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REDACTED October 11, 2012

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 323399-0850

- claim of confidentiality
- notice of intent
- request for confidentiality
- filed by OPC

For DN 06899-12, which is in locked storage. You must be authorized to view this DN.-CLK

RECEIVED FPSC
12 OCT 11 AM 10:09
COMMISSION CLERK

Re: Docket No. 090538-TP – Complaint of Qwest Communications Company, LLC

Dear Ms. Cole:

Broadwing Communications, LLC (“Broadwing”) files the following documents in the above-referenced docket:

1. Confidential Attachment A: a sealed envelope marked “CONFIDENTIAL,” containing the following:
 - A CD with Broadwing’s responses to Qwest Document Requests No. 20 (Bates Nos. 000076 and 000077); No. 21 (Bates No. 000078); No. 22 (Bates No. 000079); Nos. 13, 14 and 16 (Bates Nos. 000080-000168) and Supplement to Nos. 13, 14 and 16 (Bates Nos. 000169-000226). The entire CD is confidential.
 - Broadwing’s confidential responses to Qwest Interrogatories Nos. 15(c), and 17 and Qwest Document Request No. 16.
2. Public Attachment B: a redacted version of the information found in Confidential Attachment A.

Pursuant to §364.183(1), Florida Statutes, Broadwing states that Broadwing claims that the contents of Confidential Attachment A are confidential and proprietary business information of Broadwing Communications, LLC that should be kept confidential and exempt from public disclosure. A copy of this letter and Attachment B has been provided to parties as shown on the attached certificate of service.

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FPSC-COMMISSION CLERK

Ms. Ann Cole
October 11, 2012
Page 2

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me. Thank you for your assistance with this filing and please do not hesitate to contact me if you have any questions.

Sincerely,



Marsha E. Rule

Enclosure

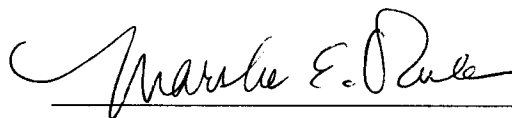
CERTIFICATE OF SERVICE

I hereby certify the foregoing has been served by U. S. mail or email to the following persons on this 11th day of October, 2012:

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 ltan@psc.state.fl.us	Jessica Miller Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 jemiller@psc.state.fl.us
Matt Feil Gunster Law Firm 215 South Monroe, Suite 601 Tallahassee, FL 32301 mfeil@gunster.com	Michael J. Shortley, III, Esq. Level 3 Communications 225 Kenneth Drive Rochester, New York, 14623 Michael.shortley@level3.com
Jane Whang Davis Wright Tremaine LLP 505 Montgomery Street, Suite 800 San Francisco, CA 94111 janewhang@dwt.com	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 dbailey@bullseyetelecom.com

RUTLEDGE & ECENIA

<p>Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511 lhaag@earnestgroup.com</p>	<p>Flatel, Inc. Executive Center, Suite 100 2300 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-3307</p>
<p>Granite Telecommunications, LLC 100 Newport Avenue Extension Quincy, MA 02171-1734 rcurrier@granitenet.com</p>	<p>Andrew M. Klein/Allen C. Zoracki Klein Law Group 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036 AKlein@kleinlawPLLC.com azoracki@kleinlawpllc.com</p>
<p>Adam L. Sherr Qwest Communications Company, LLC 1600 7th Avenue, Room 1506 Seattle, WA 98191 Adam.Sherr@qwest.com</p>	<p>Susan S. Masterton Century Link QCC 315 South Calhoun Street, Suite 500 Tallahassee, FL 32301 Susan.masterton@centurylink.com</p>
<p>Alan C. Gold, P.A. 1501 Sunset Drive, 2nd Floor Coral Gables, FL 33143 acgold@acgoldlaw.com</p>	<p>Ms. Carolyn Ridley tw telecom of florida l.p. 2078 Quail Run Drive Bowling Green, KY 42104 Carolyn.Ridley@twtelecom.com</p>
<p>Brenda Merritt Division of Regulatory Analysis Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 bmerritt@psc.state.fl.us</p>	<p>Mr. David Christian Verizon Access Transmission Services 106 East College Avenue, Suite 710 Tallahassee, FL 32301-7721 david.christian@verizon.com</p>
<p>Dulaney L. O'Roark III Verizon 5055 North Point Parkway Alpharetta, GA 30022 678-259-1657 (phone) 678-259-5326 (fax) de.oroark@verizon.com</p>	<p>Ms. Kristin Shulman XO Communications 810 Jorie Blvd. Suite 200 Oak Brook IL 60523 Kris.Shulman@xo.com</p>



Marsha E. Rule

Dkt. 090538-TP
Broadwing Confidential

BW Resp to QCC DR 20 (Bates #s 000076 and 000077)
BW Resp to QCC DR 21 (Bates # 000078)
BW Resp to QCC DR 22 (Bates # 000079)
BW Resp to QCC DR 13, 14, 16 (Bates #s 000080-000168)
BW Resp to QCC DR 13, 14, 16 (Supp) Lawyers Only
(Bates #s 000169-000226)

"B"

· Broadwing Response to Qwest's Third Set of Interrogatories (Nos. 13-19) and Second Document Requests (Nos. 11-22)

October 1, 2012

c. Specifically identify and describe any disputes relating to Broadwing's access charge billings submitted by Sprint between May 2006 and March 2012 and explain how these disputes, if any, were resolved.

Response: Broadwing objects that this request is Not Relevant to Qwest's claims herein. Qwest asserts that two specific Broadwing agreements unduly discriminate against Qwest. Neither of those agreements was in effect during the period May 2006 through March 2012.

