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Subject: 090538 QCC Notice of Service-BIRCH Supplemental
Attachments: 090538 QCC Supp Resp to Birch 1st Set 2-23-12.pdf

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DOCUMENT NUMBER-DATE

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2/23/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 090538-TP

DATED: FEBRUARY 23, 2012

QWEST COMMUNICATIONS COMPANY, LLC'S OBJECTIONS AND SUPPLEMENTAL REPSONSES TO BIRCH COMMUNICATIONS, INC'S FIRST SET OF INTERROGATORIES (NO. 3)

Qwest Communications Company, LLC d/b/a CenturyLink QCC ("QCC"), by and through its undersigned counsel, submits its objections and supplemental responses to Birch Communications, Inc. f/k/a Access Integrated Networks, Inc. ("BCI/AIN") First Set of Interrogatories (No. 3) (collectively "Requests", individually "Request").

GENERAL OBJECTIONS

1. QCC objects to the discovery requests to the extent they purport to impose obligations that go beyond the obligations imposed the Florida Rules of Civil Procedure or the Rules of the Commission.
2. QCC interprets the discovery requests to apply to QCC's intrastate operations in Florida and limits its responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, QCC objects to such requests as irrelevant, overly broad, and unduly burdensome.
3. QCC objects to the discovery requests to the extent they seek to impose an obligation on QCC to respond on behalf of subsidiaries, affiliates or other persons that are not parties to this case on the grounds that such requests are irrelevant, overly broad, and unduly

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burdensome. Unless otherwise stated in these responses, the responses are provided only on behalf of QCC.

4. QCC objects to the discovery requests to the extent they seek documents or information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or doctrines. Any inadvertent disclosure of such privileged documents or information shall not be deemed to be a waiver of the attorney-client privilege, the work-product doctrine or other applicable privileges or doctrines
5. QCC objects to the discovery requests to the extent they seek confidential business, financial, or other proprietary documents or information. Notwithstanding this objection, to the extent a request seeks proprietary confidential business information which is not otherwise privileged or subject to objection, QCC will make such information available to the Commission Staff in accordance with applicable Commission procedures to protect such information from disclosure and will make such information available to other parties in accordance with appropriate Protective Agreements.
6. QCC objects to the discovery requests to the extent they seek information that is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.
7. QCC objects to the discovery requests to the extent that they are vague and ambiguous, particularly to the extent that they use terms that are undefined or vaguely defined, or that are subject to multiple interpretations.
8. QCC objects to the discovery requests to the extent they are overly broad, unduly burdensome, and, as written, would require undue expense or time to provide a response.
9. QCC is a large organization with employees located in many different locations across the United States. In the course of its business, QCC creates countless documents that are not subject to record retention requirements of the Commission or the Federal Communications Commission. The information and documents are kept in numerous locations and may be moved from site to site as employees change jobs or as the business is reorganized. QCC will conduct a reasonable and diligent search of company files that are reasonably expected to contain the requested information. To the extent that the discovery requests purport to require more, QCC objects on the grounds that compliance would impose an undue burden or expense.

INTERROGATORIES

Birch Interrogatory No. 3

- b. **Please provide Qwest's estimates of amounts Qwest believes it is entitled to recover in reparations in this case from BCI/AIN and the methodology used to calculate such estimates.**

INITIAL RESPONSE: QCC objects to this Request on the basis that it seeks information already in Birch's possession or custody. QCC further objects on the basis that the Request is overly burdensome at this juncture of the proceeding. As described below, QCC intends to provide this calculation in its pre-filed direct testimony, but has not yet completed its analysis. It would be unreasonably burdensome for QCC to conduct a special analysis in response to this Request and then to conduct another analysis in the coming weeks in conjunction with QCC's pre-filed testimony. Without waiver of its objections, QCC responds as follows.

QCC intends to provide a refund analysis (including both the quantification of the principal amount of Birch's overcharges and a description of QCC's computation methodology) in conjunction with its pre-filed direct testimony in this case. QCC has not finalized that analysis at this time. However, QCC did (prior to amending the complaint herein) prepare a preliminary snapshot calculation based on readily-available information. That calculation is confidential and will be provided when a non-disclosure agreement or protective order is entered. In brief summary, QCC's methodology for calculating the principal amount of Birch's overcharge is to compare the amounts QCC paid Birch for intrastate switched access in Florida to the amount it would have paid Birch for the identical services had QCC received the rate treatment enjoyed by those IXCs favored through Birch's secret switched access agreements.

Respondents: QCC Legal;

Julie Tammen, TEOCO Corporation
10955 Lowell, Ste 705
Overland Park, KS 66210

SUPPLEMENTAL RESPONSE: Without waiver of its objections, QCC responds as follows.

QCC is providing the confidential preliminary Birch calculation spreadsheet as a supplement to its response to this Interrogatory.

RESPECTFULLY SUBMITTED on this 23rd day of February, 2012.

/s/ Susan S. Masterton
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