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March 23, 2005

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: Docket No. 041144-TP

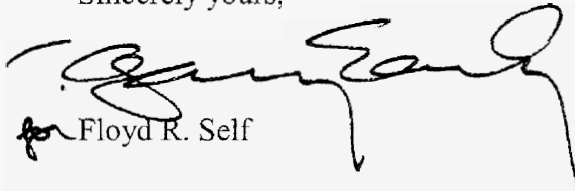
Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC ("KMC") are an original and fifteen copies of KMC's Response to Order No. PSC-05-0259-PCO-TP and KMC's Third Supplemental Discovery Responses in the above referenced docket.

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,


for Floyd R. Self

FRS/amb
Enclosures
cc: Parties of Record

DOCUMENT NUMBER: 041144-TP

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for alleged violation of Section 364.16(3)(a), F.S., by Sprint-Florida, Incorporated.

DOCKET NO. 041144-TP

Filed: March 23, 2005

**KMC's RESPONSE TO
ORDER NO. PSC-05-0259-PCO-TP AND
KMC's THIRD SUPPLEMENTAL DISCOVERY RESPONSES**

KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC ("KMC"), pursuant to Rule 28-106.204(1), through its undersigned counsel, hereby responds to the Florida Public Service Commission ("Commission") Order No. PSC-05-0259-PCO-TP, issued March 8, 2005, and hereby provides its third supplemental discovery responses to Interrogatory Nos. 4, 8, and 9 of the first set of interrogatories of Sprint-Florida, Incorporated, as follows:

1. Interrogatory No. 4 and POD No. 1. In addition to its previous responses to this interrogatory and POD, KMC hereby further supplements its response with the following information: In addition to the contracts previously identified and provided, KMC further provides the carrier documents contained in KMC's Confidential Third Supplemental Response to Interrogatory No. 4 and POD No. 1. These materials are confidential, and will be provided pursuant to the protective agreement between the parties. As for the terms of any contractual agreements between KMC and non-telecommunications carriers, specifically ISPs or ESPs as requested by Sprint, KMC does not have any ability or means to segregate ISPs and ESPs from its other non-carrier end user customers from the records KMC keeps in the ordinary course of business. However, the terms of the agreements between such ISP/ESP customers and KMC are

reflected in the Master Services Agreement previously identified and provided to Sprint. In addition, since approximately May 2003, KMC has required any customers that seek to use KMC's services in order to provide VoIP services to sign a VoIP addendum, which KMC will also provide to Sprint. The terms of any customer agreements that KMC has with ISPs or ESPs are reflected in these two agreements.

2. Interrogatory No. 8. In addition to its previous responses to this interrogatory, KMC hereby further supplements its response with the following information: As Mr. Pasonski explained in his prefiled direct testimony, the Charge Party Number fields were populated by the Billing Telephone Numbers associated with the local PRI circuits that KMC provided to Customer X, an enhanced services provider. The Billing Telephone Number was correctly inserted into the Charge Party Number field consistent with the Lucent switch requirements previously provided to Sprint. If any carrier or carriers were involved in the call prior to its receipt by the KMC networks through the use of the Primary Rate ISDN services KMC provided to its Customer X in Tallahassee or Ft. Myers, they are unknown to KMC. KMC further notes that it does not have any information that explains what happened to the call before it reached KMC's network – even Sprint's Agilent study acknowledges that any alleged "manipulation" could have been done prior to the traffic reaching KMC.

3. Interrogatory No. 9. In addition to its previous responses to this interrogatory, KMC hereby further supplements its response with the following information: There is no pseudo Charge Party Number – the "same" Charge Party Number appears because the Billing Telephone Number associated with the local PRI circuits provided by KMC to Customer X was correctly inserted into the Charge Party Number field consistent with the Lucent switch requirements for the KMC switches in Tallahassee and Ft. Myers. The fact that Sprint claims it

has been able to identify a carrier prior to the receipt of a call by KMC's local networks in Tallahassee or Ft. Myers has nothing to do with KMC's switches properly populating the Charge Party Number field with the Billing Telephone Number for traffic delivered using the local PRI circuits provided to Customer X. If Sprint believes it has identified the IXCs that handled these calls before they reached KMC's local network through the use of the retail Primary Rate ISDN services KMC provided to its Customer X, then Sprint should be seeking recovery access from such IXCs and not KMC.

RESPECTFULLY SUBMITTED this 23rd day of March, 2005,



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Attorneys for KMC Telecom III, LLC,
KMC Telecom V, Inc., and KMC Data LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served upon the following parties by electronic mail and/or U.S. Mail this 23rd day of March, 2005.

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for Floyd R. Self