

ORIGINAL

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PRESIDENT



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JOHNNIE BYRD

SPEAKER



September 18, 2003

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECEIVED FPSC
03 SEP 18 PM 3:43
COMMISSION
CLERK

RE: Docket No. 030867-TL

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Second Motion to Compel Answers to Interrogatories from Verizon Florida, Inc. for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Sincerely,

H F. Mann
Associate Public Counsel

HFM/dsb

Enclosures

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DOCUMENT NUMBER-DATE
08937 SEP 18 03
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Verizon Florida Inc. to Reform)
Its Intrastate Network Access and Basic Local)
Telecommunications Rates in Accordance with)
Florida Statutes, Section 364.164)
_____)

Docket No. 030867-TL
Filed: September 18, 2003

**CITIZENS' SECOND MOTION TO COMPEL ANSWERS TO
INTERROGATORIES FROM VERIZON FLORIDA, INC**

The Citizens of Florida (Citizens), through the Office of Public Counsel, pursuant to Rule 28-106.204, Florida Administrative Code, and Rules 1.280, 1.340, 1.350, and 1.380, Florida Rules of Civil Procedure, request the Prehearing Officer issue an order compelling Verizon Florida, Inc. ("Verizon" or "Company") to immediately answer all interrogatories described in the paragraphs identified below.

1. On September 12, 2003, Verizon served its Initial Objections to Citizens' Second Set of Interrogatories, dated September 5, 2003.

2. Verizon lists twelve general objections, identified as "initial" and "preliminary," to Citizens' interrogatories, none of which identifies a single interrogatory to which any or all of them may apply. As such, the Company has presented to Citizens a wonderful game of "Read the Company's Mind."

3. Citizens assert that these general, "initial" and "preliminary" objections are wholly inapplicable to Citizens' discovery requests. The following are what the Company suggests are appropriate discovery objections made pursuant to the Florida Rules of Civil Procedure:

DOCUMENT NUMBER-DATE

08937 SEP 18 3

FPSC-COMMISSION CLERK

1. Verizon objects to each interrogatory to the extent that it seeks to impose an obligation on Verizon to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such interrogatory is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. Verizon objects to each interrogatory to the extent that it is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission. Verizon objects to each such interrogatory as being irrelevant, overly broad, unduly burdensome, and oppressive.

3. Verizon objects to each interrogatory to the extent that it requests information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. Verizon objects to each interrogatory to the extent that it is vague, ambiguous, overly broad, imprecise, or to the extent that it utilizes terms that are subject to multiple interpretations and are not properly defined or explained for purposes of this discovery. Any answers provided by Verizon in response to the Second Set will be provided subject to, and without waiver of, the foregoing objection.

5. Verizon objects to each interrogatory to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon will

attempt to state in its responses each instance where this objection applies.

6. Verizon objects to providing information to the extent that such information is already in the public record before the Commission.

7. Verizon objects to the Second Set to the extent that it seeks to have Verizon create documents not in existence at the time of the request.

8. Verizon objects to each interrogatory to the extent that it seeks to impose obligations on Verizon that exceed the requirements of the Florida Rules of Civil Procedure or Florida Law.

9. Verizon objects to each interrogatory to the extent that it seeks to impose obligations on Verizon that exceed the requirements of Florida Statutes, Section 364.164(3).

10. Verizon objects to each interrogatory to the extent that responding to it would be unduly burdensome, expensive, oppressive, or excessively time consuming.

11. Verizon objects to each interrogatory to the extent that it is not limited to any stated period of time and, therefore, is overly broad and unduly burdensome.

12. In light of the short period of time Verizon was afforded to respond to the Second Set, discovery and the development of Verizon's position are necessarily ongoing, and Verizon's response may be subject to supplementation or further refinement. Verizon therefore reserves the

right, at its discretion, to supplement or modify its response. However, Verizon does not assume an affirmative obligation to supplement its answers on an ongoing basis.

4. The Prehearing Officer, Commissioner Bradley, in his Order Establishing Procedure, No. PSC-03—0994-PCO-TL, instructed the parties regarding discovery, that “Any objection to . . . discovery requests shall be made within five business days of service of the discovery request.”

5. Citizens do not believe that that instruction envisioned a listing of any and all objections that might be available to a party in the event that some specific discovery request was made of that party to which one or more of those available objections could be claimed and argued.

