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April 17, 2002

**VIA HAND DELIVERY**

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

Re: Docket No.: 990649B-TP

Dear Ms. Bayo:

On behalf of Z-Tel Communications, Inc., I am enclosing the original and 15 copies of Z-Tel Communications, Inc.'s Motion to Compel Answers to Interrogatories and Request for Expedited Ruling.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and pleading by returning the same. Thank you for your assistance in this matter.

Thank you for your assistance in this matter.

Yours truly,

  
Joseph A. McGlothlin

JAM/mls  
Enclosure

DOCUMENT NUMBER DATE  
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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into  
pricing of unbundled  
elements (Sprint/Verizon track)

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Docket No.: 990649B-TP  
Filed: April 17, 2002

**Z-TEL COMMUNICATIONS, INC.'S MOTION TO COMPEL  
ANSWERS TO INTERROGATORIES AND  
REQUEST FOR EXPEDITED RULING**

Z-Tel Communications, Inc. (Z-Tel), pursuant to rule 28-106.206, Florida Administrative Code, files this motion to compel Verizon Florida, Inc. (Verizon) to respond fully to Z-Tel's Second Set of Interrogatories. As grounds therefore, Z-Tel states:

**Introduction**

1. On March 29, 2002, Z-Tel propounded its Second Set of Interrogatories on Verizon.
2. On April 9, 2002, Verizon served its objections to Z-Tel's interrogatories. Verizon's objections should be rejected, and Verizon should be required to respond fully to Z-Tel's discovery requests. Each of Verizon's objections is discussed below.

**Interrogatory Nos. 12 and 13**

4. In Interrogatory No. 12, Z-Tel requests that Verizon run its New York approved cost model using its Florida customer and wire-center location data and the inputs approved by the New York Public Service Commission, and report the results in its answer. In Interrogatory No. 13, Z-Tel requests that Verizon perform the analysis requested in Interrogatory No. 12 but substituting the inputs proposed by Verizon in this case for the inputs approved by the New York Public Service Commission.

5. Verizon asserts that Z-Tel's request is irrelevant, not calculated to lead to the discovery of admissible evidence, unduly burdensome, time consuming, and oppressive. Verizon asserts that the New York cost model and inputs approved by the New York Public Service Commission has nothing to do with this proceeding. Further, Verizon alleges that it does not

have access to or experience with the New York cost model.

6. Despite Verizon's claims to the contrary, Z-Tel's request is clearly relevant and definitely calculated to lead to the discovery of admissible evidence. Verizon's proposed UNE rates – as compared to the UNE rates set for BellSouth in Florida, Verizon's current UNE rates for Florida, and Verizon's UNE rates in other states – are startlingly high. The "sanity test" performed by Z-Tel witnesses Dr. George Ford indicates that Verizon's proposed rates fall well outside the bounds that would be predicted by known and available quantitative factor. The sheer magnitude of the proposed rates, coupled with the results of separate sanity tests, call for a detailed analysis of the model and inputs that yielded the rates. However, the cost model used by Verizon to measure its costs of providing UNEs in Florida is new and untested. Moreover, the ALECs' cost model expert has found Verizon's proposed cost model to be so *impenetrable* as to frustrate any meaningful analysis.

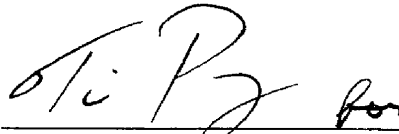
7. Under these circumstances, the parties and the Commission must avail themselves of every tool and every insight. Z-Tel's interrogatories are designed to provide the Commission with such additional information. Comparing the proposed rates to the results achieved by placing Florida-specific wire center and customer location information in a different, prior Verizon model accepted in other jurisdictions will provide additional insight as to whether the inscrutable model proffered by Verizon in this case, as opposed to the inputs to the model, is generating aberrant cost measurements. Such information is relevant and probative of Issues 1, 7, 8, 9, 10, 11 and 12 in this proceeding.

8. Verizon also alleges that it lacks experience with the New York cost model. However, Verizon's assertion is without merit. Verizon has at its disposal the wealth of experience of its sister company in New York with the cost model. Thus, the analysis requested by Z-Tel in its Interrogatories should not be burdensome and oppressive to perform as alleged by Verizon. All that is required is to place existing inputs in an existing cost model, a task which cannot possibly be as difficult as Verizon complains.

9. Because of the closeness of the hearing date, Z-Tel requests the Prehearing

Officer to expedite the consideration of this motion by taking it up during the Prehearing Conference scheduled for April 19, 2002.

**WHEREFORE**, Z-Tel requests the Prehearing Officer to enter an order directing Verizon to answer Interrogatories 12 and 13.



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Attorneys for Z-Tel Communications, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Z-Tel Communications, Inc.'s Motion to Compel Verizon Florida, Inc. has on this 17th day of April 2002 been served (\*) Hand Delivery, Email and U.S. Mail to the following:

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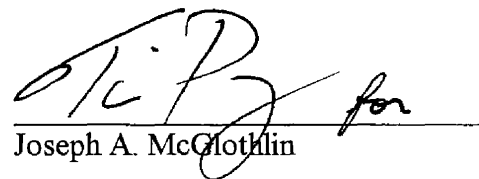
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