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Timolyn Henry

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Sent: Thursday, May 26, 2005 4:44 PM
To: Filings@psc.state.fl.us
Subject: 041144-TP Sprint's Response to KMC's Motion to Compel
Attachments: 041144-TP Sprint's Response to KMC's Motion to Compel.pdf

Filed on behalf of:

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Docket No. 041144-TP

Title of filing: Sprint's Response to KMC's Motion to Compel

Filed on behalf of: Sprint

No. of pages: 19

Description: Sprint's Response to KMC's Motion to Compel

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May 26, 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. 041144-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint-Florida, Incorporated is the original of Sprint's Response to KMC's Motion to Compel.

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

If you have any questions, please do not hesitate to call me at 850/599-1560.

Sincerely,

Susan S. Masterton

Enclosure

DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 041144-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic and U.S. mail this 26th day of May, 2005 to the following:

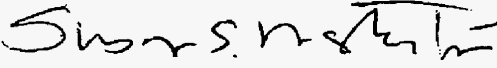
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Susan S. Masterton

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Sprint-Florida, Incorporated)	Docket No. 041144-TP
Against KMC Telecom III LLC,)	
KMC Telecom V, Inc. and KMC Data LLC,)	
for failure to pay intrastate)	
Access charges pursuant to its interconnection)	
Agreement and Sprint's tariffs and for violation of)	Filed: May 26, 2005
Section 364.16(3)(a), Florida Statutes.)	

**SPRINT FLORIDA, INCORPORATED'S
RESPONSE TO KMC'S MOTION TO COMPEL**

Sprint-Florida, Incorporated (hereinafter "Sprint") hereby files its Response to the Motion to Compel filed by KMC Telecom III LLC, KMC Telecom V, Inc. and KMC Data, LLC (hereinafter, collectively, "KMC") on May 19, 2005.

General Response to Motion to Compel

Sprint has consistently endeavored to timely and fully responded to each of KMC's interrogatories and production of document requests, to the extent the requests sought relevant information not subject to proper objections under the applicable discovery rules.¹ To the extent a proper objection applies, Sprint timely noted the objection consistent with the applicable rules.² Sprint believes that it has provided complete responses and has fully complied with the discovery rules. In fact, in many instances Sprint believes it has gone beyond its legal obligation to respond, taking the extra effort to understand and provide information in response to KMC's requests that

¹ See Section 120.569, F.S., and Rule 28-106.206, F.A.C. The applicable Rules of Civil Procedure are Rules 1.280 and 1.400 (hereinafter "discovery rules").

² KMC's First Set of Interrogatories and First Request for Production of Documents were served prior to the issuance of the Order on Procedure, so that the time frame for objections and responses are those time frames set forth in Rule 1.340 and 1.350 of the Florida Rules of Civil Procedures. These time frames require objections and responses to be service within 30 days of the discovery requests.

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were at times ambiguous and were frequently duplicative and overlapping with other discovery requests. To Sprint it appears that a major source of KMC's apparent belief that Sprint has not responded adequately lies in the voluminous and technical nature of the documents that KMC has requested and that Sprint has provided. While Sprint has attempted to the best of its ability to respond in a manner that will assist KMC in reviewing and understanding the documents, Sprint fears that KMC has been unable to understand much of the information that has been provided. Sprint recognizes its obligation under the applicable discovery rules to provide relevant documents as requested; however, Sprint does not believe it has an obligation to assist KMC in its evaluation of these documents in the manner that KMC appears to contemplate in its Motion to Compel. KMC chose to frame its discovery requests broadly, i.e., asking Sprint to provide all supporting documentation or everything relied on to support its answers. Sprint diligently has attempted to comply. To the extent KMC has additional questions regarding what Sprint has provided, these questions are appropriately addressed through additional discovery and/or depositions.