6. Not one of the twelve general “initial” and “preliminary” objections made by Verizon identifies a single interrogatory to which it might apply. If these objections were somehow allowed to be applied to Citizens’ discovery, Citizens would be faced with the impossibly absurd task of responding directly to twelve “initial” and “preliminary” objections, all of which address nothing in particular. Accordingly, these objections are wholly inappropriate and totally irrelevant to Citizens’ discovery requests and should accordingly be dispatched from any consideration by this Commission.

7. After listing the above twelve general “initial” and “preliminary” objections to any and all of Citizens’ discovery, as each of the objections may or may not apply, Verizon does identify some specific objections directed to particular discovery requests, as required by the Florida Rules of Civil Procedure. These Interrogatory Requests, the Company’s objections, followed by Citizens’ response to the objections follow below.

8. Interrogatory No. 24:

Provide the company's (and/or the related long distance affiliate) intrastate pricing units/volumes separately for MTS, and all "other optional calling plans" (all "other optional calling plans" should be provided separately if available, or on a combined basis), and provide this information for both residential and business customers. The above information should be provided for day, evening, and night/weekend categories. The information should be provided for both the test period, and the year prior to the test period.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it seeks information relating to Verizon's long distance affiliate, which is not a party to this case, and is therefore overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Moreover, Verizon objects to this interrogatory, as it relates to Verizon Florida Inc., on three grounds. First, it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). Second, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section

364.164(3). Specifically, it seeks information about end-user long distance services, but such services are not the subject of Verizon's Petition. To the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law. Third, this interrogatory seeks information regarding "pricing unit" information beyond the most recent 12-month period, which is beyond the scope of inquiry permitted by Section 364.164(3), Florida Statutes.

CITIZENS' RESPONSE:

Please also refer to Citizens' response to Verizon Objection to Production of Document Request No. 37, found in Citizens Second Motion to Compel Production from Verizon, filed September 18, 2003.

This docket is about the access charges that Verizon collects from interexchange carriers, based on the volume of traffic Verizon transports for each of the interexchange carriers operating in Florida. Citizens understand that Verizon does not collect access charges from its own long distance subsidiary. However, Citizens' seek information in this request regarding the amount of interexchange long distance traffic the company handles for its long distance subsidiary in Florida. This interrogatory seeks to identify the amount of long distance traffic that Verizon handles for its own subsidiary, even though its subsidiary is not subject to access charges, as stated by Verizon in its

objection to this request. If the Commission is to understand fully the benefits that may or may not accrue to Florida's residential basic local exchange customers, it needs to know what impacts Verizon's proposals in this docket will have on all Florida long distance carriers in terms of the volume of traffic, applicable rates and the rates that will apply following the changes proposed by the Company in this docket. Furthermore, Verizon witness Gordon states that "economic activity in Florida will increase in Florida as a result of the companies' plans because rebalancing generates substantial consumer benefits" and he states that, "consumers will likely increase their purchases of those services whose price has come down." (Page 4, lines 17-19) Sections III and IV of witness Gordon's testimony describes the customer benefits from the rebalancing proposal of the company, and on page 32 of his testimony he states that Florida consumers will use more toll services as a result of the reduction in intrastate toll prices. This discovery request directly addresses the issue of intrastate toll price reductions that Florida consumers may or may not, experience. Citizens object to Verizon's contention that the statute limits discovery to the most recent 12 months. If the Commission were to actually accept the Company's contention in this regard, then it would apply equally to testimony and substantial parts of witness Gordon's testimony would be stricken from the record. Citizens' discovery request relates to the testimony of its witnesses and it is neither vague nor relevant. Finally, the Company's reliance on section 364.164(3), Florida Statutes, is misplaced. Citizens assert that the discovery limitation addressed in that section pertains only to the rate adjustment filings identified in section 364.164(2), and further addressed in section 364.164(3) and section 364.164(7), Florida Statutes.

9. Interrogatory No. 25:

Provide the Company's (and/or the related long distance affiliate) average revenues per minute separately for MTS, and all "other optional calling plans" (all "other optional calling plans" should be provided separately if available, or on a combined basis), and provide this information for both residential and business customers. The information should be provided for both the test period, and each of the two years prior to the test period.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it seeks information relating to Verizon's long distance affiliate, which is not a party to this case, and is therefore overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Moreover, Verizon objects to this interrogatory, as it relates to Verizon Florida Inc., on three grounds. First, it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). Second, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end user long

distance services, but such services are not the subject of Verizon's Petition. To the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law. Third, this interrogatory seeks information regarding "pricing unit" information beyond the most recent 12-month period, which is beyond the scope of inquiry permitted by Section 364.164(3), Florida Statutes.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24, above.

