

ORIGINAL

Matilda Sanders

From: Whitt, Chrystal [CC] [Chrystal.Whitt@mail.sprint.com]

Sent: Friday, February 04, 2005 3:32 PM

To: Filings@psc.state.fl.us

Subject: 031047-TP Sprint's 4th Interrogatories to KMC

Filed on behalf of:

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Docket No. 031047-TP

Title of filing: Sprint's 4th Interrogatories to KMC

Filed on behalf of: Sprint

No. of pages:

Description: Sprint's 4th Interrogatories to KMC

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01326 FEB-4 '05

FPSC-COMMISSION CLERK



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February 4, 2005

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 031047-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint-Florida, Incorporated is Sprint's Notice of Service of Sprint's Fourth Set of Interrogatories (Nos. 17-22) to KMC.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

Susan S. Masterton

Enclosure

DOCUMENT NUMBER-DATE

01326 FEB-4 05

FPSC-COMMISSION CI FRK

**CERTIFICATE OF SERVICE
DOCKET NO. 031047-TP**

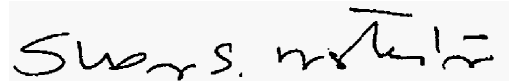
I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic and U.S. mail on this 4th day of February, 2005 to the following:

Carris (Lee) Fordham
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

KMC Data LLC/KMC Telecom III LLC/KMC Telecom V, Inc.
Marva B. Johnson
1755 North Brown Road
Lawrenceville, GA 30043-8119

Kelley Drye & Warren LLP
Yorkgitis/Mutschelknaus
1200 19th Street, N.W.,
Fifth Floor
Washington, DC 20036

Messer Law Firm
Floyd R. Self, Esq.
P.O. Box 1876
Tallahassee, FL 32302-1876



Susan S. Masterton

DOCUMENT NUMBER-DATE

01326 FEB-4-05

FPSC-COMMISSION CLERK

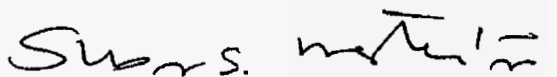
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Petition of KMC Telecom III) Docket No. 031047-TP
LLC, KMC Telecom V, Inc., and KMC Data)
LLC For Arbitration of an Interconnection)
Agreement with Sprint-Florida, Incorporated) Filed: February 4, 2005

**NOTICE OF SERVICE OF SPRINT'S FOURTH SET OF INTERROGATORIES
(NOS. 17-22) TO KMC TELECOM III LLC, KMC TELECOM V, INC. AND KMC
DATA LLC**

Sprint-Florida, Incorporated ("Sprint") hereby gives NOTICE that it has propounded its Fourth Set of Interrogatories (Nos. 17-22) to KMC, to be answered under oath in full accordance with rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure and served upon the undersigned attorneys for Sprint by Thursday February 24, 2005.

RESPECTFULLY SUBMITTED this 4th day of February, 2005



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ATTORNEY FOR SPRINT

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of Petition of KMC Telecom III)
LLC, KMC Telecom V, Inc., and KMC Data)
LLC For Arbitration of an Interconnection)
Agreement with Sprint- Florida, Incorporated)

Docket No. 031047-TP

SPRINT FLORIDA, INCORPORATED'S
FOURTH SET OF INTERROGATORIES (NOS. 17-22) TO
KMC TELECOM III LLC, KMC TELECOM V, INC. AND KMC DATA LLC

Pursuant to Rule 28-106.206, Florida Administrative Code and Rule 1.340, Florida Rules of Civil Procedure, Sprint-Florida, Incorporated ("Sprint"), by and through its undersigned counsel, hereby serves its Fourth Set of Interrogatories (Nos. 17-22) to KMC Telecom III LLC, KMC Telecom V, Inc. and KMC Data LLC (collectively, "KMC"). These Interrogatories are to be answered under oath by officers or agents of KMC who are qualified to answer and who shall be fully identified. As required by Order No. PSC-05-0073-PCO-TP, responses to the Interrogatories shall be served upon Sprint within 15 calendar days.

DEFINITIONS

"And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these interrogatories anything that would not otherwise be brought within their scope.

"Concerning" shall mean comprising, describing, evidencing, referring to, responding to, quoting, or pertaining in any way to any part of a specified subject matter and/or to the contents or subject matter of any document including the specified subject matter.

"Document" or "documentation" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, e-mail, facsimile ("fax"), cable, report, recording, contract, agreement, study, handwritten note, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing tape, disk, file stored on computer, or any other written, recorded, transcribed, punched tape, filmed or graphic matter, however produced or reproduced, which is in your possession, custody, control or otherwise accessible to you or which was, but is no longer, in your possession, custody or control.

Each of the words "each," "any" and "all" means each, any, and all.

"Employee(s)" means those persons in the direct employment of either Sprint or KMC, past and present.

"FCC" refers to the Federal Communications Commission.

"FPSC" or "Commission" refers to the Florida Public Service Commission.

"ILEC" means an incumbent local exchange carrier as defined in 47 U.S.C., Section 251 (h).