In the subsequent specific responses to KMC's Motion, Sprint will detail all of the responsive information that Sprint has provided regarding each specific Interrogatory and POD.³ This detail will show that Sprint has fully and completely responded to KMC's discovery requests in compliance with the applicable discovery rules. Therefore, KMC's Motion to Compel as it relates to each and every discovery response should be denied.

³ Because Commission staff has been served with all interrogatory and POD responses, Sprint has not attempted to recreate and attach the voluminous information provided to this Response. Rather, Sprint will refer to the information already provided to staff and KMC.

Responses Related to Individual Discovery Requests

Call detail records

KMC has asked the Commission to compel Sprint to provide all of the call detail records for the two-year plus span of time that Sprint claims KMC was improperly terminating access traffic to Sprint over local interconnection trunks.⁴ Sprint already has explained the process that Sprint must go through to retrieve the historic call detail records for the relevant period of time in its initial Response and Supplemental Responses to POD No. 1. In further explanation, Sprint collects approximately 120 million call detail records for multiple customers each day. These individual records are stored on one to two tapes for each day of records (because of the time frames captured on the tapes more than one tape may represent the records for a single calendar day). Therefore, the records for the two plus years for the traffic that is the subject of Sprint's complaint would require more than 800 tapes to be pulled and reviewed to identify KMC records. As Sprint as explained, this process takes one to two days for each day of records. Significant time and costs would be incurred to pull and review all of these records. Specifically, for Sprint to pull all of the records that KMC has requested it would take at least 18 months and cost a minimum of \$362,000 dollars.⁵

To date Sprint has provided KMC with the following call detail information:

⁴ KMC has asked multiple times for what amounts to the same information in several interrogatories and PODs (e.g., Interrogatory Nos. 6 and 7 and POD Nos. 1, 7, 10, 12, 15, and 17) though the requests have been couched in slightly different terms. When the records have already been provided in response to a previous request, Sprint has properly responded by referring to the applicable response.

⁵ KMC is under the mistaken impression that Sprint itself reviewed each day of call detail records. That is not the case. Sprint did not use the individual call detail records to calculate the amount of money KMC owes Sprint for the access traffic that KMC improperly terminated over local interconnection trunks. Rather, as Sprint has repeatedly explained, the methodology it used to calculate the charges involved a review of monthly SS7 summary reports extracted into an Access Database. (See Sprint's Supplemental Response to KMC Interrogatory No. 15 provided on March 22, 2005.)

CDR Records for September 10, 2003 (which were provided to KMC prior to the initiation of the Complaint as part of Sprint's attempt to work with KMC to resolve the Complaint)

All CDR records underlying the Agilent study (See CD labeled "Agilent CDR Records" provided in response to KMC POD No. 18 (c), also provided as Exhibit WLW-3 to William L. Wiley's Direct Testimony)

A statistically valid, 27 day random sample of CDR records spanning the two year period (See CDs provided on February 21, March 17 and April 7, 2005, and labeled KMC CDR Records, 20031024-20030711 GMT KMM CLEC CDRs, 20040202-20031118 EST KMM CLEC CDRs, and KMC CLEC 20030606-20021124, respectively, also provided as Exhibit WLW-5 and Revised Exhibit WLW-5, to William L. Wiley's Direct and Rebuttal Testimonies).

Sprint's responses to KMC's request for the call detail records fulfill Sprint's obligations to respond under the applicable discovery rules. In fact, by producing the 27 day random sample of KMC call detail records, Sprint has gone beyond what the Commission determined was necessary to comply with the rules in the one previous proceeding in which a similar discovery dispute was addressed. See, *In re: Dade County Circuit Court referral of certain issues in Case No. 92-11654 (Transcall America, Inc. d/b/a ATC Long Distance vs. Telecommunications Services, Inc. and Telecommunications Services, Inc. vs. Transcall America, Inc. d/b/a ATC Long Distance)* that are within the Commission's Jurisdiction, Docket No. 951232, Order No. PSC-98-0954-PCO-TI, issued July 15, 1998 and Order No. PSC-98-1058-PCO-TI, issued August 7, 1998. In that case the Commission recognized that call detail records in their raw form contain records relating to numerous customers that are confidential and that Sprint is prohibiting from making public under s. 364.24, Florida Statutes and also that the other customers' records are not relevant to a dispute involving a single customer. The Commission further determined that records pertaining to a single customer are not existing records, but must

