ground that any information they might provide in response to VZ III-7 would contain the same information sought in this request. Therefore, requiring CTSI and RCN to produce the information sought in VZ III-8 would be duplicative, oppressive, unduly burdensome, and unnecessary. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-9 Identify all transport facilities in Pennsylvania that you *offer* to make available to other carriers, by street address of its origination and termination points, as well as a description of the route between those points.

Objection: CTSI and RCN object on the ground that this request appears to be seeking information related to transport facilities that are not relevant to this proceeding, such as facilities related to the provision of long distance and other similar services, and facilities that are outside the LATAs at issue in this proceeding. The request is therefore overbroad and unduly burdensome, and is irrelevant to the subject matter of the instant case and not reasonably calculated to lead to the discovery of admissible evidence. In addition, CTSI and RCN object on the ground that the term “offer” is vague and ambiguous.

VZ III-10 For each transport facility identified in response to Questions III-9, identify by CLLI code and street address, all incumbent LEC switches and wire centers to which the transport facility is directly or indirectly connected, regardless whether the route passes through one or more intermediate wire centers or switches.

Objection: CTSI and RCN object on the ground that this request appears to be seeking information related to transport facilities that are not relevant to this proceeding, such as facilities related to the provision of long distance and other similar services, and facilities that are outside the LATAs at issue in this proceeding. The request is therefore overbroad and unduly burdensome, and is irrelevant to the subject matter of the instant case and not reasonably calculated to lead to the discovery of admissible evidence.

VZ III-11 For each incumbent LEC switch or wire center identified in response to Question III-10, identify the optical speed at which the facilities connected to each operates.

Objection: *See* Objection to VZ III-10.

VZ III-12 For each incumbent LEC switch or wire center identified in response to Question III-10, identify the capacity or capacities of services (*e.g.*, DS-1, DS-3) carried by the transport facilities to and/or from the incumbent LEC switch or wire center.

Objection: *See* Objection to VZ III-10.

VZ III-13 For each incumbent LEC switch or wire center identified in response to Question III-10, identify the carrier or carriers to which you make the transport facility available, or to which you have offered to make the facility available.

Objection: *See* Objection to VZ III-10. In addition, CTSI and RCN object on the ground that the term “offer” is vague and ambiguous.

VZ III-14 For each collocation arrangement in a Verizon wire center or central office identified in response to the Commission’s Transport Question 2, identify where your fiber goes after it leaves each Verizon wire center. For example, if you have fiber at five Verizon wire centers, and all of the fiber runs to a single POP, identify the location of that POP by the street address and unique reference number (*e.g.*, CLLI), and describe precisely where the fiber goes at the POP.

Objection: *See* Objection to VZ III-7. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-15 Identify by street address and unique reference number (*e.g.*, CLLI) where your POPs or transport facilities interconnect with each other in Pennsylvania.

Objection: *See* Objection to VZ III-7. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-16 Describe how your fiber connects or terminates at each of your POPs, wire centers, or collocation arrangements in Pennsylvania.

Objection: See Objection to VZ III-7. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-17 Identify the termination equipment at each of your POPs, wire centers, or collocation arrangements in Pennsylvania.

Objection: See Objection to VZ III-7. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

VZ III-18 Identify the services or capacities offered to end users over your OC-n level transport facilities in Pennsylvania.

Objection: See Objection to VZ III-7. Subject to and without waiving their objections, CTSI and RCN will provide a response to this Interrogatory.

IV. DOCUMENT REQUESTS TO CLEC PARTIES ONLY

For all of the following document requests except for III-35, the time period is from January 1, 2003 to the present:

VZ III-26 Provide all documents identifying the fiber optic dedicated transport in Pennsylvania that you make available, or have offered to make available (e.g., through lease, indefeasible right of use), to other carriers.

Objection: See Objection to VZ III-7. CTSI and RCN also object on the ground that the terms “all documents,” “make available,” and “offered” are vague, ambiguous, and overbroad. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-27 Provide all documents that discuss or describe your willingness to provide dedicated transport in Pennsylvania to other carriers.

Objection: See Objection to VZ III-7. CTSI and RCN also object on the ground that the terms “all documents” and “willingness” are vague, ambiguous, and overbroad. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-28 Produce all documents that discuss or describe your unwillingness to provide dedicated transport in Pennsylvania to other carriers.

