

**Diamond Williams**

---

**From:** Galloway, Cecilia (Cissy) [CGalloway@gunster.com]  
**Sent:** Friday, December 02, 2011 3:55 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lee Eng Tan; 'aklein@kleinlawpllc.com'; 'adam.sherr@qwest.com'; 'de.oroark@verizon.com'; 'janewhang@dwt.com'; 'Chris.bunce@birch.com'; 'Edward.Krachmer@windstream.com'; 'Eric.branfman@bingham.com'; 'rcurrier@granitenet.com'; Feil, Matthew; 'Foley, Paula'; 'Carolyn.Ridley@twtelecom.com'; 'John.ivanuska@xo.com'; 'marsha@reuphlaw.com'; 'David.Christian@verizon.com'; 'Richard.brown@accesspointinc.com'; 'John.greive@lightyear.net'; 'mike@navtel.com'; 'John.messenger@paetec.com'; 'Philip.macres@bingham.com'; 'Greg.diamond@level3.com'; 'dbailey@bullseyetelecom.com'; 'azoracki@kleinlawpllc.com'; 'doug.hsiao@qwest.com'; 'michael.cooke@ruden.com'; Brenda Merritt; 'alex.duarte@qwest.com'; 'jason.topp@qwest.com'; 'bettye.j.willis@windstream.com'; 'agold@acgoldlaw.com'; 'kris.shulman@xo.com'  
**Subject:** RE: PSC Filing - Docket No. 090538-TP  
**Attachments:** Qwest - XO Comm 12-2 Notice filing.pdf

The attached is an electronic filing for the docket referenced below. If you have any questions, please contact Matt Feil at the number below. Thank you.

**Person Responsible for Filing:**

Matthew Feil  
 Gunster Law Firm  
 215 South Monroe Street, Suite 601  
 Tallahassee, FL 32301  
 Direct: 850-521-1708  
 Main: 850-521-1980  
[mfeil@gunster.com](mailto:mfeil@gunster.com)

**Docket Name and Number:** Docket No. 090538-TP – Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

**Filed on Behalf of:** XO Communications Services, Inc.

**Total Number of Pages:** 5

**Description of Documents:** Notice of Serving Objections and Responses to Qwest's First Set of Discovery to XO Communications Services, Inc.

DOCUMENT NUMBER DATE

08753 DEC -2 =

FPSC-COMMISSION CLERK

12/2/2011



**GUNSTER**

FLORIDA'S LAW FIRM FOR BUSINESS

Cecilia C. Galloway  
Governmental Affairs  
215 S. Monroe Street, Suite 601  
Tallahassee, FL 32301  
Main 850-521-1980 Direct 850-521-1726

---

**Tax Advice Disclosure:** To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein. Click the following hyperlink to view the complete Gunster IRS Disclosure & Confidentiality note.

<http://www.gunster.com/terms-of-use/>



Writer's Direct Dial Number: 850-521-1708  
Writer's E-Mail Address: MFeil@gunster.com

December 2, 2011

**VIA ELECTRONIC-FILING**

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 090538-TP - Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.**

Dear Ms. Cole:

Enclosed is XO Communications Services, Inc.'s Notice of Serving Objections and Responses to Qwest Communications Company, LLC's First Set of Interrogatories (Nos. 1 – 9) and Document Requests (Nos. 1-9), submitted by electronic mail in the above referenced docket.

Sincerely,

Matthew J. Feil  
MJF/ccg

Enclosures

08753 DEC-2 =

08753 DEC-2 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Amended Complaint of Qwest Communications }  
Company, LLC against MCImetro Access Transmission } Docket No. 090538-TP  
Services (d/b/a Verizon Access Transmission }  
Services); XO Communications Services, Inc.; }  
tw telecom of florida, l.p.; Granite Telecommunications, } Filed: December 2, 2011  
LLC; Broadwing Communications, LLC; Access }  
Point, Inc.; Birch Communications, Inc.; Budget }  
Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; }  
Ernest Communications, Inc.; Flatel, Inc.; Lightyear }  
Network Solutions, LLC; Navigator Telecommunications, }  
LLC; PaeTec Communications, Inc.; STS Telecom, LLC; }  
US LEC of Florida, LLC; Windstream Nuvox, Inc.; }  
and John Does 1 through 50, for unlawful }  
discrimination. }

