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October 10, 2002

Ms. Blanca Bayo, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard, Room 110  
Betty Easley Conference Center  
Tallahassee, FL 32399-0850

**VIA HAND DELIVERY**

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Re: Docket No. 020412-TP

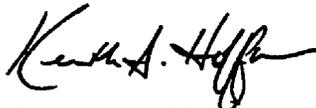
Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of US LEC of Florida Inc. ("US LEC") are the original and fifteen copies of US LEC's Objections to Verizon Florida Inc.'s First Set of Combined Interrogatories and Document Requests.

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,



Kenneth A. Hoffman

AUS KAH/rl  
CAF Enclosures  
CMP cc: All Parties of Record  
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**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for arbitration of unresolved	)	Docket No. 020412-TP
issues in negotiation of interconnection	)	
agreement with Verizon Florida Inc. by	)	
US LEC of Florida Inc.	)	Filed: October 10, 2002
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**US LEC OF FLORIDA INC.'S OBJECTIONS TO  
VERIZON FLORIDA INC.'S FIRST SET OF COMBINED  
INTERROGATORIES AND DOCUMENT REQUESTS**

Pursuant to the July 23, 2002, Order Establishing Procedure, US LEC of Florida Inc. ("US LEC") submits these Objections to Verizon Florida Inc.'s ("Verizon") First Set of Combined Interrogatories and Requests for Production of Documents ("Requests").

**GENERAL OBJECTIONS**

US LEC makes these General Objections to the Requests and incorporates each of the General Objections into its specific objections to each Request.

1. US LEC objects to the Requests to the extent 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. US LEC will make a reasonable effort to respond to each and every Request as US LEC understands and interprets such Request. If Verizon should assert an interpretation of any Request that differs from US LEC's, US LEC reserves the right to supplement or amend its objections. US LEC further reserves the right to produce responsive documents or information received after the date of its Response.

DOCUMENT NUMBER DATE

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3. US LEC expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the responses produced pursuant to the Requests.

### **OBJECTIONS TO VERIZON'S REQUESTS**

Many of the specific objections that US LEC makes are applicable to several of Verizon's Requests. For this reason, US LEC provides the following definitions of those objections and, where applicable, repeats only the defined term in stating its specific objections.

1. *Relevance*: 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 (iii) 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, US LEC 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 US LEC if disclosed.

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

### **SPECIFIC OBJECTIONS TO REQUESTS**

**Verizon Request No. 1:** With respect to the statement at page 8 of Mr. Hoffmann's direct testimony that "US LEC has established POIs at two of those tandems," please identify the tandems to which Mr. Hoffman refers, and state whether, under the parties' current arrangements, there are any other points of interconnection between US LEC's and Verizon's networks in the Tampa LATA.

#### **Objection:**

US LEC objects to this request on the grounds that it is *Unduly Burdensome* in that Verizon already has access to the requested information. Subject to, but without waiving the foregoing objection, US LEC will respond to the request.

**Verizon Request No. 2:** With respect to the statement at page 5 of Mr. Hoffmann's direct testimony that "US LEC takes advantage of decreased transport costs to provide service over a large area with a single switch," please identify: (a) each NXX code that has been assigned to US LEC in the Tampa LATA, (b) the local calling area associated with that NXX code, (c) the number of US LEC customers that are collocated at US LEC's switch in Tampa; and (d) the number of US LEC customers that are located within 5 miles of US LEC's switch in Tampa.

**Objection:**

US LEC objects to Request No. 2 on the grounds of *Relevance*, that it is *Vague and Ambiguous, Unduly Burdensome*, and seeks discovery of *Commercially Sensitive, Proprietary, and Confidential* information. First, with respect to item (a), it is unclear whether Verizon seeks information as to only those NXX codes that were formally assigned to US LEC or, in addition, numbers that were ported to US LEC. Second, US LEC objects to items (a) & (b) on the grounds that Verizon has access to the Local Exchange Routing Guide (“LERG”) that contains the information requested. Third, with respect to items (c) & (d), the specific physical location of US LEC’s customers is *Commercially Sensitive, Proprietary and Confidential Information*, nor is it relevant to this proceeding. Finally, with respect to item (d), US LEC does not keep such information in the ordinary course of business and it would require a special study to produce. Subject to, and without waiving the foregoing objection, US LEC will identify all NXX codes that it utilizes in the Tampa LATA in Florida, whether assigned or ported, identify the local calling areas associated with those codes, will state whether any customers are collocated with US LEC at its switches and will indicate whether customers assigned NXX codes are physically located in the calling area associated with the NXX code.