Objection: See Objection to VZ III-7. CTSI and RCN also object on the ground that the terms “all documents” and “unwillingness” are vague,

ambiguous, and overbroad. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-29 Provide all documents that discuss or describe the capacity or capacity of services (*e.g.*, DS-1, DS-3) that you offer in Pennsylvania to other carrier, or have offered to other carriers.

Objection: See Objection to VZ III-7. CTSI and RCN also object on the ground that the terms “all documents” and “capacity” are vague, ambiguous, and overbroad. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-30 Provide all documents that discuss or describe the capacity or capacity of services (*e.g.*, DS-1, DS-3) that you offer in Pennsylvania to retail customers, or have offered to retail customers.

Objection: See Objection to VZ III-29. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-31 Provide all documents that discuss or describe whether you are willing to provide dark fiber dedicated transport in Pennsylvania to other carriers.

Objection: See Objection to VZ III-7. CTSI and RCN also object on the ground that the terms “all documents” and “willing” are vague, ambiguous, and overbroad. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-32 Provide all documents that discuss or describe the dedicated transport in Pennsylvania that you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LECs.

Objection: See Objection to VZ III-7. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-33 Provide all documents that discuss or describe the capacity or capacity of services (*e.g.*, DS-1, DS-3) in Pennsylvania that you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LEC carriers.

Objection: See Objection to VZ III-7. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-34 Provide all documents that discuss or describe dark fiber in Pennsylvania that

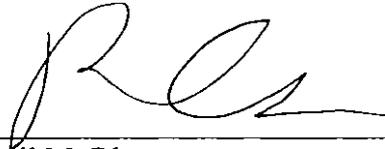
you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LEC carriers.

Objection: See Objection to VZ III-7. Subject to and without waiving their objections, CTSI and RCN will provide a response to this document request.

VZ III-35 Provide the confidential filings with respect to dedicated transport that you made with the FCC in the Triennial Review docket. (*See, e.g.*, FCC's Triennial Review Order, ¶ 392 n.1216 (relying on AT&T's confidential comments)).

Objection: CTSI and RCN object to this request on the ground that it is not relevant and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving their objections, CTSI and RCN are attempting to locate and and identify any responsive documents.

Respectfully submitted,



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Dated: January 14, 2004

I hereby certify that on this 14thTH day of January, 2004, I served a copy of the foregoing Objections of CTSI, LLC, RCN Telecom Services, Inc., and RCN Telecom Services of Philadelphia, Inc., to Set III Interrogatories of Verizon Pennsylvania and Verizon North in Docket Number I-00030099, by electronic mail and U.S. first class mail, postage prepaid, except where otherwise indicated, on the following individuals:

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A handwritten signature in black ink, appearing to read 'R. Cohn', written over a horizontal line.

Robin F. Cohn

Suzan DeBusk Paiva
Assistant General Counsel
Law Department



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January 14, 2004

VIA UPS OVERNIGHT DELIVERY

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

DOCUMENT

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 Verizon Pennsylvania Inc.'s Objections to AT&T Communications of Pennsylvania, LLC's Third 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/meb

Enclosure

cc: Via E-Mail and UPS Overnight Delivery
Honorable Michael Schnierle
Honorable Susan Colwell
Attached Service List

RECEIVED

JAN 14 2004

PA PUBLIC UTILITY COMMISSION
COMMUNICATIONS SECTION

69

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PUBLIC UTILITIES COMMISSION
COMMUNICATIONS SECTION

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligations of)
Incumbent Local Exchange Carriers to)
Unbundle Network Elements)

Docket No. I-00030099

DOCKETED
FEB 05 2004

**OBJECTIONS TO AT&T COMMUNICATIONS OF
PENNSYLVANIA, LLC'S THIRD SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
ADDRESSED TO VERIZON PENNSYLVANIA, INC.**

Pursuant to 52 Pa. Code §§ 5.342 and 5.349, Verizon Pennsylvania Inc. ("Verizon") hereby objects to AT&T Communications of Pennsylvania LLC's ("AT&T") Third Set of Interrogatories and Request for Production of Documents, as follows. For ease of reference, Verizon has set forth a list of Specific Objections, and then has referred to each Specific Objection by number where applicable in response to the particular questions. Verizon has then indicated for each interrogatory whether or not it will be providing a response at the appropriate time under the procedural schedule of this proceeding.

