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FOUNDED 1866

August 8, 2017

By ECFS

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: ***AT&T Corp. v. Iowa Network Services, Inc., Proceeding Number No. 17-56;***
File No. EB-17-MD-001

Dear Ms. Dortch:

AT&T Corp. ("AT&T") submits for filing the **Public Version** of its Supplemental Responses to the First Set of Interrogatories of Iowa Network Services, Inc. d/b/a Aureon Network Services ("INS") in the above-referenced proceeding. Consistent with the Commission's rules and the February 24, 2017, Protective Order entered by the Commission Staff, AT&T has redacted all confidential and highly confidential information from the **Public Version**, which it is filing by ECFS.

AT&T is also filing by hand with the Secretary's office hard copies of the **Confidential** and **Highly Confidential Versions** of the submission. In addition, copies of all versions of the submission are being served electronically on INS's counsel. Three hard copies of the **Highly Confidential Version** of the submission are also being provided to the Commission's Enforcement Bureau, pursuant to the Commission's June 13, 2017 Notice of Formal Complaint, in addition to electronic courtesy copies.

Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Hunseder".

Michael J. Hunseder

Enclosures



Marlene H. Dortch

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cc: James L. Troup, Counsel for Defendant
Tony Lee, Counsel for Defendant
Lisa Griffin, FCC
Anthony DeLaurentis, FCC
Christopher Killion, FCC

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

AT&T CORP.
One AT&T Way
Bedminster, NJ 07921
202-457-3090

Complainant,

v.

Proceeding Number 17-56
File No. EB-17-MD-001

IOWA NETWORK SERVICES, INC.
d/b/a Aureon Network Services
7760 Office Plaza Drive South
West Des Moines, IA 50266
515-830-0110

Defendant.

AT&T CORP.'S SUPPLEMENTAL RESPONSES TO FIRST SET OF
INTERROGATORIES

Pursuant to Section 1.729 of the Commission's rules, 47 C.F.R. § 1.729, AT&T Corp. ("AT&T") hereby submits to the Federal Communications Commission (the "Commission"), and concurrently serves on Defendant Iowa Network Services, Inc. d/b/a Aureon Network Services ("INS"), its Supplemental Responses and Objections to INS's First Set of Interrogatories ("Interrogatories"). Herein, AT&T provides supplemental information in response to Interrogatory Nos. 1, 4, 5, 8 and 9, consistent with the Commission's Letter Ruling of July 25, 2017.

GENERAL OBJECTIONS

In addition to any specific objections set forth below, AT&T objects generally as follows:

1. AT&T objects to the Interrogatories, and the instructions and definitions thereto, to the extent that they seek information or documents that are protected from disclosure by the

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attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege. Any inadvertent disclosure of material protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or exemption is not intended, and should not be construed, to constitute a waiver.

2. AT&T objects generally to any interrogatory that calls for proprietary and confidential information and/or trade secrets. Notwithstanding this objection, AT&T is providing such information pursuant to the terms of the Protective Order that has been entered in this proceeding.

3. AT&T objects to the Interrogatories, and the instructions and definitions thereto, to the extent that they seek information or documents that are publicly available to, or already in the possession of, Defendant or its Counsel.

4. AT&T objects to the Interrogatories, and the instructions and definitions thereto, to the extent that they purport to impose upon AT&T any obligation not imposed by the rules of the Commission.

5. AT&T objects generally to any interrogatory to the extent it seeks information that is not both relevant to the material facts in dispute in this proceeding and necessary to the resolution of the dispute, or is otherwise inconsistent with Section 1.729 of the Commission's rules, 47 C.F.R. § 1.729.

6. AT&T objects generally to any interrogatory to the extent that it is vague, ambiguous, and/or unintelligible in the context of this matter.

7. AT&T objects to the Interrogatories, and the instructions and definitions thereto, to the extent they purport to require AT&T to provide information that is not presently within its possession, custody, or control.

