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December 18, 2003

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BY HAND DELIVERY

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: 2003 TRO Data Request in Docket Nos. 030851-TP and 030852-TP

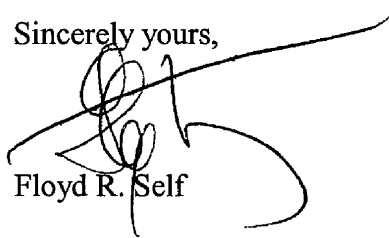
Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III, LLC are and original and fifteen copies of KMC's Responses and Objections to the 3002 TRO Data Request in the above referenced dockets.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,



Floyd R. Self

AUS
CAF
CMP
COM
CTR
ECR
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Enclosures
cc: Parties of Record

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FPSC-BUREAU OF RECORDS

1 copy to each docket

DOCUMENT NUMBER - DATE
13232 DEC 19 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Implementation of Requirements)
Arising From Federal Communications) Docket No.: 030851-TP
Commission Triennial UNE Review:)
Local Circuit Switching for Mass)
Market Customers)
_____)

In Re: Implementation of Requirements)
Arising From Federal Communications) Docket No.: 030852-TP
Commission Triennial UNE Review:) Filed: December 19, 2003
For DS1, DS3, and Dark Fiber Loops)
And Route-Specific Review for DS1, DS3,)
And Dark Fiber Transport)
_____)

**KMC'S RESPONSE AND OBJECTIONS TO THE
2003 TRO DATA REQUEST**

KMC Telecom III, LLC (hereinafter "KMC"), pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 (hereinafter "*Procedural Order*"), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280, 1.340, and 1.350 of the Florida Rules of Civil Procedure, hereby responds and objects to Staff's 2003 TRO Data Request to KMC, dated November 12, 2003, and, to the extent necessary, hereby moves the Florida Public Service Commission (hereinafter the "FLPSC") for a protective order. KMC is providing its responses today and will provide certain confidential information, identified below, pursuant to the Protective Order Governing Handling of Confidential Information, Order No. PSC-03-1263-PCO-TP, issued in this docket on November 7, 2003.

A. General Objections

KMC makes the following General Objections to Staff's Data Request, including the applicable definitions and general instructions therein ("Staff discovery"), which as appropriate will be incorporated into each relevant response when KMC's responses are served on Staff.

1. KMC objects to the Staff discovery to the extent that such discovery seeks to impose an obligation on KMC to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. KMC further objects to any and all Staff discovery that seeks to obtain information from KMC for KMC subsidiaries, affiliates, or other related KMC entities that are not certificated by the Commission.

2. KMC has interpreted the Staff discovery to apply to KMC's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any Staff discovery is intended to apply to matters that take place outside the state of Florida and which are not related to Florida intrastate operations subject to the jurisdiction of the Commission, KMC objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. KMC objects to the Staff discovery to the extent that such discovery calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. KMC objects to the Staff discovery insofar as such discovery is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by KMC in response to the Staff discovery will be provided subject to, and without waiver of, the foregoing objection.

5. KMC objects to the Staff discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. KMC objects to the Staff discovery insofar as it seeks information or documents, or seek to impose obligations on KMC which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. KMC objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission or which is already in the possession, custody, or control of Staff.

8. KMC objects to the Staff discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. KMC objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that Staff's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, KMC will make such information available to the Staff pursuant to the terms of the Commission's Protective Order and the requirements of section 364.183 and Florida Administrative Code Rule 25-24.006, subject to any other general or specific objections contained herein.

10. KMC is a large corporation with employees located in many different locations in Florida and in other states. In the course of its business, KMC creates countless documents that are not subject to Florida Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every

document has been identified in response to these requests. KMC will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the Staff discovery purports to require more, KMC objects on the grounds that compliance would impose an undue burden or expense.

11. KMC objects to the Staff discovery that seeks to obtain “all,” “each,” or “every” document, item, customer, or other such piece of information to the extent that such discovery is overly broad and unduly burdensome. Any answers that KMC may provide in response to the Staff discovery will be provided subject to, and without waiver or, this objection.

12. KMC objects to the Staff discovery to the extent such discovery seeks to have KMC create documents not in existence at the time of the request.

13. KMC objects to the Staff discovery to the extent that such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. In light of the short period of time KMC has been afforded to respond to the Staff discovery, the development of KMC’s positions and potentially responsive information to the Staff requests is necessarily ongoing and continuing. However, KMC does not assume an affirmative obligation to supplement its answers on an ongoing basis.

B. Specific Objections

KMC makes the following Specific Objections to Staff’s Data Request, including the applicable definitions and general instructions expressed therein (“Staff discovery”), which as appropriate will be incorporated into each relevant response when KMC’s responses are served on Staff.

15. KMC objects to each and every interrogatory or request for production that seeks information regarding KMC's projections regarding future services, revenues, marketing strategies, equipment deployments, or other such future business plans as such requests are trade secrets and, for purposes of this proceeding, would be highly speculative and irrelevant to the issues to be decided in this docket.

