

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission's)
Triennial UNE Review: Local Circuit Switching)
for Mass Market Customers)
_____)

Docket No.: 030852-TP
Filed: January 7, 2004

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**TIME WARNER TELECOM OF FLORIDA L.P.'S
PRELIMINARY RESPONSES AND OBJECTIONS TO VERIZON'S FIRST REQUEST
FOR ADMISSIONS (NOS. 1-2), FIRST SET OF INTERROGATORIES (NOS. 1-21),
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-11)**

Time Warner Telecom of Florida, L.P., pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1054-PCO-TP, issued September 22, 2003 by the Florida Public Service Commission ("Commission"), Rule 28-106.206, Florida Administrative Code, and Rules 1.280 and 1.340, Florida Rules of Civil Procedure, hereby responds to Verizon Florida, Inc.'s ("Verizon") First Request for Admissions, First Set of Interrogatories, and First Request for Production of Documents to Time Warner.¹

Requests For Admission: Dedicated Transport

1. Admit that Respondent states on its website, in words or in substance, that it offers transport facilities or services to other carriers. (For the definitions of transport facilities or transport services for this and all other requests for admission, see Instruction M.)

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____

¹ Verizon has improperly served discovery upon Time Warner, a non-party to the above referenced docket. See *Fla. R. Civ. P.* 1.340. Florida Rules of Civil Procedure provides for service of discovery upon parties. Interrogatories, in particular, cannot be served on non-parties or on parties to be answered about or for non-parties. See *Broward County v. Kerr*, 454 So. 2d 1068 (Fla. 4th DCA 1984); Henry P. Trawick, Jr., *Trawick's Florida Practice and Procedure* § 16-9 (2001 ed.). By responding to the propounded discovery, Time Warner in no way waives its right to remain a non-party in this docket.

DOCUMENT NUMBER-DATE

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Response

Respondent neither admits nor denies that its website, in words or in substance, states that Respondent offers transport facilities or services to other carriers. The information on the website speaks for itself.

2. Admit that Respondent does not state on its website, in words or in substance, that it does not offer transport facilities or services to other carriers in Florida.

Response

Respondent neither admits nor denies that it does not state on its website, in words or in substance, that it does not offer transport facilities or services to other carriers in Florida. The information on the website speaks for itself.

Interrogatories: Dedicated Transport

1. Identify all fiber optic transport facilities in Florida that you own, by street address of its origination and termination points (or if no termination point, by the location of a fiber ring), as well as a description of the route between those points. (For purposes of responding to this question, your own transport facilities include facilities that you own solely or jointly, as well as facilities that you have obtained from another entity on a long-term, indefeasible right of use basis.) (For definitions of transport facilities or transport services for this and all other interrogatories, see Instruction M.)

Response

See the documents attached hereto as "Exhibit A." To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery to the extent that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential

information which are privileged pursuant to Section 90.506, Florida Statutes.

2. For each transport facility identified in response to Question 1, provide a map in an electronic form (such as MapInfo, Arcview, or another GIS program) showing its location.

Response

Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. This discovery further seeks to have Time Warner create documents not in existence at the time of request.

3. For each transport facility identified in response to Question 1, identify the number of fibers in the fiber cable(s) you deployed.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

4. For each transport facility identified in response to Question 1, identify the number of fibers that you activated (i.e. "lit") through the attachment of optronics.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time

Warner further objects on the grounds that such information constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

5. For each transport facility identified in response to Question 1, identify by the 11-digit CLLI code, all incumbent LEC switches and wire centers in Florida to which the transport facility is directly or indirectly connected.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon’s discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

6. For each incumbent LEC switch or wire center identified in response to Question 5, identify the optical speed at which the facilities connected to each is operating.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon’s discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

7. For each incumbent LEC switch or wire center identified in response to Question 5, identify the capacity or capacities of services (e.g., DS-1, DS-3) carried by your transport

facilities to and/or from the incumbent LEC switch or wire center.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

8. For each incumbent LEC switch or wire center identified in response to Question 5, identify where you have fiber that has not been "lit" through the attachment of optronics (i.e. dark fiber) and the number of unlit fibers in each transport facility terminating at that location.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

9. Identify by the 11-digit CLLI code, all incumbent LEC switches or wire centers in Florida at which you have obtained dark fiber transport facilities from any supplier, including but not limited to from incumbent LECs.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly

burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

10. For each dark fiber facility identified in response to Question 9, state (a) whether you have activated the dark fiber through attachment of optronics (i.e., whether the fiber is now “lit”), (b) the optical speed at which the facility operates, and (c) the capacities of services (e.g., DS-1, DS-3) carried by each such transport facility.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon’s discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

11. Identify all transport facilities in Florida that you use or possess but do not own, by street address of its origination and termination points, as well as a description of the route between those points. (For purposes of responding to this question, your own transport facilities include facilities that you own solely or jointly, as well as facilities that you have obtained from another entity on a long-term, indefeasible right to use basis.)