be created in order to be produced and that such preparation is beyond the scope of what is required under the applicable discovery rules. Specifically, in the August 7th Order denying TSI's Second Motion to Compel, the prehearing officer ruling on the Motion stated "It is not proper to seek production of documents that do not exist and would, therefore, require preparation." Because the call detail records involving only TSI's traffic did not exist independent of the irrelevant records involving other customer's traffic, the prehearing officer ruled that "I shall not require *Transcall* to prepare a record or computer file that does not currently exist." The *Transcall* case also supports the sufficiency of Sprint's provision of a subset, rather than all of the call detail records in that the staff audit and testimony in that case was based on a review of only a portion of the total number of call detail records.

As explained above, the call detail records at issue here also contain confidential information for multiple customers. In order to produce records related to KMC only, Sprint must "prepare" the records, which is a lengthy and time consuming process as described above. Sprint has provided KMC with all the KMC only records that were already in existence (i.e., the Agilent records and the September 10, 2003 records) and has also provided to KMC the KMC only records that Sprint prepared for the purpose of submitting them as evidence in this case. To require Sprint to prepare and produce any additional CDR records goes beyond the scope of the discovery rules, as the Commission properly found in the *Transcall* case.⁶ Therefore, KMC's Motion to Compel the additional CDR records should be denied.

⁶ In the *Transcall* case, *Transcall* apparently offered TSI the ability to review the call detail records. Such a process would not be workable for the number of records involved in this case. Sprint has calculated that it would take KMC 18 months, at a cost of \$79,300 to come to the location where the records are kept and conduct the necessary review.

Interrogatory 6(b) and Production of Documents No. 6

In Interrogatory No. 6(b) KMC requests all the information forming the basis for Sprint's belief that KMC was altering or changing charge party numbers. This is an example of one of the many requests from KMC that is duplicative or overlaps with several other requests. Sprint formed its belief that KMC was manipulating the charge party number in some manner based on its analysis of the call detail information it collects for all traffic as described above. Therefore, the response to POD No. 1 was responsive to Interrogatory No. 6. In addition, Sprint engaged Agilent to verify its own analysis. The information related to the Agilent study was requested and provided in Sprint's Response to POD No. 18. Sprint provided a narrative explanation of how Sprint arrived at its conclusions in its Response to Interrogatory No. 6. This response represents the basis of Sprint's claims at that time. It should be noted that subsequent information provided by KMC to Sprint, including testimony, has clarified the issues for Sprint, in that KMC has admitted that the repetitive charge party numbers that Sprint had noticed were, in fact, numbers assigned by KMC and programmed by KMC into its switch for traffic KMC received from its Customer X. However, at the time Sprint responded to the discovery, Sprint was not aware of these specific actions by KMC. Because Sprint fully and completely responded to KMC's Interrogatory No. 6, KMC's Motion to Compel as it relates to this Interrogatory should be denied.

KMC also claims that Sprint has not fully responded to KMC's request for POD No. 6, which contains an unspecified request for "all documents identified or relied on in Response to Interrogatory No. 6." While Sprint had noted its objections to any request that was "overly broad etc." (see Sprint's generally applicable objection No. 4 on page 2

of Sprint's Responses and Objections filed on February 21, 2005) Sprint nevertheless endeavored in good faith to provide any documents applicable to Interrogatory No. 6 that were not already provided in response to other duplicative and overlapping requests. In response to POD No. 6, Sprint provided the following:

Power point presentation relating to Correlated Call Records (CCR).

