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June 1, 2001

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RECORDS AND REPORTING

Re: Docket No. 000075-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Level 3 Communications, LLC ("Level 3") are the original and fifteen copies of Level 3's Objections to Staff's First Set of Interrogatories.

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.

Sincerely,

Martin P. McDonnell

- APP _____
- CAF _____
- CMP _____
- COM Enclosures
- CTR cc: All Parties of Record
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06914 JUN-16

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into appropriate)
methods to compensate carriers for)
exchange of traffic subject to Section 251)
of the Telecommunications Act of 1996.)
_____)

Docket No. 000075-TP

Filed: June 1, 2001

**LEVEL 3 COMMUNICATIONS, LLC'S OBJECTIONS
TO STAFF'S FIRST SET OF INTERROGATORIES**

Level 3 Communications, LLC ("Level 3"), pursuant to Order No. PSC-00-2229-PCO-TP issued November 22, 2000, Order No. PSC-00-2350-PCO-TP issued December 7, 2000, Order No. 00-2452-PCO-TP issued December 22, 2000, and Order No. PSC-01-0632-PCO-TP issued March 15, 2001, and Florida Rule of Civil Procedure 1.340, objects to Staff's First Set of Interrogatories to Level 3 Communications, LLC dated May 22, 2001, and says:

GENERAL OBJECTIONS

1. Level 3 objects to each interrogatory to the extent that it is intended to apply to matters other than Florida intrastate telecommunications operations subject to the jurisdiction of the Florida Public Service Commission. Level 3 objects to such interrogatories as being irrelevant, overly broad, unduly burdensome and oppressive.
2. Level 3 objects to each interrogatory insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and not relevant to the subject matter of this generic docket.
3. Level 3 objects to each interrogatory to the extent that it calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

DOCUMENT NUMBER-DATE

06914 JUN-15

FPSC-RECORDER/REPORTING

4. Level 3 objects to each interrogatory insofar as it is overly broad as written, and would be unduly burdensome, oppressive or excessively time consuming for Level 3 to respond.

5. Level 3 objects to each interrogatory to the extent that the information requested enjoys statutory “trade secrets” privilege pursuant to Section 90.506, Florida Statutes.

6. Level 3 objects to each interrogatory that would require the disclosure of customer specific information, the disclosure of which is prohibited by Section 364.24, Florida Statutes. Without waiving any general objection or specific objections stated herein, Level 3 will fully respond to requests for “proprietary confidential business information” pursuant to Sections 350.121, 364.183, 366.093 and 367.156, Florida Statutes, that are not subject to Section 364.24, Florida Statutes, in the event Level 3's general objections and/or specific objections concerning the specific requests are denied by the Prehearing Officer of the Commission. Level 3 will make such information available to PSC Staff and file with such response a Notice of Intent to Request Confidential Information.

7. Level 3 objects to each interrogatory insofar as it is vague, ambiguous, overly broad, imprecise or utilizes terms that are subject to multiple interpretations and not properly defined. Any answer provided by Level 3 in response to these interrogatories will be provided subject to and without waiver of the foregoing objection.

8. Level 3 objects to providing information to the extent that such information is already in the public record before the Commission.

SPECIFIC OBJECTIONS

Interrogatory 1. In the recent FCC Order No. 01-131, the FCC established certain interim measures for compensating ISP-bound traffic, as well as revisions removing the word “local” from certain rules.

(a) Does FCC Order No. 01-131 impact any issues being addressed in Phase II of this docket?

(b) if the answer to (a) is affirmative, which issues are impacted and how?

Level 3 objects to Interrogatory No. 1 to the extent that it calls for legal conclusions. Level 3 intends to address all legal authority that impacts any issue being considered by the Commission in Phase II of this generic docket in its Posthearing Brief.

Interrogatory No. 2. Please refer to page 9, lines 5-7 of witness Gates' direct testimony. What companies presently have LATA-wide local calling agreements with BellSouth as described in your testimony?

Level 3 objects to Interrogatory No. 2 to the extent the information requested is in the public record before this Commission or any other state commission. Level 3 further objects to Interrogatory No. 2 to the extent that Level 3 cannot fully provide the information requested as Level 3 is without knowledge as to all companies that may have entered into such agreements with BellSouth.

Interrogatory No. 3. Please refer to page 10, beginning with line 7 of witness Gates' testimony.

(a) You state that interstate local calling is relatively common. Are ILECs permitted to carry local calls across state lines in these situations?

(b) Provide examples of this practice.

Level 3 objects to Interrogatory 3(a) to the extent that the Interrogatory, in asking whether ILECs are "permitted" to carry local calls across state lines, refers to whether ILECs are legally permitted to carry such calls. To the extent that the Interrogatory asks whether ILECs are legally permitted to carry such calls, it calls for a legal conclusion and is objectionable.

Interrogatory No. 6 Please refer to page 27, lines 19-21, and page 28, lines 1-2 of Gates' direct testimony.

- (a) What percentage of Level 3's virtual NXX arrangements are utilized by ISPs?
- (b) What percentage of Level 3's virtual NXX arrangements are utilized by types of customers other than ISPs?
- (c) Provide examples of other types of customers that utilize virtual NXX arrangements?

Level 3 objects to Interrogatory No. 6 on the grounds that the information requested is not relevant to the subject matter of Phase II of this generic docket, is overly broad and unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

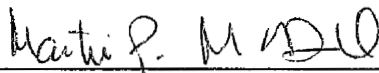
Interrogatory No. 12. Please refer to pay 30, lines 13-15 of witness Hunt's direct testimony. Explain how "binding statutory definitions" should influence any Commission definition of IP Telephony as telecommunications.

Level 3 objects to Interrogatory No. 12 to the extent that the information sought calls for a legal conclusion. Level 3 intends to address all legal authority that impacts any issue being considered by the Commission in Phase II of this generic docket in its Posthearing Brief.

WHEREFORE, Level 3 respectfully requests that the Commission sustain each of the objections set forth herein.

Respectfully submitted this 1st day of June, 2001.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following this 1st day of June, 2001:

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at&T/level.3objections