10. Interrogatory No. 26:

Provide the average intrastate toll/long distance usage charges (billed/invoiced amount) separately for customers of residential MTS, all other combined residential "optional calling plans", business MTS, and all other combined business "optional calling plans". Provide this information for the test period and the prior twelve months. Explain if this includes any PICC charges.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it

seeks information relating to Verizon's long distance affiliate, which is not a party to this case, and is therefore overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Moreover, Verizon objects to this interrogatory, as it relates to Verizon Florida Inc., on three grounds. First, it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). Second, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services, but such services are not the subject of Verizon's Petition. To the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law. Third, this interrogatory seeks information regarding "pricing unit" information beyond the most recent 12-month period, which is beyond the scope of inquiry permitted by Section 364.164(3), Florida Statutes.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24, above.

11. Interrogatory No. 27:

Assume that the company's proposal is adopted. Provide all information to show that the decrease in residential long distance rates (from the flow-through impact) will equal or exceed the increase in residential local rates. Provide all supporting calculations, assumptions, and explanations, and provide information in electronic format. Explain how this can be determined if the time period that long distance rate reductions will be in place is not known or determinable.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). In addition, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services, but such services are not the subject of Verizon's Petition. To the extent end-user long distance

service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24. Verizon has stated in its objection that it does not collect for access to the local exchange network from its long distance affiliate. The Citizens simply want to clarify whether or not the Verizon long distance customers will benefit from the proposals of the company.

12. Interrogatory No. 28:

Assuming that the company's proposal is adopted without changes (and that the company, and/or its long distance affiliate would flow-through the rate reductions) provide the company's best estimate of the flow-through impact on reduced long distance rates for the company (and/or its long distance affiliate), and reduced long distance rates generally for all of the Florida long distance market for all other carriers. In addition, assuming that the proposals for the other two LECs are adopted without change, provide the company's best estimate of how the combined flow-through impact of all LECs affects the long distance rates generally for all of the Florida long distance market for all other carriers. This information can be expressed as the best estimate impact of the reduction in average

long distance revenues per minute, or some other basis for long distance rates. Provide all supporting calculations and explanations.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it seeks information relating to Verizon's long distance affiliate, which is not a party to this case, and is therefore overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Moreover, Verizon objects to this interrogatory, as it relates to Verizon Florida Inc., on two grounds. First, it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). Second, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services and the potential effects of the rate rebalancing plans filed by the other incumbents, but these issues are not the subject of Verizon's Petition. Moreover, to the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a

decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24.

13. Interrogatory No. 29:

Address the following regarding potential long distance rate reductions for the company (and/or its long distance affiliate):

(a) Explain if the company (and/or its long distance affiliate) will flow-through access reductions to long distance rates, and provide its best estimates of rates it will offer for each long distance service assuming its rebalancing proposal is adopted. Explain why the company will not reduce rates if this is the case.

(b) Explain the time period the company will maintain its reduced long distance rates, before it subsequently increases long distance rates and explain the rationale for this approach.

(c) Explain if the company will lower its "intrastate" long distance rates to match (or go below) the rates of all similar lower priced "interstate" long distance rates. Provide and list of these long distance services, and explain why the company will or will not reduce its intrastate rates to match (or go below) interstate rates.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory (and its subparts) on the

grounds that it seeks information relating to Verizon's long distance affiliate, which is not a party to this case, and is therefore overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Moreover, Verizon objects to this interrogatory, as it relates to Verizon Florida Inc., on two grounds. First, it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). Second, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services, but such services are not the subject of Verizon's Petition. Moreover, to the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24. Verizon has stated in its objection that it does not collect for access to the local exchange network from its long distance affiliate. The Citizens seek simply to clarify

whether or not the Verizon long distance customers will benefit from the proposals of the company, as Verizon purports they will.

14. Interrogatory No. 30:

Assume that the LEC (and/or its long distance affiliate) and other long distance carriers will flow-through long distance rate reductions to customers. Explain what actions the Florida Commission should take if the LEC and/or other long distance carriers subsequently increase their long distance rates (to negate all or some impact of the access flow-through) within a 6-month period, 1 year period, or some other period. Explain why local rates should be permanently increased if long distance rates will not be permanently decreased, or at least decreased for some substantial time period.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). In addition, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services, but such services are

not the subject of Verizon's Petition. To the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24.