**XO COMMUNICATIONS SERVICES, INC.'S NOTICE OF SERVING OBJECTIONS  
AND RESPONSES TO QWEST COMMUNICATIONS COMPANY, LLC'S FIRST SET  
OF INTERROGATORIES (NOS. 1-9) AND DOCUMENT REQUESTS (NOS. 1-9)**

XO COMMUNICATIONS SERVICES, INC. ("XO", or "the Company"), by and through its undersigned counsel, hereby gives notice that the Company has served its objections and responses to Qwest Communications Company, LLC's First Set of Interrogatories (Nos. 1-9) and Document Requests (Nos 1-9) by electronic mail and/or U.S. Mail to Mr. Adam L. Sherr and Mr. Michael G. Cooke. Copies of the objections and responses have been provided to parties consistent with the attached Certificate of Service.

This notice is respectfully submitted by electronic mail the 2nd day of December, 2011.



**Matthew J. Feil**  
Gunster, Yoakley & Stewart, P.A.  
215 S. Monroe Street, Suite 601  
Tallahassee, Florida 32301  
Telephone: (850) 521-1980  
Facsimile: (850) 576-0902

DOCUMENT NUMBER DATE  
08753 DEC-2 =  
FPSC-COMMISSION CLERK

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 2nd day of December, 2011.

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 <a href="mailto:ltan@psc.state.fl.us">ltan@psc.state.fl.us</a>	Eric J. Branfman/Philip J. Macres Bingham Law Firm 2020 K Street, NW Washington, DC 20006 <a href="mailto:eric.branfman@bingham.com">eric.branfman@bingham.com</a> <a href="mailto:Philip.macres@bingham.com">Philip.macres@bingham.com</a>
Mr. Chris Bunce Birch Communications, Inc. 2300 Main Street, Suite 600 Kansas City, MO 64108-2415 <a href="mailto:Chris.bunce@birch.com">Chris.bunce@birch.com</a>	Mr. Greg Diamond Broadwing Communications, Inc. c/o Level 3 Communications 1025 Eldorado Boulevard Broomfield, CO 80021-8869 <a href="mailto:Greg.Diamond@level3.com">Greg.Diamond@level3.com</a>
Budget PrePay, Inc. 1325 Barksdale Boulevard Suite 200 Bossier City, LA 71111-4600	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 <a href="mailto:dbailey@bullseyetelecom.com">dbailey@bullseyetelecom.com</a>
Jane Whang Davis Wright Tremaine LLP 505 Montgomery Street, Suite 800 San Francisco, CA 94111 <a href="mailto:janewhang@dwt.com">janewhang@dwt.com</a>	Paula W. Foley One Communication – Earthlink 5 Wall Street Burlington, MA 01803 <a href="mailto:pfoley@corp.earthlink.com">pfoley@corp.earthlink.com</a>
Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511	Flatel, Inc. Executive Center, Suite 100 2300 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-3307
Granite Telecommunications, LLC 100 Newport Avenue Extension Quincy, MA 02171-1734 <a href="mailto:rcurrier@granitenet.com">rcurrier@granitenet.com</a>	Andrew M. Klein/Allen C. Zoracki Klein Law Group 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036 <a href="mailto:AKlein@kleinlawPLLC.com">AKlein@kleinlawPLLC.com</a> <a href="mailto:azoracki@kleinlawpllc.com">azoracki@kleinlawpllc.com</a>