CD named "CCR041905" which contains the correlated call records underlying the power point presentation. (these records initially were provided as part of Response to Interrogatory No. 92, which was provided in response to KMC's "catch all" POD No. 15 asking for "any records that had not otherwise been provided in other discovery responses" and were provided again on CD in Sprint's Supplemental Response to POD No. 15 filed on March 22, 2005)

Multiple confidential but nonprivileged e-mails and attachments to those e-mails, provided on March 17

Privilege log, detailing each e-mail string, the subject of the e-mails, each individual including in the e-mail distribution and the name of the Sprint attorney(s) initiating or requesting the communication, provided in Sprint's Supplemental Response to POD Nos. 6, 7, 15, 17 and 18, filed on March 22, 2005.

Contrary to KMC's assertion in paragraph 20 of its Motion to Compel, Sprint provided more than a log of privileged e-mails that would otherwise be responsive. Rather, Sprint provided voluminous non-privileged, though confidential, e-mails and related attachments (including voluminous attachments produced on a CD accompanying the e-mails) that were responsive to POD No. 6 and related POD requests. Here again, KMC had requested similar and intertwined information relating to Sprint's complaint in several interrogatory and POD requests, including POD No. 6, POD No. 7, POD No. 17 and POD No. 18. Sprint practically was not able to separate the communications according to which interrogatory they were responsive to because, from Sprint's

perspective, information relevant to these requests were inter-related and intertwined in the internal communications.

These records, combined with the call detail records otherwise provided to KMC as detailed above, constitute the entire body of documents in Sprint's possession that are fully responsive to this request.⁷ Therefore, KMC's Motion to Compel as it relates to Sprint's responses to Interrogatory No. 6(b) and POD No. 6 should be denied.

Interrogatory No. 7 and POD No. 7

In Interrogatory No. 7 KMC asks Sprint to describe the actions taken by Sprint to trace the access traffic that KMC improperly terminated to Sprint over its local interconnection trunks. POD No. 7 broadly requests any documents identified or relied on responding to the Interrogatory. As explained above, this question is intertwined with and overlaps several other interrogatories and POD requests, so that information that is responsive to one, is also responsive to many. Nevertheless, Sprint provided a narrative response to the Interrogatory and in response to the POD provided the following documents:

Power Point presentation labeled IXC Study

Correlated call records labeled CCR041905 (described above)

Unprivileged confidential e-mails

Privilege log (also provided in response to POD Nos. 6, 15, 17 and 18)

Sprint's response to Interrogatory No. 7 fully describes the process Sprint

⁷ However, in its generally applicable Objection No. 10 of Sprint's objections filed on February 21, 2005, Sprint notes the limitations of its ability to represent that it has provided every possible document relevant document and Sprint's commitment to conduct a diligent and reasonable search in order produce relevant documents, which Sprint has done in an attempt to fully and completely respond to KMC's discovery requests.

undertook as the basis of its Complaint. This response and the records described above, combined with other records provided in response to similar and overlapping requests, including the call detail records otherwise provided to KMC as explained above, constitute the entire body of documents in Sprint's possession that are fully responsive to this request. Therefore, KMC's Motion to Compel as it relates to Sprint's responses to Interrogatory No. 7 and POD No. 7 should be denied.

Interrogatory No. 11 and POD No. 10

In this Interrogatory, KMC asks Sprint to "describe the call detail records and SS7 signaling information" related to the access traffic that Sprint was able to identify more specifically because it originated by a Sprint end user. Once again, this Interrogatory requests information that is duplicative of and overlaps previous questions, particularly Interrogatories No. 6 and 7.

Sprint provided a response specifically to this Interrogatory in which Sprint describes the process it used to correlate and review the records. Sprint believes this response is sufficient, as the process for each individual call record is the same and, therefore, a general description of the process used can be applied to all the records. Nevertheless, to the extent that KMC's Motion to Compel arises out of its lack of understanding of what is depicted on the call detail records, Sprint is filing a Supplemental Response to Interrogatory No. 11 that provides a step-by-step description of what information is provided on the call record at each stage of the transmission. Time constraints in responding to this Motion to Compel prevent Sprint from being able to provide the supplemental response simultaneously with this Response; however, Sprint will provide the Supplemental Response on May 27.