8. AT&T objects to INS's definitions of the terms "you," "your," and "AT&T" to the extent those terms are intended to include any person other than AT&T Corp. The responses

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provided herein are provided on behalf of AT&T Corp. and not on behalf of any of its affiliates.

9. AT&T objects to the Interrogatories, and the instructions and definitions thereto, to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that they state or assume legal conclusions. In providing these responses and objections, AT&T does not admit the factual or legal premise of any of the Interrogatories.

10. AT&T objects to the Interrogatories in combination because they violate Section 1.729(a) of the Commission's rules, 47 C.F.R. § 1.729(a), by having more than ten written interrogatories, including subparts.

OBJECTIONS TO SPECIFIC INTERROGATORIES

INS-ATT 1:

Produce each and every agreement between AT&T and another service provider pursuant to which AT&T has routed traffic for that other service provider to Aureon's network between August 1, 2013 and the present. Identify each Person with which AT&T has such an agreement and provide detailed information regarding (1) the rate(s) charged by AT&T to each Person under such an agreement; (2) the amounts billed to each Person each month from September 2013 (for services provided in August 2013) to the present; (3) the amount of traffic in minutes of use ("MOU"), and if the wholesale customer is not billed on an MOU basis, the basis used (such as capacity) to bill that Person, that AT&T transported for each service provider associated with those bills; and (4) the dollar amount of the monthly payments that AT&T has made to Aureon for such traffic (separately identified by each agreement with the other service provider).

OBJECTION: In addition to its general objections, AT&T objects to this multi-part Interrogatory as overbroad and unduly burdensome. In addition, it does not seek documents that are relevant to the matters properly at issue in this proceeding (or, at a minimum, in the liability phase of the proceeding). As explained in AT&T's Reply Legal Analysis and as documented in the Reply Declaration of Daniel P. Rhinehart, the overwhelming majority of the AT&T traffic that is currently transported over INS's network is traffic generated by retail services offered by AT&T and its affiliates. *See* Rhinehart Reply Decl. ¶ 50. **[[BEGIN HIGHLY CONFIDENTIAL]]**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] **[[END HIGHLY CONFIDENTIAL]]**

In seeking to justify this discovery request, INS makes a number of different arguments asserting that AT&T's conduct somehow justifies INS's unlawful conduct. In its reply submission AT&T address each of those arguments and demonstrates their flaws. The weakness of INS's arguments alone would justify the Commission's denying this Interrogatory. However, the Commission does not need to resolve any of those issues in considering this Interrogatory for the following reason -- each of INS's arguments is grounded in its claim that AT&T's practices

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with respect to its wholesale business (i.e., traffic transported for other carriers) was a principal cause of the decline in INS's CEA traffic. However, for those claims to have any validity, AT&T's wholesale traffic would have to be shown to be growing and to constitute a significant percentage of AT&T's total INS traffic. But, as explained above, that situation does not exist. In fact, the opposite situation exists. Wholesale traffic is not only not growing, it constitutes a trivial percentage of AT&T's total INS traffic and that has been the situation since early 2015. As noted in response to INS Interrogatory No. 9, Part 1, AT&T will produce traffic data confirming that wholesale traffic constitutes only a very small percentage of AT&T total INS. Accordingly, requiring AT&T to produce information in response to this request would not only be a waste of time, it would be extremely burdensome. The information sought is Highly Confidential not only to AT&T but also to AT&T's counterparties. Finally, to the extent that the requested material has any relevance, it would relate to the damages phase of this proceeding (e.g., mitigation of damages), and is thus plainly an issue for the next phase of this proceeding.

For the foregoing reasons, AT&T objects to this Interrogatory and requests that the Commission deny INS's request for this information.

SUPPLEMENTAL RESPONSE TO INS-ATT 1:

Consistent with AT&T's objection, and pursuant to the Commission's Letter Ruling of July 25, 2017, AT&T has produced traffic data (*see* ATT-001106–08) showing that wholesale traffic is a small percentage of the total AT&T traffic delivered to INS's network.