FPSC Staff Switching Questions
FCC Rules, Section 51.319 (d) (2)

Complete the electronic spreadsheet "switching_questions_FL.xls" with the following information **for each** Florida wire center in which you provide service, either to end users or carriers.

1. If you use a switch to provide qualifying service¹ in the given wire center, please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLLI™) for the switch that provides such service to the given wire center anywhere in the state of Florida, regardless of whether the switch itself is located in Florida. Do not include ILEC unbundled local switching utilized by you in the ILEC's service territory or through the resale of the incumbent's services at wholesale rates. If there are additional wire centers that are not listed, please include them at the bottom of the list. (*Column B*)

Response: KMC adopts and incorporates its General Objections 2 and 7 as if set forth herein verbatim. KMC further notes that KMC's response to this interrogatory is based on the definition of "qualifying" and "non-qualifying" service as defined in 47 C.F.R. § 51.5. Specifically, 47 C.F.R. § 51.5 defines a "qualifying service" as "a telecommunications service that competes with a telecommunications service that has been traditionally the exclusive or primary domain of incumbent local exchange carriers ("ILECs"), including, but not limited to, local exchange service, such as plain old telephone service ("POTS"), and access services, such as digital subscriber line services and high capacity circuits." "Non-qualifying services" are defined as services that are "not qualifying service[s]." Id. Subject to the foregoing, and without waiving any objection, KMC will construe the terms contained in this interrogatory, and all other interrogatories, in accordance with 47 C.F.R. § 51.5 and applicable law. Further, since an alternative construction would make this question overbroad, KMC will construe all questions related to "qualifying services" as limited specifically to qualifying voice services. Subject to, and without waiving these objections, KMC states as follows: See Confidential Attachment A. Please note that the ILEC wire centers which were included in the FLPSC's spreadsheet in Column A, have been rearranged to correspond with KMC switch data shown in Column B.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

2. Type of switch. Check each applicable category with an "X." For those categories that do

not apply to the given wire center, leave blank. (End Office, Tandem Office, Multi-Function, Remote Line, Packet, Broadband, Cellular, Other). (*Columns C - J*)

Response: Please see the spreadsheet, Confidential Attachment A, provided for this response. Please note, there is not a one-to-one correspondence between KMC switch CLLIs and the ILEC's wire center switch CLLIs. KMC may provide service in multiple ILEC serving wire center areas, utilizing a single switch. In an effort to be responsive to the Staff's request, KMC has responded for each ILEC wire center CLLI. Please note, that there is a one (KMC switch CLLI) to many (ILEC Wire Center CLLI) relationship and as such, KMC has provided information in Columns C through AE that are relevant to the KMC switch CLLI serving the multiple ILEC wire center CLLIs noted in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

3. The maximum number of voice-grade equivalent lines that you have the capacity to provide to customers through this switch. (*Column J*)

Response: KMC adopts and incorporates its General Objections 2 and 7 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC does not track line and voice grade equivalent data or end user locations by ILEC wire center areas. In effort to be responsive to the Staff's request, please see Confidential Attachment A. In an effort to be responsive, KMC has identified and provided certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. KMC's Confidential Attachment A provides Staff with the KMC DS-0 equivalent capacity for each switch.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

4. Number of DS-0/voice grade equivalent access lines in use for this wire center. (*Column K*)

Response: KMC adopts and incorporates its General Objections 2 and 7 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC does not track line and voice grade equivalent data or end user locations by ILEC wire center areas. In effort to be responsive to the Staff's request, please see Confidential Attachment A. In an effort to be responsive, KMC has identified and provided certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. KMC's Confidential Attachment A provides Staff with the KMC DS-0 equivalent access lines in service for each switch. KMC information which originates from the KMC billing system corresponds to the KMC markets and not the associated ILEC wire centers.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

5. Switch processor capacity in Centum Call Seconds (CCS). *(Column L)*

Response: Please see KMC confidential response in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

6. Indicate the number of residential customers in this wire center served by the given switch.
(Column M)

Response: KMC does not provide residential service.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

7. Indicate the number of customer locations with 3 or fewer lines served by this switch in this wire center. *(Column N)*

Response: KMC adopts and incorporates its General Objection 2 and 7 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC information which originates from the KMC billing system corresponds to the KMC markets and not the associated ILEC wire centers. In an effort to be responsive, KMC has identified and provided certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. See response in Confidential Attachment A.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

8. Indicate the number of customer locations with at least 4 lines, but no more than 8 lines served by this switch in this wire center. *(Column O)*

Response: KMC adopts and incorporates its General Objection 2 and 7 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC information which originates from the KMC billing system corresponds to the KMC markets and not the associated ILEC wire centers. In an effort to be responsive, KMC has identified and provided certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. See response in Confidential Attachment A.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

9. Indicate the number of customer locations served by this switch in this wire center with 9 lines or more. (*Column P*)

Response: KMC adopts and incorporates its General Objection 2 and 7 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC information which originates from the KMC billing system corresponds to the KMC markets and not the associated ILEC wire centers. In an effort to be responsive, KMC has identified and provided certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. See response in Confidential Attachment A.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

