

ORIGINAL

Timolyn Henry

From: Vicki Gordon Kaufman [vkaufman@moylelaw.com]
Sent: Thursday, March 17, 2005 4:25 PM
To: Filings@psc.state.fl.us
Cc: Jason Rojas; Jeremy Susac; Kip.Edenfield@BellSouth.COM; Nancy White; jheitmann@kelleydrye.com; jkashatus@kelleydrye.com; JON MOYLE, JR.
Subject: Docket No. 040527-TP
Attachments: NTDDT 03.17.05 - Hendrix.pdf; NTDDT 03.17.05 - Hendrix.pdf

Pursuant to the Commission's procedures for e-filing, NuVox Communications Inc. (NuVox) provides the following information:

a. The attorney responsible for the filing is:

Vicki Gordon Kaufman
 Moyle Flanigan Katz Raymond & Sheehan, PA
 The Perkins House
 118 North Gadsden Street
 Tallahassee, Florida 32301
 850.681.3828
 850.681.8788 (Fax)
vkaufman@moylelaw.com

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 MMS _____
 RCA _____
 SCR _____
 SEC 1
 OTH _____

b. The document is to be filed in Docket No. 040527-TP.

c. The document is filed on behalf of NuVox.

d. The document is 4 pages long.

e. The document is a Notice of Taking Deposition Duces Tecum of Jerry Hendrix..

Vicki Gordon Kaufman
 Moyle Flanigan Katz Raymond & Sheehan, PA
 The Perkins House
 118 North Gadsden Street
 Tallahassee, Florida 32301
 850.681.3828
 850.681.8788 (Fax)
vkaufman@moylelaw.com

The information contained in this electronic mail transmission is attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect at 850.681.3828. Thank you.

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Enforcement of Interconnection)
Agreement Between BellSouth) Docket No. 040527-TP
Telecommunications, Inc. and NuVox) Filed: March 17, 2005
Communications, Inc.)
_____)

**NUVOX COMMUNICATIONS, INC.'S
NOTICE OF TAKING DEPOSITION DUCES TECUM
OF JERRY HENDRIX**

TO:

E. Earl Edenfield, Jr.
Theodore C. Marcus
Law Department
BellSouth Telecommunications, Inc.
675 W. Peachtree St., NE, Ste. 4300
Atlanta GA 30375

Nancy B. White
Legal Department
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

PLEASE TAKE NOTE, THAT PURSUANT TO Florida Rule of Civil Procedure 1.310,
NuVox Communications, Inc. (NuVox) will take the following deposition at the time and
location indicated:

Jerry Hendrix – April 18 , 2005
Moyle, Flanigan, Katz, Raymond & Sheehan, P.A.
The Perkins House
118 N. Gadsden Street
Tallahassee FL 32301

The foregoing will take place before a court reporter, notary public, or before some other
officer authorized by law to take depositions. Said deposition is to be used for discovery
purposes, for use at trial, or both, and will continue from day-to-day until complete. Deponent
shall bring with him to the Deposition all documents described in Exhibit A attached hereto.

Individuals with disabilities needing a reasonable accommodation to participate in this
proceeding should contact Vicki Gordon Kaufman at 850/681-3828. If hearing impaired, call

1/800-955-8771 (TDD) or 1/800/955-8770 (V) via Florida Relay Service for assistance.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Respectfully submitted,

S/ Vicki Gordon Kaufman

John J. Heitmann
Jennifer M. Kashatus
KELLEY DRYE & WARREN LLP
1200 19th Street, NW
Suite 500
Washington D.C. 20036
(202) 955-9600 (telephone)
(202) 955-9792 (facsimile)
jheitmann@kelleydrye.com
jkashatus@kelleydrye.com

Jon C. Moyle, Jr.
Vicki Gordon Kaufman
MOYLE, FLANIGAN, KATZ, RAYMOND &
SHEEHAN, P.A.
The Perkins House
118 N. Gadsden Street
Tallahassee FL 32301
(850) 681-3828 (telephone)
(850) 681-8788 (facsimile)
jmoylejr@moylslaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by electronic and U.S. Mail this 17th day of March 2005 on the following parties of record:

Nancy B. White
Legal Department
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

E. Earl Edenfield, Jr.
Theodore C. Marcus
Law Department
BellSouth Telecommunications, Inc.
675 W. Peachtree St., NE, Ste. 4300
Atlanta GA 30375

Jason Rojas
Jeremy Susac
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oaks Boulevard
Tallahassee FL 32399-0850

s/ Vicki Gordon Kaufman
Vicki Gordon Kaufman

EXHIBIT A

1. All documents and records described in paragraph 20 of BellSouth's Complaint, including, but not limited, to all retail end user records reviewed, all NuVox records reviewed, all EEL circuit information reviewed and any analysis or study performed regarding such information.
2. All documents and analysis supporting the 18% number set out in paragraph 21 of BellSouth's Complaint.
3. All documents and records described in paragraph 23 of BellSouth's Complaint concerning BellSouth's "examination" of information from states other than Georgia and any analysis or study performed regarding such information.
4. All documents and records described in paragraph 24 of BellSouth's Complaint concerning BellSouth's "subsequent examination" of information from states other than Georgia and any analysis or study performed regarding such information.
5. All documents and analysis supporting the 21% number set out in paragraph 24 of BellSouth's Complaint.
6. Copies of any and all documents relating to the retention by, compensation of, and work of American Consultants Alliance (ACA) (referred to in the March 15, 2002 letter from Jerry D. Hendrix to Hamilton E. Russell, III, attached as part of Exhibit B to the Complaint) on behalf of BellSouth.
7. Copies of all marketing and other materials relating to ACA that are in BellSouth's possession.
8. All documents that support BellSouth's "concern" that NuVox "has not met the local service requirements set forth in the Supplemental Clarification Order" (see email from Parkey Jordan to John Heitmann, 4/1/02, attached to Hendrix Affidavit to Motion for Summary Disposition).
9. All BellSouth "records show[ing] that a high percentage of NuVox's traffic in Tennessee and Florida is intrastate access..."(see email from Parkey Jordan to John Heitmann, 4/1/02, attached to Hendrix Affidavit to Motion for Summary Disposition).