INS-ATT 2:

Identify (1) all offers, arrangements, agreements, proposals, correspondence, or other documents between August 1, 2013 through the present for the traffic for AT&T's retail and wholesale customers that was routed or proposed to be routed to the facilities of one or more Subtending LECs without being routed over Aureon's network, (2) the carrier or other Person that transported or would transport such traffic, (3) the type of facilities and network route over which such traffic was transported or would have been transported; and (4) to the extent that AT&T did not accept or enter into such offers, arrangements, agreements, or proposals, the reasons why AT&T did not enter into such offers, arrangements, agreements, or proposals to route such traffic to the facilities of one or more Subtending LECs without routing such traffic over Aureon's network. Produce each and every offer, agreement, draft contract, emails, letters, notes, and other documents Relating to transporting traffic of AT&T's retail and wholesale customers to the facilities of one or more Subtending LECs without routing such traffic to Aureon's network.

OBJECTION: In addition to its General Objections, AT&T objects to this multi-part

Interrogatory as overbroad and unduly burdensome, particularly to the extent that it seeks "offers, arrangements, agreements, proposals, correspondence, or other documents" relating to all proposals regarding the routing of traffic to the facilities of Subtending LECs without being routed over INS's network. As part of the pre-Complaint informal discovery process, AT&T searched for and produced documents relating to the subject matter addressed by this Interrogatory. Indeed, INS cites some of that material in its answering submission to support its baseless claim that INS in effect has a *de jure* monopoly over the delivery of long distance traffic in Iowa. As AT&T demonstrates in its reply submission, INS claims in this regard are baseless. But even if those claims had some merit, the fact of the matter is that AT&T does not have in place any such agreements at this time. Consequently, requiring AT&T to devote additional time and resources to looking for documents responsive to this request would not be productive.

For these reasons, AT&T objects to this Interrogatory and requests that the Commission deny INS's request that AT&T respond further to the matters addressed by this Interrogatory.

INS-ATT 3:

In a November 18, 2016 email (ATT-001073), [[BEGIN CONFIDENTIAL]]
[[END CONFIDENTIAL]] By email on November 18, 2016
(ATT- 001072), [[BEGIN CONFIDENTIAL]]
[[END
CONFIDENTIAL]] Identify (1) the annual minutes of use for the next five years of traffic that does not involve access stimulation, which AT&T is considering whether to route from or to the facilities of Subtending LECs without routing such traffic to Aureon's network, (2) whether such traffic is originating traffic or terminating traffic; (3) the carrier or other Person that would transport such traffic, and (4) the type of facilities and network route over which such traffic would be transported. Produce each and every signed agreement, draft contract, emails, letters, notes, and other documents Relating to AT&T's routing of traffic that does not involve access stimulation (from) or to the facilities of one or more Subtending LECs without routing such traffic to Aureon's network.

OBJECTION: In addition to its General Objections, AT&T objects to this multi-part Interrogatory as overbroad and unduly burdensome. As previously noted in response to Interrogatory No. 2, AT&T does not currently have any agreements in place to route traffic from or to the facilities of Subtending LECs without routing such traffic over INS's networks. Consequently, what INS is seeking is planning documents as to possible future arrangements. Such material, to the extent it even exists, has no relevance to the issues raised by AT&T's Complaint that focus on INS's failure to abide by its tariff and the Commission's regulations. The planning steps that AT&T is taking with respect to the future routing of traffic is not relevant to the matters properly at issue and this Interrogatory has been interposed by INS in an attempt to distract attention from its unlawful conduct. Further, even if it could be shown that AT&T had put in place such arrangements – which it has not – that would not be relevant to the matters properly at issue in this case. As explained in AT&T's reply submission, INS does not have a *de jure* monopoly over the transport of long distance traffic in Iowa. See AT&T Reply Legal Analysis at 2. Further, the fact that INS is attempting to suggest through this and similar discovery that AT&T is to blame for the decline of traffic on its network is absurd given the significant bypass by other carriers that has already occurred, and INS's apparent failure to enforce what it contends are its

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rights with respect to the carriage of that traffic. Additionally, the fact that a portion of this Interrogatory focuses on non-access stimulation traffic only serves to further highlight that it is little more than an improper fishing expedition designed to distract from INS's unlawful conduct.