**Verizon Request No. 3:** With respect to Ms. Montano’s testimony on Issue No. 6, please identify: (a) the number of US LEC customers physically located within the Tampa LATA; (b) the number of US LEC customers in the Tampa LATA that have been assigned at least one telephone number associated with a local calling area in the Tampa LATA other than the one in which the customer is physically located (hereinafter referred to as “Virtual FX numbers”), (c) for each such customer, the number of Virtual FX numbers that each such customer has been assigned,

(d) for each such customer, the number of different local calling areas (other than the one in which the customer is physically located) in which each such customer has been assigned at least one Virtual FX number, (e) for each such customer, whether the customer is an Internet service provider, and (f) for each such customer, the distance between such customer's physical location and US LEC's switch in Tampa; (g) for each such customer, the number of Voice Grade Equivalent lines in use by each customer for each number assigned to that customer.

**Objection:**

US LEC objects to Request No. 3 on the grounds of *Relevance*, it is *Unduly Burdensome*, and seeks discovery of *Commercially Sensitive, Proprietary, and Confidential* information. US LEC does not deny that it offers an FX service to customers and does not deny that it has billed reciprocal compensation for traffic terminated to those customers, just as Verizon has billed US LEC for calls to its FX customers in the past. The number of FX customers, the number of lines they have been assigned, the number of calling areas where the numbers are assigned, whether any is an ISP, the distance from any customer to US LEC's switch and the number of Voice Grade Equivalent lines used by each customer, simply are not relevant to this proceeding. US LEC also objects to item (g) on the grounds that it does not utilize "Voice Grade Equivalent Lines" in its services. Similarly, it is burdensome to produce the responses and the location of US LEC's customers is confidential, proprietary information. Subject to, but without waiving the foregoing objection, US LEC will respond to this request to the extent that it is able to do so.

**Verizon Request No. 4:** Please describe the network configuration and facilities employed in US LEC's "Local Toll Free" service.

**No objection.**

**Verizon Request No. 5:** Please identify: (a) the number of US LEC customers located outside of the Tampa LATA (whether located in another Florida LATA or in another state) that have been assigned at least one telephone number associated with a local calling area in the Tampa LATA, (b) the number of such telephone numbers that each such customer has been assigned, (c) the number of different local calling areas in the Tampa LATA in which each such customer has been assigned a telephone number, (d) whether each such customer is an Internet service provider, (e) whether US LEC has billed Verizon reciprocal compensation for calls made by Verizon customers in the Tampa LATA to any such US LEC customer, and (f) whether US LEC contends that it is entitled to such compensation under federal law, and, if so, the basis for such a contention.

**Objection:**

US LEC objects to Request No. 5 on the ground of *Relevance*. US LEC does not deny that it offers a Local Toll Free service and does not deny that it has billed reciprocal compensation for traffic terminated to those customers, just as Verizon has billed US LEC for calls to its Remote Call Forwarding customers in the past. The number of lines US LEC's customers have been assigned, the number of calling areas where the numbers are assigned and whether any customer is an ISP is not relevant to this proceeding. Subject to, but without waiving the foregoing objection, US LEC will respond to items (a), (b), (c), (d) and (e). Item (f) will be addressed in US LEC's post-hearing brief.

**Verizon Request No. 6:** If any of the US LEC customers identified in response to Discovery Request 5 do not subscribe to US LEC's "Local Toll Free" service, please identify the service to which each such US LEC customer subscribes, pursuant to which US LEC has assigned that customer a number associated with the Tampa LATA.

**No objection.**

**Verizon Request No. 7:** Please describe the network configuration and facilities employed in the US LEC service(s) identified in response to Discovery Request 6.

**No objection.**

**Verizon Request No. 8:** With respect to the statement at page 21 of Ms. Montano's rebuttal testimony that distinguishing Virtual FX traffic from local traffic would be "expensive to implement and maintain," please provide the factual basis for that assertion, including any technical documentation.

**No objection.**

**Verizon Request No. 9:** Please state (a) the amount of reciprocal compensation that US LEC billed to Verizon during the first six months of 2002 on account of traffic originated by Verizon customers within the Tampa LATA; (b) the amount of reciprocal compensation that US LEC billed to Verizon on account of calls originated by Verizon customers within the Tampa LATA to Virtual FX numbers assigned to customers physically located within the Tampa LATA; (c) the amount of reciprocal compensation that US LEC billed to Verizon on account of calls originated by Verizon customers within the Tampa LATA to numbers associated with a local calling area within the Tampa LATA assigned to customers physically located outside the Tampa LATA; (d) the amount of toll charges that US LEC billed its Local Toll Free customers on account of calls originated within the Tampa LATA. If US LEC maintains that it is unable to state this information precisely, please provide an estimate of such amounts and the methodology for calculating the estimate.

