

**Timolyn Henry**

**From:** Whitt, Chrystal [CC] [Chrystal.Whitt@mail.sprint.com]  
**Sent:** Monday, July 11, 2005 4:20 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** 041144-TP Sprint's Supplemental Response to KMC's 3rd Rog and 4th POD  
**Attachments:** Sprint's Supp Rsp KMC's 3rd ROG and 4thPOD.pdf

**Filed on behalf of:**

**Susan S. Masterton**

**Attorney**

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**Docket No. 041144-TP**

**Title of filing:** Sprint's Supplemental Response to KMC's 3rd Rog and 4th POD

**Filed on behalf of:** Sprint

**No. of pages:**

**CMP Description:** Sprint's Supplemental Response to KMC's 3rd Rog and 4th POD

**COM** \_\_\_\_\_

**CTR** \_\_\_\_\_

**ECP** \_\_\_\_\_

**GT** \_\_\_\_\_

**OPC** \_\_\_\_\_

**MMIC** \_\_\_\_\_

**RCA** \_\_\_\_\_

**SCR** \_\_\_\_\_

**SEC**   1  

**OTH** \_\_\_\_\_

DOCUMENT NUMBER-DATE

06525 JUL 11 05

FPSC-COMMISSION CLERK



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July 11, 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 Sprint's Notice of Service of Sprint's Supplemental Responses to KMC's 3<sup>rd</sup> Set of Interrogatories and 4<sup>th</sup> Request for Production of Documents.

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

06525 JUL 11 05

FPSC-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 11<sup>th</sup> day of July, 2005 to the following:

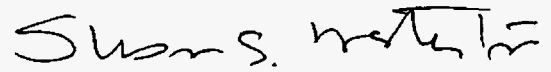
Division of Legal Services  
Lee Fordham/ Beth Keating  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Nancy Pruitt/Ann Marsh  
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/Mike Duke  
1755 North Brown Road  
Lawrenceville, GA 30043-8119

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

Floyd Self, Esq.  
Messer, Caparello & Self, P.A.  
215 S. Monroe Street, Ste. 701  
Tallahassee, FL 32302

  
\_\_\_\_\_  
Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Sprint-Florida, Incorporated  
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 Section  
364.16(3)(a), Florida Statutes.

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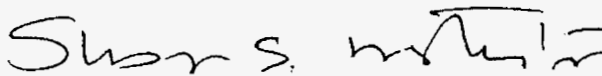
DOCKET NO. 041144-TP

Filed: July 11, 2005

**SPRINT'S NOTICE OF SERVICE OF SPRINT'S SUPPLEMENTAL  
RESPONSES TO KMC'S THIRD SET OF INTERROGATORIES AND FOURTH  
REQUEST FOR PRODUCTION OF DOCUMENTS**

NOTICE IS HEREBY GIVEN that in accordance with Order No. PSC-05-0723-PCO-TP, a copy of Sprint-Florida, Incorporated ("Sprint") Supplemental Responses to KMC's 3<sup>rd</sup> Set of Interrogatories and 4<sup>th</sup> Production of Documents were submitted via electronic and US mail on July 11, 2005 to Floyd Self at [fself@lawfla.com](mailto:fself@lawfla.com) 215 S. Monroe Street, Ste 701 Tallahassee, FL 32301. Copies of this Notice have been served on the parties to this docket pursuant to the attached Certificate of Service.

Respectfully submitted this 11<sup>th</sup> day of July, 2005.



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ATTORNEY FOR SPRINT

DOCUMENT NUMBER-DATE

06525 JUL 11 05

FILED-COMMISSION CLERK

**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 )  
Section 364.16(3)(a), Florida Statutes. )  
\_\_\_\_\_)

**SPRINT'S SUPPLEMENTAL RESPONSES TO KMC'S THIRD SET OF  
INTERROGATORIES (NOS. 55-56) AND FOURTH POD (No. 46)**

In accordance with Order No. PSC-05-0723-PCO-TP and pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.350 and 1.280(b), Florida Rules of Civil Procedure, by and through undersigned counsel, Sprint-Florida, Incorporated (hereinafter "Sprint") hereby submits the following supplemental Responses to KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC's (collectively KMC) Third Set of Interrogatories (Nos. 55-56) and Fourth Request for Production of Documents (No. 46) which were served on Sprint on April 26, 2005.

<u>Interrogatory</u> 55-56	<u>Prepared by</u> James R. Burt	<u>Title</u> Director Regulatory Policy
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**RESPONSE TO INTERROGATORIES**

**Interrogatory 55:** With respect to any Sprint enhanced services provider customers, identify and describe the local services, if any, such providers purchase from Sprint. Please identify any documents upon which you relied in making your response.

**Response:**

See Sprint's response to Interrogatory No. 53.

**Supplemental Response:** Yes. Sprint does require customers wishing to purchase services designed specifically for ESPs to both identify themselves and demonstrate that they are ESPs before service is provided. These services are sold by a relatively small dedicated sales team that is very familiar with the services as well as the sales order process. If the customer is new to Sprint, there are multiple ways in which the sales team can determine the true identity. These included a credit check, verification through email addresses, looking at customer's web site and evaluation of the equipment being connected to.

**Interrogatory 56:** Please explain in detail how Sprint, when it is the terminating LEC, is able (a) to differentiate between a call that employs only circuit switching and one that, at some point on the transmission path, uses Internet protocol; and (b) to differentiate between a call that employs Internet protocol for transmission purposes only (i.e., a call that falls within the FCC's *AT&T Declaratory Ruling*) and a call that employs enhanced services features and functionalities enabled by the use of Internet protocol or other technologies.

**Response:**

Sprint does not identify the protocols used for terminating traffic or differentiate between protocols for intercarrier compensation purposes because there is no basis to treat the traffic that terminates to Sprint uniquely just based on the protocol or technology a terminating carrier chooses to utilize. The use of a particular technology does not determine the intercarrier compensation, rather it is the terms and conditions of the agreements between the parties, be it an interconnection contract or a tariff.

**Supplemental Response:** While Sprint believes the protocol being used is irrelevant to the determination of the jurisdiction of traffic in question and the applicable inter-carrier

compensation, Sprint is not aware of any industry standard or acceptable means of differentiating between Internet protocol and circuit switched voice calls terminated to Sprint's network. Sprint's investigation into the traffic in question has resulted in no evidence that suggests Internet protocol was used.


**RESPONSE TO PODs**

**46. Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 55.**

Please see Response to POD No. 44.

**Supplemental Response:** There are no documents responsive to this request other than the documents provided in Response to POD No. 44. The activities described in Sprint's Supplemental Response to Interrogatory No. 55, involve real-time reviews of available information regarding a particular customer at the time that customer purchases services from Sprint.

DATED this 11<sup>th</sup> day of July, 2005.



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