In POD No. 10, KMC asks, once again, for the call detail records underlying Sprint's analysis. Sprint has provided these records in POD No. 1 as discussed above. There are no other records responsive to this request. Sprint's Response to Interrogatory No. 11 and the documents it has provided KMC in response to POD No. 10 as well as numerous other duplicative and overlapping document requests are fully responsive to and in compliance with Sprint's discovery obligations. Therefore, KMC's Motion to Compel as it relates to Sprint's responses to Interrogatory No. 11 and POD No. 10 should be denied.

Interrogatory No. 15

Interrogatory No. 15 asked Sprint to describe its calculation of the amount Sprint alleges KMC owes for the access traffic Sprint alleges KMC improperly terminated to Sprint over local interconnection trunks. Sprint first responded to the Interrogatory on February 21, 2005 with a general explanation of the process used. At KMC's request, Sprint provided a more detailed explanation in its Supplemental Response to the Interrogatory provided on March 22, 2005. This Response goes through a step-by-step explanation of the process and methodology Sprint used to calculate the access charges that are due. In addition, Sprint provided the detail of the calculations in an excel spreadsheets identified in the Supplemental Response to Interrogatory No. 15.⁸ KMC appears to be asking Sprint to describe its calculations on a call by call basis, which is unreasonable, unnecessary and would be patently unduly burdensome to Sprint. Sprint's

⁸ In paragraph 35 of its Motion to Compel, KMC alleges that Sprint has not provided SS7 Monthly Summary Reports relevant to Sprint's Complaint. While Sprint believes that these reports were included among the voluminous documentation that has already been provided to KMC, Sprint will continue to review its responses and to the extent Sprint discovers that these documents have not been provided in their entirety, Sprint will file these documents as a Supplemental Response to POD No. 15.

response is a full and complete response to the question and is entirely compliant with the applicable discovery rules, therefore, KMC's Motion to Compel as it relates to Interrogatory No. 15 should be denied.

Interrogatory No. 16 and POD No. 12

Interrogatory No. 16 asks Sprint to explain its methodology for calculating the amount of reciprocal compensation that Sprint overpaid as a result of KMC's mischaracterization of access traffic as local traffic. The related POD No. 12 asked for all documents identified or relied on in responding to Interrogatory No. 16. First, it should be noted that this calculation is a derivative of the process used to jurisdictionalize the traffic for the purpose of determining the amount of the access charges that were avoided. Therefore, the same records are responsive to this Interrogatory and related POD as are responsive to the several other duplicative and overlapping requests by KMC. In addition, Sprint provided an excel spreadsheet detailing the billing calculations. In response to POD No. 12, Sprint also provided internal e-mails related to Sprint's identification and calculation of Sprint's overpayment of reciprocal compensation. KMC appears to be asking Sprint to describe its calculations on a call by call basis, which is unreasonable, unnecessary and would be patently unduly burdensome to Sprint. Sprint's response to Interrogatory No. 16 and the documents provided both directly in response to POD No. 12 and in response the several duplicative and overlapping requests are full and complete responses to the requests and are entirely compliant with the applicable discovery rules, therefore, KMC's Motion to Compel as it relates to Interrogatory No. 16 and POD No. 12 should be denied.

POD No. 16

POD No. 16 asks Sprint to “produce all internal records related to Sprint’s production of the information contained in Sprint_CDR_Translations.” Frankly, Sprint did not understand what documents this request was intended to encompass that were different from the call detail records requested in numerous other duplicative and overlapping requests from KMC. In an effort to respond to this request, Sprint tried to identify anything that it had provided KMC that was denominated Sprint_CDR_Translations, to determine what other documents the request might encompass. The only thing we could find that KMC might be referring to was a table labeled SS& CDR Translations in a document labeled KMC_CDR_layout_for_Sept_10_2003.xls, which is the September 10 CDR information provided to KMC prior to Sprint filing its Complaint. This document is nothing more than a description of the fields contained in the CDR records. As such, there are no additional documents that relate to that file.