For these reasons, AT&T objects to this Interrogatory and requests that the Commission deny INS's request that AT&T respond further to the matters addressed by this Interrogatory.

INS-ATT 4:

With regard to traffic that AT&T routed to Aureon's network that was transported to Subtending LECs assigned the following Operating Company Numbers ("OCNs"):

739D	Reasnor Telephone Company, LLC
156C	BTC, Inc. – IA
345D	Great Lakes Communication Corp. – IA
3620	Omnitel Communications, Inc. – IA
7094	Goldfield Access Network, L.C.
860E	Interstate Cablevision – IA
904D	Premier Communications, Inc. – IA
4650	Louisa Communications, L.C.

(1) Identify separately for each of these eight Subtending LECs the per minute rate and the monthly dollar amount that AT&T paid Aureon for the CEA service that routed traffic to the facilities of those Subtending LECs between August 1, 2013 through the present; and (2) produce all analysis, emails, communications, and other documents Relating to the rate and dollar amounts that AT&T paid Aureon for the CEA service that routed traffic to the facilities of those eight Subtending LECs.

OBJECTION: In addition to its General Objections, AT&T objects to this Interrogatory as overbroad and unduly burdensome. The information sought by this Interrogatory regarding the traffic routed over the INS network to the identified OCNs is within INS's possession and INS thus is fully capable of generating the requested information on its own. INS clearly knows the rates at which it billed service to AT&T, it knows what AT&T has paid and not paid and it knows or should know the levels of traffic routed to each of these OCNs. Further, the basis upon which AT&T withheld payment with respect to traffic routed to these OCNs was fully discussed and explained by Mr. Habiak in his initial declaration. *See* Habiak Decl. ¶¶ 43–53. AT&T further notes that it takes issue with most of the claims articulated in INS's explanation. As AT&T discusses in detail in its reply submission, INS does not have a *de jure* monopoly over the transport of long distance traffic in Iowa. *See* AT&T Reply Legal Analysis at 2. Further, INS's reliance on Commission decisions that are nearly 30 years old and were issued before the Telecommunications Act of 1996 and the development of access stimulation is misplaced. *See id.* Part I. Further, AT&T is under no obligation to calculate the levels of any withholding or

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payment under Section 61.38, as INS apparently contends. Subject to the foregoing objections, AT&T will produce, to the extent it has not already done so, the work papers supporting Mr. Habiak's calculations. In addition, it will conduct a reasonable search of its files and produce, to the extent that it has already not done so, any non-privileged analysis, emails, communications, and other documents relating to "the rate and dollar amounts that AT&T paid to" INS for the traffic routed to the identified OCNs.

SUPPLEMENTAL RESPONSE TO INS-ATT 4:

Consistent with AT&T's objections, and pursuant to the Commission's Letter Ruling of July 25, 2017, AT&T states the following regarding its payment of INS's billed charges on minutes of use bound for CLECs engaged in access stimulation. As described in AT&T's Formal Complaint and in the Declaration of John W. Habiak, once AT&T determined that a CLEC was engaged in access stimulation and decided to withhold payment, it has withheld payments to INS on all minutes directed to those CLECs.

AT&T began withholding payment from INS on all minutes delivered to Great Lakes in September 2013, and has continued to withhold payment on all such minutes billed from that time until the present. In April 2016, AT&T began withholding payment from INS on all minutes delivered to BTC and Omnitel, and has continued to withhold payment on all such minutes billed from that time until the present. In June 2016, AT&T began withholding payment from INS on all minutes delivered to Premier, Louisa, Goldfield and Interstate, and has continued to withhold payment on all such minutes billed from that time until the present.

AT&T further notes that it has already produced documents responsive to this request.