15. Interrogatory No. 32:

Explain all proof that access reductions will be flowed through equitably to both residential and business customers of the LEC (and/or its long distance affiliate) and other carriers, or indicate if carriers could choose to flow-through the entire impact of the access reduction to business long distance customers (and not residential long distance customers). Provide all information to support the company's statements or opinion.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it seeks information relating to Verizon's long distance affiliate, which is not a party to this case, and is therefore overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Moreover, Verizon objects to this interrogatory, as it relates to Verizon Florida Inc.,

on two grounds. First, it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). Second, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services, but such services are not the subject of Verizon's Petition. Moreover, to the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law.

CITIZENS' RESPONSE:

Verizon's testimony is replete with claims of the numerous benefits customers will receive as a result of the proposals of the company, including witness Danner's discussion of the customer benefits resulting from lower toll charges (page 11, line 9 through page 12, line 4), and witness Gordon's statements describing the benefits from reduced intrastate toll prices (page 12, line 8 through page 33, line 14). The Citizens seek to know and have a right to seek this discovery that is highly relevant to the testimony submitted in this case. The request is neither overly broad nor is it

oppressive for the Company to provide. Finally, the Company's reliance on section 364.164(3), Florida Statutes, is misplaced. Citizens assert that the discovery limitation addressed in that section pertains only to the rate adjustment filings identified in section 364.164(2), and further addressed in section 364.164(3) and section 364.164(7), Florida Statutes.

16. Interrogatory No. 33:

Provide all known, quantifiable and explicit "net" benefits ("net" benefits infers showing both "positive" and "negative" impacts and showing that the positive impacts exceed the negative impacts) that will accrue to the average residential customer as a result of the access reduction and rebalance to local rates, assuming the company's proposal is adopted. Also, provide the known duration (time period) of each benefit. Benefits may include (but not be limited to) net reductions in rates paid by customers, and any other benefits determined by the company.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it seeks information regarding issues that are beyond the scope of the issues to be considered by the Commission in this proceeding. The first prong of Section 364.164(1) is the only prong that refers to residential customers. It limits inquiry to whether granting the petition "will remove current support for basic local telecommunications services that prevents

the creation of a more attractive competitive local exchange market for the benefit of residential customers.”

CITIZENS’ RESPONSE:

Verizon’s objection to this specific request appears to be an attempt to go backward in time. The FPSC has already determined that the Citizens have a right to seek discovery regarding the testimony of company witnesses. It would be burdensome and repetitive to cite all of the company testimony that has been submitted by its witnesses who have lauded the multiple benefits to residential customers resulting from approval of the Verizon proposals. This request relates specifically to the claims of the Company’s witnesses emphasized throughout their own testimony. See earlier responses to Citizens’ motions to compel production of and answers to their first sets of PODs and Interrogatories, respectively, as well as Citizens’ motion to compel production of their second set of PODs, as well as the Citizens’ responses to the above-stated objections, in this motion to compel, by Verizon based upon a lack of relevance.

17. Interrogatory No. 35:

For those states which have reduced access and rebalanced local rates in the past few years such as indicated in Mr. Gordon’s testimony (i.e., California, Illinois, Ohio, Massachusetts, Maine and any others), provide a list of services introduced or available in these states that are not available in other states that have not rebalanced local rates (to supposedly eliminate support).

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this request on the grounds that it seeks information that is in the public record and thus is equally available to Citizens.

CITIZENS' RESPONSE:

The burden of proof in this case rests with Verizon to prove that its proposals are in compliance with Florida Statutes and beneficial to residential customers. The specific information in this request relates directly to the conclusions that Verizon's experts have presented in their testimony. The Citizens have a right to test the validity of the conclusions of the Verizon witnesses with data that is readily available to the Company and its witnesses. The Citizens should not be required to go to other states to obtain data that Verizon or its witnesses must have in their possession in order to validate their own testimony.

18. **Interrogatory No. 36:**

Provide an explanation of all increases in residential long distance rates for each service for the period January 2000 to the most recent date. For each service, provide the prior rate (and the date), the increased rate, (and date of increase) and an explanation of the reason for the increase in long distance rates.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory on the grounds that it is

not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). In addition, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services, but such services are not the subject of Verizon's Petition. To the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24.

19. Interrogatory No. 37:

Address the following regarding long distance rates:

(a) For the company (and/or its long distance affiliate) operations in Florida, provide a comparison and brief description of all current residential long distance calling plans and a comparison of the rates available on an "intrastate" basis and an "interstate" basis.