In response to paragraph 42 of KMC’s Motion, KMC apparently misinterpreted the basis and breadth of Sprint’s objection. Sprint objected only to the extent privileged documents were being requested. Subsequently, Sprint provided a privilege log that identifies all of the documents that Sprint believes are responsive to KMC’s discovery request that are privileged. There are no other privileged documents responsive to any of KMC’s requests that are not listed on the privilege log. Since the only documents that Sprint could ascertain might be responsive to this request were the call detail records provided in Response to POD No. 1 (discussed previously in this Response to KMC’s Motion), Sprint has adequately responded to POD No. 16 in full compliance with the

applicable discovery rules. Therefore, KMC's Motion to Compel as it relates the POD No. 16 should be denied.

POD No. 17

POD No. 17 asks Sprint to produce copies of Sprint's analysis using the Agilent system referred to in paragraph 13 of Sprint's Complaint. This is another duplicative and overlapping request, as these documents are the same documents as Sprint has produced in response to POD No. 1, POD No. 6 and POD No. 7. It may be helpful to distinguish Sprint's ongoing internal use of the Agilent business intelligence system to analyze SS7 records from the KMC study conducted by Agilent for Sprint that is provided in Sprint's Response to POD No. 18. Sprint uses Agilent software to compile and interpret the raw SS7 records that are collected at its switch. This software produces the call detail records that KMC has requested in multiple POD requests. These same call detail records are the records that Sprint addresses in its Response to POD No. 1 and in its discussion above relating to KMC's Motion to Compel additional responses to POD No. 1.

As far as paragraph 46 of KMC's Motion to Compel, again, Sprint only objected to the extent POD No. 17 requested privileged documents. All of the relevant privileged documents that are responsive to POD No. 17 are included in the privilege log provided, the sufficiency of which is discussed earlier in this response. Sprint has responded fully and completely and in compliance with the applicable discovery rules in its response to Interrogatory No. 17. Therefore, KMC's Motion to Compel as it relates to Sprint's Response to POD No. 17 should be denied.

POD No. 18

POD No. 18 asks for various documents related to the Agilent Study Sprint

referred to in its Complaint (and submitted as Exhibit WLW- attached to the direct testimony of William L. Wiley.) In response to this POD request, Sprint provided the following documents:

A copy of a brochure entitled “Agilent OSS Revenue Assurance”

A copy of a brochure entitled “Agilent acceSS7 Business Intelligence”

Agilent Access Bypass Study Results (also provided prefiled Exhibit WLW-3) (portions confidential)

Sprint/Agilent Master Agreement (Confidential)

Agilent SOW for the KMC Study (Confidential)

KMC Agilent CDRs (on confidential CD only)

Confidential but nonprivileged e-mails discussing the Agilent study and its results

E-mails identified on Sprint’s privileged log

Contrary to KMC’s assertion in paragraph 52, Sprint did not “glibly” refer to call detail records provided in response to other requests, but provided a separate CD, appropriately labeled, that contains all of the call detail records used by Agilent in conducting its study. In response to KMC’s discussion of Sprint’s claim of privilege in paragraph 51, again, KMC misinterprets the extent of Sprint’s claim. As stated previously privilege was not asserted for all documents, but only insofar as it applied and any privileged documents responsive to this request are included on the privilege log discussed previously in this Response to KMC’s Motion. As far as KMC’s claims that Sprint failed to provide “preliminary analysis or preliminary versions of the Agilent study (paragraph 51 of KMC’s Motion to Compel), Sprint asserts that there are not such documents in Sprint’s possession and that is why no such documents were provided.