GENERAL OBJECTIONS

1. Verizon objects to AT&T's Data Requests to the extent that all or any of them, 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.

2. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek 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.

DOCUMENT

3. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek confidential and proprietary materials relating to Verizon's customers or business practices whose probative value in this proceeding is substantially outweighed by the risk of prejudice or other potential harm to Verizon.

4. Verizon objects to the definitions in so far as they depart from the meanings ascribed in the Report and Order and Order on Remand and Further Notice of Proposed Rulemaking ("Triennial Review Order") issued by the Federal Communications Commission in CC Docket No. 01-338. Verizon will respond using the definitions the FCC adopted in the Triennial Review Order.

SPECIFIC OBJECTIONS

1. Verizon objects to the discovery request to the extent that it requires disclosure of information protected from discovery by the attorney-client privilege and/or the attorney work product doctrine.

2. Verizon objects to the discovery request to the extent that it purports to impose upon Verizon a duty to disclose information or documents that is or are outside Verizon's possession, custody or control.

3. Verizon objects to the discovery request to the extent that it seeks confidential and/or proprietary information. Any confidential or proprietary information provided by Verizon in response to the discovery request is done so subject to the terms of the Protective Order that was entered in this proceeding.

4. Verizon objects to the discovery request to the extent that it is vague and ambiguous.

5. Verizon objects to the discovery request to the extent that it is cumulative or duplicative.

6. Verizon objects to the discovery request to the extent that it is overbroad, unduly burdensome, and/or seeks information that is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

7. Verizon objects because the discovery request seeks information that is beyond the scope of the impairment analysis at issue in the Commission's review of Verizon's case. Information regarding operational and economic factors that are relevant to a potential deployment case is irrelevant to the question of whether Verizon has satisfied the applicable "trigger" – which is the only impairment determination that is at issue in this proceeding. *See Triennial Review Order* ¶ 425, n. 1300 (economic and operational factors that are used in a potential deployment case "come into play only if . . . [the FCC's] deployment triggers are not met.").

8. Verizon objects because the discovery request seeks information regarding Verizon's retail operations. This information is outside the scope of the FCC's mandatory "policy framework" that must be applied in this proceeding, which is based on "carefully targeted impairment determinations." *Triennial Review Order* ¶ 187. These determinations are premised on "granular evidence that new entrants are providing retail services in the relevant market *using non-incumbent LEC facilities,*" not Verizon's retail operations. *Id.* ¶ 93 (emphasis added).

9. Verizon objects to the discovery request to the extent that it seeks operational and/or proprietary information regarding other telecommunications carriers. Such third party confidential or proprietary information provided by Verizon in response to the

discovery request is done so subject to the terms of the Protective Order that was entered in this proceeding and pursuant to the presiding officer's order requiring such production.

10. Verizon objects to the discovery request to the extent that it calls for legal conclusions.

11. Verizon objects to the discovery request to the extent that it is argumentative.

12. Verizon objects to the discovery request to the extent that it calls for a special study.

13. Verizon objects to the discovery request on the basis that it is calls for speculation and/or conjecture.

14. Verizon objects to the discovery request to the extent that it seeks information in the public domain.

15. Verizon objects to the discovery request to the extent that it seeks information that is as readily available to the requesting party as it is to Verizon.

III-1. With respect to Verizon's responses to AT&T II-1, II-2 and II-3, provide:

- a. a list of every wire center in which all or part of the wire center is within the Allentown-Bethlehem-Easton MSA
- b. for each wire center in which all or part of the wire center is within the Allentown-Bethlehem-Easton MSA, an indication of whether the wire center is within Verizon's Density Zone 1, 2, 3 or 4.
- c. for each wire center in which all or part of the wire center is within the Allentown-Bethlehem-Easton MSA, the number of UNE-P arrangements being provided to residential customers as of the most recent date data are available.
- d. for each wire center in which all or part of the wire center is within the Allentown-Bethlehem-Easton MSA, the number of UNE-P arrangements being provided to business customers as of the most recent date data are available.
- e. a list of every wire center in which all or part of the wire center is within the Harrisburg-Carlisle MSA
- f. for each wire center in which all or part of the wire center is within the Harrisburg-Carlisle MSA, an indication of whether the wire center is within Verizon's Density Zone 1, 2, 3 or 4.
- g. for each wire center in which all or part of the wire center is within the Harrisburg-Carlisle MSA, the number of UNE-P arrangements being provided to residential customers as of the most recent date data are available.
- h. for each wire center in which all or part of the wire center is within the Harrisburg-Carlisle MSA, the number of UNE-P arrangements being provided to business customers as of the most recent date data are available.
- i. a list of every wire center in which all or part of the wire center is within the Lebanon MSA
- j. for each wire center in which all or part of the wire center is within the Lebanon MSA, an indication of whether the wire center is within Verizon's Density Zone 1, 2, 3 or 4.
- k. for each wire center in which all or part of the wire center is within the Lebanon MSA, the number of UNE-P arrangements being provided to residential customers as of the most recent date data are available.
- l. for each wire center in which all or part of the wire center is within the Lebanon MSA, the number of UNE-P arrangements being provided to business customers as of the most recent date data are available.