10. The number of voice only customers. (*Column Q*)

Response: KMC adopts and incorporates its General Objection 2 and 7 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC information which originates from the KMC billing system corresponds to the KMC markets and not the associated ILEC wire centers. In an effort to be responsive, KMC has identified and provided certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. See response in Confidential Attachment A.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

11. The number of data service only customers. (*Column R*)

Response: KMC adopts and incorporates its General Objection 2 and 7 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC information which originates from the KMC billing system corresponds to the KMC markets and not the associated ILEC wire centers. In an effort to be responsive, KMC has identified and provided certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. See response in Confidential Attachment A.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

12. The number of voice and data customers. *(Column S)*

Response: KMC adopts and incorporates its General Objection 2 and 7 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC information which originates from the KMC billing system corresponds to the KMC markets and not the associated ILEC wire centers. In an effort to be responsive, KMC has identified and provided certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. See response in Confidential Attachment A.

Responsible KMC Employee: Objections provided by Counsel. Substantive response provided by Michael P. Duke.

13. OWNER: Do you own the switch that serves this wire center? *(Column T)*

Response: Yes. KMC utilizes switches owned by an affiliate that is also a wholly owned subsidiary of KMC Telecom Holdings, Inc. See also response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

a. If you answered yes, then answer the following questions:

i. WHOLESALER: Do you lease it to another company? *(Column U)*

Response: No. See also response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

ii. SELF-PROVIDER: Do you use this switch to provide service to end users?
(Column V)

Response: Yes. KMC utilizes its switches to provide service to business customer, end-users in the state of Florida. See also response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

b. If you answered no, then answer the following questions:

i. Please provide the FPSC code for the owner of the switch. If unknown, provide the full name of the company. *(Column W)*

Response: Not applicable. See also response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

- ii. If leasing from a company other than (i), please provide the entity with which you entered into the lease or other such arrangement, by FPSC code or full name of the company. *(Column X)*

Response: Not applicable. See also response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

- iii. Please provide the nature of the arrangement. (Offered by tariff, standard or negotiated agreement) *(Column Y)*

Response: Not applicable. See also response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

14. Please provide EQP TYPE (equipment type) and definition of any abbreviations given, including a brief description of the function performed. The list below provides some examples, but is in no way inclusive. Additional equipment types should be identified by manufacturer. Refer to LERG7, Section 5. *(Columns Z, AA and AB)*

Examples:

5XB	AT&T #5 crossbar - 2 wire
4e	AT&T #4 ESS
DMT	Northern Telecom DMS 10-digital
5E-XC	Lucent
iGEN	Lucent
GX550	Lucent
LSS	Lucent Soft Switch
APX8000	Lucent
DMS100	Nortel
iTone	Nortel
CVX-1800	Nortel
MMCS	Nortel
DMS250	Nortel
DMS	Nortel
E10B	Alcatel
MAP	Harris
LH	Harris
LX	Harris
DMS50	Nortel
EWSD	Siemens
AFX-10	Ericsson
SR	Nortel
DCO	Seimens

Response: See response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

15. Does the switching entity perform both class 4 and class 5 functions? *(Column AC)*

Response: No. See also response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

16. Identify each NPA-NXX served. *(Beginning in column AD, use one column for each applicable NPA-NXX.)*

Response: See response provided in Confidential Attachment A.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

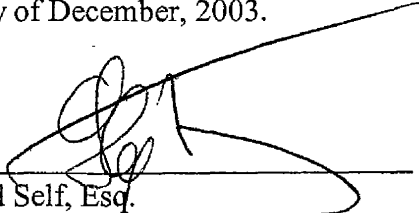
Complete the electronic spreadsheet "remote_switches_FL.xls" with the following information in reference to remotely located switches. This list is to include all switches that are not collocated at an ILEC central office.

Response: Not applicable.

Responsible KMC Employee: Substantive response provided by Michael P. Duke.

1. Please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLLI™) for each switch that is remotely located. Do not include ILEC switches utilized by you on an unbundled basis in the ILEC's service territory or through the resale of the incumbent's services at wholesale rates. *(Column A)*
2. Please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLLI™) for the host of this switch. *(Column B)*
3. Vertical coordinate of remote switching facility (e.g., 4634). *This is a four- or five-digit number related to the geographic location of a switching entity found in table 7 of the Local Exchange Routing Guider (LERG7). This should not be confused with the Rate Center found in Table 8 of the LERG (LERG8). (Column C)*
4. Horizontal coordinate of remote switching facility (e.g., 1630). *See note above. (Column D)*
5. Remote switching entity street address (e.g., 3 Empire State Plaza). *(Column E)*
6. Remote switching entity city (e.g., Tallahassee). *(Column F)*
7. Remote switching entity state (e.g., FL). *(Column G)*
8. Remote switching entity five-digit zip code (e.g., 32301). *(Column H)*

Respectfully submitted this 19th day of December, 2003.

A handwritten signature in black ink, appearing to read 'Floyd Self', is written over a horizontal line. The signature is stylized and somewhat cursive.

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