Sprint did provide correspondence with Agilent, to the extent it was not privileged in the internal e-mails provided in response to the several PODs requesting them. Sprint has responded fully and completely and in compliance with the applicable discovery rules in its response to POD No. 18. Therefore, KMC's Motion to Compel as it relates to Sprint's Response to POD No. 18 should be denied.

Interrogatory No. 36 and POD No. 25

Interrogatory No. 36 asks if Sprint has made any claims related to the delivery of access traffic over local interconnection trunks against any other LEC for traffic in the Ft. Myers or Tallahassee LATAs. Sprint responded with the name of a CLEC and an explanation of the basis of the claim and the status of the claim. As far as the related POD No. 25 (requesting any documents identified in or relied on in Interrogatory No. 36), contrary to KMC's claims in paragraph 56 of its Motion to Compel, Sprint did not fail to identify documents. Rather Sprint responded that it had documents but due to their highly confidential and competitively sensitive nature (i.e., they contain customer information concerning a competitor of KMC), Sprint would not provide copies but would, instead, make them available for viewing at Sprint's Tallahassee offices. KMC has never contacted Sprint to arrange a time to view these documents. Sprint's offer is completely consistent with Rule 1.350 of the Florida Rules of Civil Procedure which requires a respondent to a production request to allow inspection of a document in a reasonable manner at a reasonable time and place.

KMC also alleges that Sprint has made reference to investigations it has made of multiple other CLECs related to the avoidance of access charges. While this is correct, none of these other CLECs were encompassed by the strict terms of the request (i.e., that

the claims involved traffic terminated to Sprint in Tallahassee or Ft. Myers). Regardless of KMC's misunderstanding of the completeness of Sprint's response, Sprint has responded fully and completely and in compliance with the applicable discovery rules in its response to Interrogatory No. 36 and POD No. 25. Therefore, KMC's Motion to Compel as it relates to Sprint's Response to POD No. 18 should be denied.

POD No. 15

KMC's POD No. 15 is a "catch all" requesting Sprint to provide any relevant documents it has not otherwise provided in responding to KMC's POD requests. While this request is undeniably overbroad and ambiguous, in its attempt to provide all relevant documents, Sprint has responded to POD 15 by including numerous documents that support and are relevant to Sprint's claims, including correlated call records and detailed supporting information for each month of these records through May 2004 (see documents entitled Sprint's Response to Interrogatory No. 92 from Docket No. 031047, Bate Stamp pages 324-546. These documents contain much of the supporting information KMC is complaining has not been provided in this Motion to Compel.

Conclusion

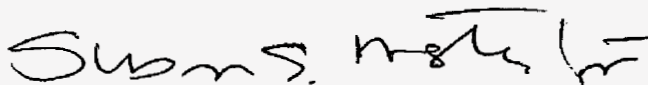
Sprint has provided detailed responses to each of KMC's discovery responses and provided the voluminous relevant documentation that is responsive to KMC's POD requests. Sprint has responded fully and completely and to the best of its ability to each of KMC's Interrogatories and PODs and has fully complied with the applicable discovery rules. Pursuant to these rules and consistent with Commission precedent Sprint is not required to prepare and produce all of the millions of call detail records that span the two years of Sprint's complaint and it would be unduly burdensome and expensive for Sprint

to do so, as set forth in detail above.

To the extent that KMC's Motion to Compel indicates a lack of understanding of what Sprint has provided, Sprint has either made clarifications in this response to assist KMC in understanding the information provided or Sprint is filing supplemental responses in an attempt to alleviate this lack of understanding as noted herein. KMC has no legitimate basis for its Motion to Compel given Sprint's more than sufficient responses to KMC's requests. Therefore, KMC's Motion to Compel should be denied as it relates to each and every interrogatory and POD request set forth in its Motion.

WHEREFORE, Sprint asks the Commission to deny KMC's Motion to Compel.

RESPECTFULLY SUBMITTED this 26th day of May 2005.



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