- m. a list of every *Pennsylvania* wire center in which all or part of the wire center is within the Philadelphia-Camden-Wilmington MSA
- n. for each *Pennsylvania* wire center in which all or part of the wire center is within the Philadelphia-Camden-Wilmington MSA, an indication of whether the wire center is within Verizon's Density Zone 1, 2, 3 or 4.
- o. for each *Pennsylvania* wire center in which all or part of the wire center is within the Philadelphia-Camden-Wilmington MSA, the number of UNE-P arrangements being provided to residential customers as of the most recent date data are available.
- p. for each *Pennsylvania* wire center in which all or part of the wire center is within the Philadelphia-Camden-Wilmington MSA, the number of UNE-P arrangements being provided to business customers as of the most recent date data are available.
- q. a list of every wire center in which all or part of the wire center is within the Reading MSA
- r. for each wire center in which all or part of the wire center is within the Reading MSA, an indication of whether the wire center is within Verizon's Density Zone 1, 2, 3 or 4.
- s. for each wire center in which all or part of the wire center is within the Reading MSA, the number of UNE-P arrangements being provided to residential customers as of the most recent date data are available.
- t. for each wire center in which all or part of the wire center is within the Reading MSA, the number of UNE-P arrangements being provided to business customers as of the most recent date data are available.
- u. a list of every wire center in which all or part of the wire center is within the Lancaster MSA
- v. for each wire center in which all or part of the wire center is within the Lancaster MSA, an indication of whether the wire center is within Verizon's Density Zone 1, 2, 3 or 4.
- w. for each wire center in which all or part of the wire center is within the Lancaster MSA, the number of UNE-P arrangements being provided to residential customers as of the most recent date data are available.
- x. for each wire center in which all or part of the wire center is within the Lancaster MSA, the number of UNE-P arrangements being provided to business customers as of the most recent date data are available.

- y. a list of every wire center in which all or part of the wire center is within the Scranton-Wilkes-Barre MSA
- z. for each wire center in which all or part of the wire center is within the Scranton-Wilkes-Barre MSA, an indication of whether the wire center is within Verizon's Density Zone 1, 2, 3 or 4.
- aa. for each wire center in which all or part of the wire center is within the Scranton-Wilkes-Barre MSA, the number of UNE-P arrangements being provided to residential customers as of the most recent date data are available.
- bb. for each wire center in which all or part of the wire center is within the Scranton-Wilkes-Barre MSA, the number of UNE-P arrangements being provided to business customers as of the most recent date data are available.
- cc. a list of every wire center in which all or part of the wire center is within the Pittsburgh MSA
- dd. for each wire center in which all or part of the wire center is within the Pittsburgh MSA, an indication of whether the wire center is within Verizon's Density Zone 1, 2, 3 or 4.
- ee. for each wire center in which all or part of the wire center is within the Pittsburgh MSA, the number of UNE-P arrangements being provided to residential customers as of the most recent date data are available.
- ff. for each wire center in which all or part of the wire center is within the Pittsburgh MSA, the number of UNE-P arrangements being provided to business customers as of the most recent date data are available.

OBJECTION:

Verizon will provide a response to this question.

III-2. Verizon's response to AT&T II-9 does not answer the questions presented. Provide a copy of the Line Count Study.

OBJECTION:

Verizon objects to the characterization of its prior response to AT&T II-9 as not answering the question asked. Subject to and without waiving that objection, Verizon will provide a response to this question.