**Objection:**

US LEC objects to Request No. 9 on the ground of *Relevance*. US LEC does not deny that it offers FX and Local Toll Free services and does not deny that it has billed reciprocal compensation for traffic terminated to those customers, as has Verizon in the past. The amount of the compensation that has been billed is not relevant to this proceeding; nor is the amount of toll charges that US LEC has billed its Local Toll Free customers relevant either. Subject to, but without waiving the foregoing objection, US LEC will respond to items (a) and (d). US LEC also objects to Request No. 9 on the ground that items (b) and (c) are *Unduly Burdensome*. US LEC does not maintain traffic records in a manner that would permit it to state the amount of reciprocal compensation that US LEC billed to Verizon on account of calls originated by Verizon customers within the Tampa LATA to Virtual FX numbers assigned to customers physically located within the Tampa LATA or calls originated by Verizon customers within the Tampa LATA to numbers associated with a local calling area within the Tampa LATA assigned to customers physically located outside the Tampa LATA. Nor does US LEC have any reasonable basis to estimate the amounts of such compensation billed.

**Verizon Request No. 10:** With respect to the statement at page 20 of Ms. Montano's rebuttal testimony that "Verizon's fix is likely to be substantially more expensive than the amount of reciprocal compensation that US LEC receives from its FX customers and the traffic they generate," please provide the amount of reciprocal compensation that US LEC received from its FX customers in the Tampa LATA and the traffic they generated for the first six months of 2002.

**Objection:**

US LEC objects to Request No. 10 on the ground of that it is *Unduly Burdensome*. US LEC does not maintain traffic records in a manner that would permit it to state the amount of reciprocal compensation that US LEC received from its FX customers in the Tampa LATA or the traffic they generated for the first six months of 2002.

**Verizon Request No. 11:** Please provide all terms and conditions of any FX or FX-like services that US LEC offers that enables its customers (whether located in Florida or in another state) to obtain telephone numbers in the Tampa LATA, including, but not limited to, (a) the number of telephone numbers and voice-grade equivalent lines that are provided to the customer as part of the basic FX or FX-like service offered, (b) the cost to obtain additional telephone numbers or voice-grade equivalent lines in a particular local calling area in the Tampa LATA, and (c) the cost to obtain additional telephone numbers in another local calling area in the Tampa LATA in which the customer is not physically located.

**Objection:**

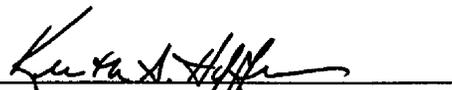
US LEC objects to Request No. 11 on the grounds that the terms and conditions of any FX or FX-like services contain *Commercially Sensitive, Proprietary, and Confidential* information. US LEC also objects to Request No. 11(a) on the grounds that it does not utilize “voice grade equivalent lines” in the provision of services. Subject to, and without waiving the foregoing objection, US LEC will provide responses to items (a), (b) and (c).

**Verizon Request No. 12:** Please provide any documents referred to or relied upon in answering the above discovery requests and any documents that US LEC intends to introduce as exhibits at the hearing.

**Objection:**

US LEC objects to the request to provide any documents that US LEC relied upon in answering the above discovery requests on the grounds that those documents contain *Commercially Sensitive, Proprietary, and Confidential* information. US LEC also objects to the request to provide any documents that US LEC intends to introduce as exhibits at the hearing. As an initial matter, apart from the direct and rebuttal testimony US LEC has already filed in this matter, US LEC is still considering what exhibits it intends to introduce at the hearing and, as such, those documents are subject to the attorney work product privilege and attorney-client privilege. In addition, US LEC is aware of no Commission rule or order that either requires US LEC to identify exhibits it intends to use in cross examination or during re-direct testimony at all or entitles Verizon to receive any of this information prior to hearing.

Respectfully submitted,



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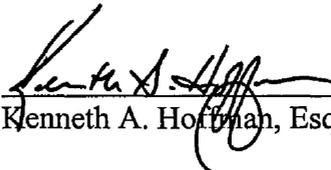
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of US LEC of Florida Inc.'s Objections to Verizon Florida Inc.'s First Set of Combined Interrogatories and Documents Requests was furnished to the following by Hand Delivery(\*), Electronic Mail(\*\*) and by U.S. Mail this 10th day of October, 2002.

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