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon’s discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes “trade secrets”

and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

12. For each transport facility identified in response to Question 11, identify by the 11-digit CLLI code, all incumbent ILEC switches and wire centers to which the transport facility is connected.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

13. For each incumbent LEC switch or wire center identified in response to Question 12, identify the optical speed at which the transport facilities connected to each operates.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

14. For each incumbent LEC switch or wire center identified in response to Question 12, identify the capacity or capacities of transport services (e.g., DS-1, DS-3) carried by the transport facility or facilities to and/or from the incumbent LEC switch or wire center.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

15. For all transport facilities identified in response to Questions 11 and 12, identify the non-incumbent LEC supplier from which you have obtained the facility.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

16. Identify all transport facilities that you make available to other carriers, or have offered to make available to other carriers by street address of its origination and termination points, as well as a description of the route between those points.

Response

See Exhibit A. To the extent Exhibit A does not fully respond to this discovery request, Time Warner objects to the Verizon discovery objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable

rules of discovery.

17. For each transport facility identified in response to Question 16, identify by the 11-digit CLLI code, all incumbent LEC switches and wire centers to which the transport facility is directed or indirectly connected.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

18. For each incumbent LEC switch or wire center identified in response to Question 17, identify the optical speed at which the facilities connected to each operates.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

19. For each incumbent LEC switch or wire center identified in response to Question 17, identify the capacity or capacities of service (e.g., DS-1, DS-3) carried by the transport facilities to and/or from the incumbent LEC switch or wire center.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

20. For each incumbent LEC switch or wire center identified in response to Question 17, identify the carrier or carriers to which you make the transport facility available, or to which you have offered to make the facility available.

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

21. Identify the points in Florida at which local network facilities that you own or use are connected to the networks of carriers other than the incumbent LECs, including interconnection with other CLECs, interexchange carriers, or internet services providers at any point of presence, network access point, collocation hotel, data center, or similar facility (collectively or individually, "interconnection points" or "IPs").

Response

See Exhibit A. To the extent Exhibit A does not fully answer this discovery request, Time Warner objects to Verizon's discovery on the grounds that it is unduly

burdensome, oppressive, and not permitted by the applicable rules of discovery. Time Warner further objects on the grounds that such information constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

Requests for Production of Documents: Dedicated Transport

1. Provide all documents identifying the fiber optic dedicated transport in Florida that you make available, or have offered to make available (e.g., through lease, indefeasible right of use), to other carriers.

Response

Time Warner objects to the Verizon 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. Furthermore, Verizon’s 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 in that respect overly broad and unduly burdensome. Such information also constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

2. Provide all documents identifying the incumbent LEC switches or wire centers in Florida at which you have operational collocation arrangements.

Response

Time Warner objects to the Verizon 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. Such information also

constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

3. Provide all documents that discuss or describe your willingness to provide dedicated transport in Florida to other carriers.

Response

Time Warner objects to the Verizon 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. Furthermore, Verizon's 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 in that respect overly broad and unduly burdensome.

4. Provide all documents that discuss or describe the optical speeds at which your dedicated transport in Florida operates.

Response

Time Warner objects to the Verizon 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. Such information also constitutes "trade secrets" and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

5. Provide all documents that discuss or describe the capacity or capacity of services (*e.g.*, DS-1, DS-3) that you offer in Florida to retail customers, or have offered to retail customers.

Response

Time Warner objects to the Verizon 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. Furthermore, Verizon’s 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 in that respect overly broad and unduly burdensome. Such information also constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

6. Provide all documents that discuss or describe the capacity or capacity of services (e.g., DS-1, DS-3) that you offer in Florida to retail customers, or have offered to retail customers.

Response

Time Warner objects to the Verizon 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. Furthermore, Verizon’s 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 in that respect overly broad and unduly burdensome. Such information also constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

7. Provide all documents that discuss or describe whether you are willing to provide dark fiber dedicated transport in Florida to retail customers, or have offered to retail customers.

Response

Time Warner objects to the Verizon 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.

8. Provide all documents that discuss or describe the dedicated transport in Florida that you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LECs.

Response

Time Warner objects to the Verizon 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. Furthermore, Verizon’s 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 in that respect overly broad and unduly burdensome. Such information also constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

9. Provide all documents that discuss or describe the capacity or capacity of services (e.g., DS-1, DS-3) in Florida that you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LEC carriers.

Response

Time Warner objects to the Verizon 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. Furthermore, Verizon’s 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 in that respect overly broad and unduly burdensome. Such information also constitutes

“trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

10. Provide all documents that discuss or describe dark fiber in Florida that you obtain from other non-incumbent LEC carriers, or have obtained from other non-incumbent LEC carriers.

Response

Time Warner objects to the Verizon 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. Furthermore, Verizon’s 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 in that respect overly broad and unduly burdensome. Such information also constitutes “trade secrets” and/or proprietary confidential information which are privileged pursuant to Section 90.506, Florida Statutes.

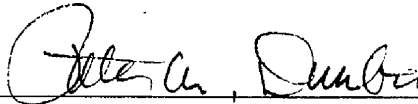
11. Provide the confidential filings with respect to dedicated transport that you have made with the FCC in the Triennial Review docket. (See, e.g. FCC’s Triennial Review Order, ¶ 392 n. 1216)

Response

See Exhibit A. The information is provided subject to the confidentiality agreement

executed on December 19, 2003.

Respectfully submitted this 1 day of January 2004.



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