"Person" and "persons" include individuals, firms, partnerships, associations, joint ventures, corporations, government entities, or other groups, however organized.

"Relate to" means concern, consist of, refer to, pertain to, reflect, evidence, or to be in any way logically or factually connected with the matter discussed.

"Representative(s)" means those persons, past and present not in the direct employment of either Sprint or KMC, including outside counsel, who represent or represented the interests of Sprint or KMC in matters related to this proceeding.

"Sprint" refers to Sprint-Florida, Incorporated.

"You," "your" or "KMC" refers to KMC Telecom III LLC, KMC Telecom V, Inc. or KMC Data LLC and any parent or subsidiary corporations, DBAs, FKAs, and the employees, agents, representatives, or consultants of KMC Telecom III LLC, KMC Telecom V, Inc. or KMC Data LLC or any parent or subsidiary corporations.

INSTRUCTIONS

These Interrogatories are to be answered in accordance with the Florida Rules of Civil Procedure and the procedural orders issued in this docket. The Interrogatories should be answered with reference to all information in your possession, custody or control or reasonably available to you. When the information requested by an Interrogatory varies over time, state the response for each period of time as to which the response differs, and identify the time periods. If you cannot answer an Interrogatory in full after exercising due diligence to secure all the information requested, or do not have precise information with regard to any part of any Interrogatory, you should so state in your response, describing in full your effort to obtain the information requested, and then proceed to respond to the fullest extent possible. If you object to any part of any Interrogatory, answer all parts of the Interrogatory to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

If any response required by way of answer to these Interrogatories is considered to contain confidential or protected information, please furnish this information subject to the appropriate protective agreement.

In the event you assert that any information requested herein is privileged, you should identify any such information and any supporting documents in your written response, by date, and provide a general description of its content. You also should identify all persons who participated in the preparation of the document and all persons, inside or outside of KMC, who received a copy, read or examined any such document. In addition, you should describe, with particularity, the grounds upon which privilege is claimed.

In the event that you assert that any requested information is not available in the form requested, in your written response thereto, you should disclose the following:

- a. The form in which the requested information currently exists (identifying documents by title or description);
- b. The earliest dates, time period, and location that representatives of Sprint may inspect your files, records or documents in which the information currently exists.

For each Interrogatory answered, provide the name of the person or persons answering, the title of such person(s), and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response. If you do not intend to call or present a witness who is prepared to testify concerning the matters contained in any response, please so state.

Unless otherwise indicated, the information sought in these Interrogatories relates to KMC's and Sprint's operations in Florida.

INTERROGATORIES

17. Describe by jurisdiction (e.g., local, intrastate toll, interstate toll or other) all of the types of traffic originated from KMC's network or delivered to KMC from other carriers/entities for termination on Sprint's network pursuant to its interconnection agreement with Sprint. If traffic is identified as "other," specifically describe the nature of the traffic.

For the purposes of this Interrogatory, local means originating and terminating within the same local calling area including mandatory EAS, intrastate toll means originating outside the local calling area or mandatory EAS area in which the traffic is terminated, but within the state of Florida, and interstate toll means originating outside of Florida. For the purpose of this Interrogatory the originating point of the call is based on the telephone number of the calling party who initiated the call regardless of how the call is subsequently routed.

RESPONSE:

18. For each of the traffic types identified in Interrogatory No. 17 above:

- a. Quantify the portion of traffic currently being delivered over local interconnection trunks.
- b. For the portion of the traffic identified in 18 (a) quantify the portion of the traffic that utilizes the Internet Protocol and is considered to be VoIP traffic.

For the purposes of this Interrogatory "quantify" means "to express the amount of" and should be expressed in actual minutes of use and as a percentage of the total minutes of use.

RESPONSE:

19. For all traffic identified in Interrogatory No. 18 (b) above, provide a detailed description of how the traffic is routed. The description should include the network components utilized, including but not limited to, packet switches, circuit switches, media gateways, routers, circuit types (circuit types may be local interconnection, toll circuits, PRI circuits, unbundled network elements, etc.). The description should identify the points in the network where the traffic is Internet Protocol. If it is something other than Internet Protocol, your description should identify the protocol. KMC may provide a diagram in lieu of a written description in response to this Interrogatory.

RESPONSE:

20. Describe the intercarrier compensation that KMC currently pays Sprint for each of the traffic types identified in Interrogatory No. 17.

RESPONSE:

21. Describe the intercarrier compensation that KMC believes it should pay Sprint for traffic it delivers to Sprint that utilizes the Internet Protocol. Explain the basis for KMC's belief that this intercarrier compensation is appropriate, including any supporting FCC or FPSC rulings.

RESPONSE:

22. Provide a detailed description of how all traffic delivered by KMC to Sprint over local interconnection facilities that uses the Internet protocol would be identified and quantified by KMC or Sprint. If KMC identified different routing methods in response to Interrogatory No. 19, describe how Sprint would be able to distinguish traffic that utilizes the Internet protocol for one routing method compared to each other routing method or protocol.

RESPONSE:

Respectfully submitted this 4th day of February 2005.



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