III-3. With regard to the Line Count Study, provide all information in Verizon's possession indicating (i) how the study was prepared, (ii) the name(s) of the person(s) who prepared it, (iii) the time frame during which it was prepared, (iv) all communications regarding the preparation of the study, including, without limitation, e-mails and other electronic communications, (v) all instructions provided to the persons who prepared the study, (vi) all communications between the persons conducting the study and those managing or otherwise overseeing the study, or any aspect of the study, including, without limitation, questions and responses dealing with study methodology, (vii) all communications establishing, clarifying, refining, modifying, or any in other manner regarding the scope of the study, including, without limitation, e-mails and other electronic communications, and including, without limitation, decisions and description regarding what information would be included in the study and what information would not be included in the study.

OBJECTION:

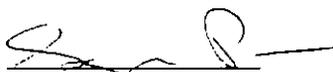
See Specific Objections 1 and 6. Subject to and without waiving these objections, Verizon will produce relevant, non-privileged information responsive to this request.

III-4. With respect to Verizon's December 24, 2003 Supplemental Response to AT&T Nos. I-1, 13, 15-17 and 19-21 and in accordance with the December 17 Order of ALJs Schnierle and Colwell:

- (a) Using information from the LSRs Verizon receives from CLECs, or from any other source Verizon has available, provide for each wire center within the MSAs which Verizon asserts satisfies the self-provisioned switching trigger the number of business UNE loops and, separately, the number of residential UNE loops, for the most recent six months for which Verizon has retained (and not archived) the LSRs. See Verizon's December 15, 2003, Response to AT&T's Motion to Compel, at 4.
- (b) Given that Verizon's December 15 Response indicated only that it did not "believe" it could obtain data from archived LSRs, please explain in detail the steps, if any, Verizon has undertaken to confirm that "belief." Provide all documents in Verizon's possession which relate to the investigation undertaken to confirm Verizon's "belief."
- (c) Explain in detail the steps Verizon would need to undertake to obtain information from archived LSRs.

OBJECTION:

Verizon objects to the question's implication that Verizon has not already fully responded to AT&T Nos. I-1, 13, 15-17 and 19-21, or that it has not already fully complied with the December 17 Order. See also Specific Objection 1. Subject to and without waiving these objections, Verizon will provide a relevant, non-privileged response to this question.



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Counsel for Verizon Pennsylvania Inc. and
Verizon North Inc.

January 14, 2004

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s Objections to AT&T Communications of Pennsylvania, LLC's Third 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, this 14th day of January, 2004.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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DOCUMENT

January 14, 2004

VIA EMAIL AND UPS OVERNIGHT DELIVERY

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

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PENN STATE LEGAL COUNSEL

To All Parties In Docket No. I-00030099:

Enclosed please find Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Fifth Set of Interrogatories To MCI, AT&T, XO, RCN, and Penn Telecom in the above-captioned matter.

Please do not hesitate to contact me if you have questions about this matter.

Very truly yours,

Suzan D. Paiva

SDP/meb
Enc.

Via UPS Overnight Delivery
cc: Secretary James J. McNulty (cover and certificate only)
Honorable Michael Schnierle (cover and certificate only)
Honorable Susan Colwell (cover and certificate only)
Attached Certificate of Service

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Fourth Set of Interrogatories to MCI, AT&T, XO, RCN, and Penn Telecom, 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 14th day of January, 2004.

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January 15, 2004

VIA FIRST CLASS MAIL

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
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DOCUMENT

SECRETARY'S BUREAU
01 JAN 20 AM 9:45

**Re: Investigation into the Obligations of Incumbent Local Exchange Carriers
to Unbundle Network Elements; Docket No. I-00030099
LTCC's First Set of Data Requests to Verizon**

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the First Set of Data Requests of Choice One Communications of Pennsylvania Inc., Focal Communications Corporation of Pennsylvania, SNIp LiNK LLC and XO Pennsylvania, Inc. (collectively, the "Loop and Transport Coalition" or "LTCC") to Verizon Pennsylvania, Inc. and Verizon North Inc. (collectively, "Verizon"). Please date stamp the enclosed duplicate and return it in the provided envelope. Please contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W Emmott

Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

cc: Julia A. Conover, William B. Petersen and Suzan DeBusk Paiva, counsel for Verizon, (via overnight and electronic mail).
Service List (via first class and electronic mail)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

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Date: January 15, 2004