Subject to Broadwing's objections, Broadwing states:

See Rebuttal Testimony of Mack D. Greene at pages 22-40 and related exhibits. As explained therein, *** BEGIN CONFIDENTIAL INFORMATION ***

*** END CONFIDENTIAL

INFORMATION ***

Answer provided by Mack D. Greene.

Interrogatory No. 16. For the 800 database queries referenced on page 16, line 4 of the Rebuttal Testimony of Mr. Collins, specifically identify and describe any disputes related to Broadwing's charges for these 800 data base queries submitted by AT&T and explain how these disputes, if any, were resolved.

Response: Broadwing has no record of any dispute related to the charges referenced in this Interrogatory.

Answer provided by Meslissa Kellow.

Interrogatory No. 17. Did Broadwing abide by Section 3(b) of the agreement attached to Mr. Greene's Rebuttal Testimony as Exhibit MDG-3? If not, identify all ways in which Broadwing deviated from Section 3(b) of the agreement. If Broadwing billed the contracting party in Florida at a rate other than that provided in the last sentence of Section 3(B), identify all months during which Broadwing billed at other rates and identify the rate billed in each such month.

Response: Broadwing objects that this request is Not Relevant to Qwest's claims herein. Qwest asserts that two specific Broadwing agreements unduly discriminate against Qwest. Neither of those agreements was in effect during the period May 2006 through March 2012, and Broadwing objects to any attempt by Qwest to rely on agreements that it has not placed at issue herein. Broadwing further objects that the term "abide by" is Vague and Ambiguous and that the interrogatory Calls for a Legal Conclusion.

In addition, the agreement shown in Exhibit MDG-3 is a nationwide agreement that covers a variety of different states and issues. The agreement was negotiated as a whole and imposes

· Broadwing Response to Qwest's Third Set of Interrogatories (Nos. 13-19) and Second Document Requests (Nos. 11-22)

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numerous obligations on both parties. Broadwing's performance or non-performance of any one portion of that agreement is Not Relevant to Qwest's claims herein.

Subject to Broadwing's objections, Broadwing states:

*** BEGIN CONFIDENTIAL INFORMATION ***

[REDACTED]

*** END CONFIDENTIAL INFORMATION ***

Answer provided by Bradley N. Collins.

Interrogatory No. 18. Identify all facts and documents supporting a conclusion that Qwest's regulatory team actually discovered that Broadwing and/or Focal were providing IXCs intrastate switched access in Florida at rates lower than the rates they were charging QCC.

Response: Broadwing objects that the interrogatory Calls for a Legal Conclusion and further objects that the interrogatory calls for counsel's opinion, evaluation of evidence, conclusions and proposed arguments, which is privileged attorney work product. Further, Broadwing cannot reasonably identify "all facts and documents" regarding events that occurred many years ago.

Subject to Broadwing's objections, Broadwing states:

See Rebuttal Testimony of Mack D. Greene at pages 44-58 and related exhibits. Further, when Qwest learned of the existence of the agreements described by Mr. Greene in the manner described by Mr. Greene, Qwest could have simply filed a civil suit or administrative action and sought a copy of the applicable agreements via subpoena, just as it did in the instant proceeding.

Answer provided by Counsel and Mack D. Greene.

Interrogatory No. 19. Regarding Mr. Greene's Rebuttal Testimony, at page 14, lines 17-21, identify the total amount of money that the party described therein had withheld from Focal, and that company's stated basis for withholding said amount.

Response:

Broadwing is unable to provide a response to this Interrogatory. The Focal-AT&T Litigation Settlement Agreement was executed in 2001, and Broadwing has no data for any billings before its June, 2005 invoices, nor does it have account receivable or payable information before that date. The company's stated reason for withholding payment is described generally in Qwest's Exhibit WRE-5A.

Answer provided by Counsel and Bradley N. Collins.

- Broadwing Response to Qwest's Third Set of Interrogatories (Nos. 13-19) and Second Document Requests (Nos. 11-22)
October 1, 2012

Broadwing objects to any attempt by Qwest to rely on agreements that it has not placed at issue herein. Further, to the extent this interrogatory seeks "all documents" without describing the type of document Qwest seeks, it is Vague and Overly Broad.

Subject to Broadwing's objections, Broadwing states:

See response to Interrogatory No. 15 and Interrogatory No. 2(3). See also Rebuttal Testimony of Mack D. Greene and Bradley N. Collins, including exhibits cited therein. Qwest is already in possession of Broadwing's invoices to Qwest. Broadwing will provide documents that include information regarding its billings to Sprint.

Document Request No. 15. Produce all documents supporting your response to Interrogatory No. 16.

Response: See Broadwing's response to Interrogatory No. 16.

Document Request No. 16. Produce all documents supporting your response to Interrogatory No. 17.

Response: Broadwing objects that this document request is Overly Broad and Unduly Burdensome. Among other things, it seeks documents created from mid-2005 through late 2008, in connection with an agreement that was terminated four years ago. Further, to the extent this interrogatory seeks "all documents" without describing the type of document Qwest seeks, it is Vague and Overly Broad.

Subject to Broadwing's objections, Broadwing states:

See Broadwing's Response to Interrogatory No. 17. In addition, see Rebuttal Testimony of Mack D. Greene at pages 22-40 and related exhibits. As explained therein, *** BEGIN CONFIDENTIAL INFORMATION ***

*** END CONFIDENTIAL INFORMATION

Document Request No. 17. Produce all documents supporting your response to Interrogatory No. 18.

Response: Broadwing objects that this document request is Overly Broad, Unduly Burdensome, and Vague. Broadwing cannot reasonably produce or even identify "all documents" supporting the conclusion in question, particularly when the request does not specify a time period.

Subject to its objections, Broadwing states:

See Broadwing's Response to Interrogatory No. 18.