Identify those similar “intrastate” and “interstate” long distance plans, and explain the reason for any difference in rates.

(b) Explain if this situation of having different intrastate and interstate rates for similar calling plans is unique to the company’s Florida operations, or if it is unique to states which have not rebalanced local rates and provide documentation to support this (such as comparing rates in other states of the company operations, including states which have and have not rebalanced local rates).

(c) For the company (and/or its long distance affiliate) operations in Florida, provide the name and a brief description of all current residential long distance calling plans that are available on an “interstate” basis, but not an “intrastate” basis. Explain why this situation exists and provide documentation to support this.

(d) Explain if this situation of having certain “interstate” long distance calling plans (but not similar “intrastate” plans) is unique to the company’s Florida operations, or if it is unique to states which have not rebalanced local rates and provide documentation to support this (such as comparing rates in other states of the company operations, including states which have and have not rebalanced local rates).

(e) For items (a) to (d) above, address these issues as it relates to those states which have rebalanced local rates in the past few

years per the testimony of Dr. Gordon (i.e., California, Illinois, Ohio, Massachusetts, Maine and others).

SPECIFIC OBJECTION TO INTERROGATORY NO. 37(e):

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory (and its subparts) on the grounds that it seeks information that is in the public record and thus is equally available to Citizens. In addition, Verizon objects to this interrogatory on the grounds that it seeks information relating to Verizon's long distance affiliate, which is not a party to this case, and is therefore overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. Moreover, Verizon objects to this interrogatory, as it relates to Verizon Florida Inc., on two grounds. First, it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). Second, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services, but such services are not the subject of Verizon's Petition. Moreover, to the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant

to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24. Verizon has stated in its objection that it does not collect for access to the local exchange network from its long distance affiliate. The Citizens simply want to clarify whether or not the Verizon long distance customers will benefit from the proposals of the company. As indicated in Citizens' request, this information relates directly to the testimony of witness Gordon.

20. Interrogatory No. 38:

Dr. Gordon's testimony addresses a list of states that have rebalanced rates in recent years (i.e., California, Illinois, Ohio, Massachusetts, Maine and others). For these states, provide the following:

(a) Provide the amount of the reduction in long distance rates (or average reduction in rates) on a statewide basis by carriers, or provide examples of rate reductions for MTS and calling plans implemented by RBOCs and major IXCs in these states.

(b) Explain if these long distance rate reductions for MTS and other calling plans are still in place for the RBOCs and major IXCs in these states.

(c) If the original long distance rate reductions for MTS and other calling plans are not still in place, explain the length of time that these reductions were in place before they were subsequently increased and provide all explanations for reasons for these increases in rates if known.

SPECIFIC OBJECTION:

In addition to its General Objections, which are incorporated herein by reference, Verizon objects to this interrogatory (and its subparts) on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. Verizon Florida Inc. does not pay access charges, and thus will not receive an access rate reduction to be flowed through to residential and business customers under Florida Statutes, Section 364.163 (2). In addition, this interrogatory seeks information precluded from discovery by the limitations imposed by Florida Statutes, Section 364.164(3). Specifically, it seeks information about end-user long distance services, but such services are not the subject of Verizon's Petition. To the extent end-user long distance service prices will be impacted by granting Verizon's Petition, the resulting long distance prices are required to be flowed through pursuant to Section 364.163(2), Florida Statutes. Therefore, for purposes of reaching a decision on Verizon's Petition, the Commission must assume that the flow-through of access rate reductions will take place as required by law.

CITIZENS' RESPONSE:

See Citizens' Response to Verizon Objection to Interrogatory Request No. 24. In addition, Verizon's objection totally misses the point contained in Citizens' request. Witness Gordon has cited numerous states that have imposed rebalancing plans consistent with the recommendations made by the Verizon witnesses in this case. He cites those states to support Verizon's proposals. The Citizens are simply asking Verizon to produce evidence from those states that have been cited by their witness that will confirm the validity of the Company's witnesses' proposals in terms of customer benefits.

Respectfully submitted,

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**CERTIFICATE OF SERVICE
DOCKET NO.: 030867-TL**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 18th day of September, 2003.

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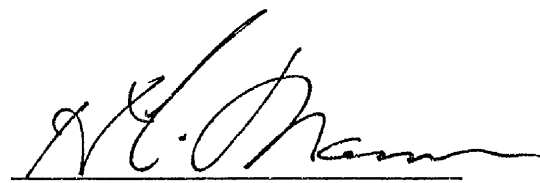
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