

QCC Supplemental Response to tw telecom Interrogatory #5

**TWT Preliminary Calculation Spreadsheet
(QCC Bates Stamp#002898-#002902)**

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**TWT Preliminary Calculation Spreadsheet
(QCC Bates Stamp#002898-#002902)**

****REDACTED****

INTERROGATORIES

REDACTED

TWTC Interrogatory No. 4

Describe each and every verbal and written communication between QCC and TEOCO Corporation relating to: (1) CLEC switched access rates in Florida, (2) any of the claims made by QCC in this case, (3) any of the claims made by QCC in Docket No. 08F-259T before the Colorado Public Utilities Commission, (4) any of the claims made by QCC in Case No. C.08-08006 before the California Public Utilities Commission and (5) any attempts by QCC to obtain CLEC switched access rates other than at the CLEC's price list rate in Florida, whether through dispute, demand, negotiated agreement or otherwise.

INITIAL RESPONSE

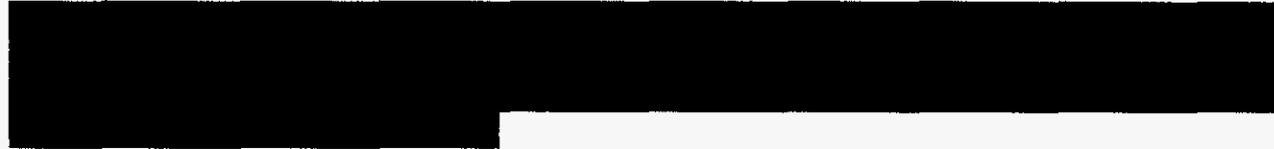
QCC objects to this Request on the basis that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence. TWT's request for "each and every" communication between QCC and TEOCO, indeed including each and every communication relating to the Colorado and California proceeding, is simply unreasonable. QCC further objects on the basis that the Request seeks information protected by attorney client privilege and the attorney work product doctrine. The employees of TEOCO, a vendor of QCC, serve as functional employees through the scope of their duties. TEOCO acts as an extension of QCC's Facility Cost group, and thus communications between QCC counsel and TEOCO are protected by attorney client privilege, and communications between QCC and TEOCO regarding anticipated or pending litigation are protected by the attorney work product doctrine. A TEOCO employee will provide pre-filed direct (factual) testimony on behalf of QCC in this matter. As such, his work papers will certainly be subject to discovery, as would any other witness's non-privileged work papers.

SUPPLEMENTAL RESPONSE

Without waiver of its objections, QCC responds as follows.

[REDACTED]

[REDACTED]



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