<p>John Greive  Lightyear Network Solutions, LLC  1901 Eastpoint Parkway  Louisville, KY 40223-4145  <a href="mailto:john.greive@lightyear.net">john.greive@lightyear.net</a></p>	<p>Michael McAlister  Navigator Telecommunications, LLC  P.O. Box 13860  North Little Rock, AR 72113-0860  <a href="mailto:mike@navtel.com">mike@navtel.com</a></p>
<p>John B. Messenger  PaeTec Communications, Inc.  One PaeTec Plaza  600 Willowbrook Office Park  Fairport, NY 14450-4233  <a href="mailto:john.messenger@paetec.com">john.messenger@paetec.com</a></p>	<p>Richard Brown  Access Point, Inc.  1100 Crescent Green, Suite 109  Cary, NC 27511  <a href="mailto:Richard.brown@accesspointinc.com">Richard.brown@accesspointinc.com</a></p>
<p>Mr. Douglas Hsiao  Qwest Communications Company, LLC  1801 California Street, 10th Floor  Denver, CO 80202-2632  <a href="mailto:doug.hsiao@qwest.com">doug.hsiao@qwest.com</a></p>	<p>Alex M. Duarte  Qwest Communications Company, LLC  421 SW Oak Street, Suite 810  Portland, OR 97204  <a href="mailto:Alex.Duarte@qwest.com">Alex.Duarte@qwest.com</a></p>
<p>Adam L. Sherr  Qwest Communications Company, LLC  1600 7th Avenue, Room 1506  Seattle, WA 98191  <a href="mailto:Adam.Sherr@qwest.com">Adam.Sherr@qwest.com</a></p>	<p>Jason D. Topp  Qwest Communications, LLC  200 South Fifth Street, Room 2200  Minneapolis, MN 55402  <a href="mailto:Jason.Topp@qwest.com">Jason.Topp@qwest.com</a></p>
<p>Michael G. Cooke  Ruden Law Firm  215 South Monroe Street, Suite 815  Tallahassee, FL 32301  <a href="mailto:Michael.Cooke@Ruden.com">Michael.Cooke@Ruden.com</a></p>	<p>Marsha Rule  Rutledge Law Firm  Post Office Box 551  Tallahassee, FL 32302  <a href="mailto:marsha@reuphlaw.com">marsha@reuphlaw.com</a></p>
<p>STS Telecom, LLC  P.O. Box 822270  Pembroke Pines, FL 33082-2270</p>	<p>Ms. Carolyn Ridley  tw telecom of florida l.p.  2078 Quail Run Drive  Bowling Green, KY 42104  <a href="mailto:Carolyn.Ridley@twtelecom.com">Carolyn.Ridley@twtelecom.com</a></p>
<p>Brenda Merritt  Division of Regulatory Analysis  Florida Public Service Commission  2540 Shumard Oak Boulevard  Tallahassee, FL 32399  <a href="mailto:bmerritt@psc.state.fl.us">bmerritt@psc.state.fl.us</a></p>	<p>Mr. David Christian  Verizon Access Transmission Services  106 East College Avenue, Suite 710  Tallahassee, FL 32301-7721  <a href="mailto:david.christian@verizon.com">david.christian@verizon.com</a></p>

<p>Dulaney L. O'Roark III  Verizon  5055 North Point Parkway  Alpharetta, GA 30022  678-259-1657 (phone)  678-259-5326 (fax)  <u><a href="mailto:de.oroark@verizon.com">de.oroark@verizon.com</a></u></p>	<p>Ed Krachmer  Windstream NuVox, Inc.  4001 Rodney Parham Road  MS: 1170-B1F03-53A  Little Rock, AR 72212  <u><a href="mailto:Edward.Krachmer@windstream.com">Edward.Krachmer@windstream.com</a></u></p>
<p>Mr. John Ivanuska  XO Communications Services, Inc.  10940 Parallel Parkway, Suite K - #353  Kansas City, KS 66109-4515  <u><a href="mailto:john.ivanuska@xo.com">john.ivanuska@xo.com</a></u></p>	<p>James White  Windstream NuVox, Inc.  4651 Salisbury Road, Suite 151  Jacksonville, FL 32256-6187  <u><a href="mailto:Bettve.j.willis@windstream.com">Bettve.j.willis@windstream.com</a></u></p>
<p>Jane J. Whang  Davis Wright Tremaine LLP  Suite 800  505 Montgomery Street  San Francisco, California 94111-6533  <u><a href="mailto:janeWhang@dwt.com">janeWhang@dwt.com</a></u></p>	

By:   
Matthew Feil, Esq.