INS-ATT 5:

Separately Identify the reduction in Aureon's revenue requirement and interstate rate of return for CEA service between August 2013 to the present calculated in accordance with 47 C.F.R. § 61.38 that would result separately for each of the following: (1) if AT&T removed all of its traffic from Aureon's network, (2) if AT&T removed only the traffic of other carriers from Aureon's network that purchase AT&T's wholesale service, and (3) if the traffic that AT&T contends was due to access stimulation were removed from Aureon's network. Produce all analysis, emails, communications, and other documents Relating to the impact upon or change that would result to the revenue requirement, interstate rate of return, or rate for Aureon's CEA service if AT&T paid Aureon less than the tariff rate or reduced the volume of traffic that AT&T routed to Aureon's network.

OBJECTION: In addition to its General Objections, AT&T objects to this multi-part Interrogatory as overbroad and unduly burdensome. INS is effectively requesting that AT&T re-compute INS's CEA rates under the three scenarios that are set forth in the Interrogatory. INS has made this request notwithstanding the fact that it is fully capable of making these types of calculations. AT&T should not be put to the burden of making these rate calculations, particularly given the fact that INS could have made these calculations and included them its answering submission but apparently elected not to do so. The fact that INS has not put these types of calculations into the record calls into question their relevance. AT&T further notes that it takes issue with most of the claims articulated in INS's explanation for the reasons identified in response to Interrogatory No. 4. Subject to the foregoing objections, AT&T will conduct a reasonable search of its files to determine whether it has any pre-existing documents reflecting or relating to such calculations. However, it should not be required to generate such calculations, particularly given that INS failed to include such calculations in the record. Further, AT&T will conduct a reasonable review of its files and produce any non-privileged documents that relate to "the impact or change that would result to the revenue requirement, interstate rate of return, or rate for [INS] CEA service if AT&T paid [INS] less than the tariff rate or reduced the volume of traffic that AT&T routed to [INS's] network."

SUPPLEMENTAL RESPONSE TO INS-ATT 5:

Consistent with AT&T's objection, and pursuant to the Commission's Letter Ruling of July 25, 2017, AT&T performed reasonable searches of its files for the documents described in the above objection. Those searches did not reveal the existence of any non-privileged documents responsive to this request beyond documents that have already been produced in connection with this proceeding.

INS-ATT 6:

With regard to AT&T's contentions that Aureon's tariff rate is unreasonable, and that Aureon's tariff review plans ("TRPs"), associated cost studies, and other related materials (the "Tariff Materials") are incorrect or involve improper accounting methods or rate manipulation, (1) Identify the CEA rate that Aureon should charge for all traffic when applying 47 C.F.R. § 61.38; (2) provide all documentation and communications Related to AT&T's calculation of the Aureon CEA rate under 47 U.S.C. § 61.38 and AT&T's discussion and/or analysis of Aureon's Tariff Materials; and (3) explain the basis for AT&T's conclusions that Aureon's tariff rate is unreasonable, including, but not limited to, AT&T's conclusion that Aureon's TRPs and associated cost studies are incorrect or involve improper accounting methods or rate manipulation, and AT&T's allegation that Aureon's revenue requirement and the negative rates of return set forth in Aureon's TRP are inaccurate.

OBJECTION: In addition to its General Objections, AT&T objects to this Interrogatory as overbroad and unduly burdensome. As AT&T notes at multiple points in its reply submission, INS has failed to provide key information regarding the lease costs charged to the Access Division and other aspects of its Tariff Filings to enable AT&T to re-compute a CEA rate. *See* AT&T Reply Legal Analysis, Part IV. Further, any discovery as to the appropriate level of INS's CEA rate should be deferred until the damages phase of this proceeding. Additionally, AT&T objects to INS's request that AT&T explain the basis of its concerns as to the reasonableness of INS CEA rates. The basis for AT&T's concerns are fully set forth in AT&T's Complaint (*see* Section V), its Legal Analysis (*see* Part IV), its response to INS's Answer (*see* ¶¶ 118–133), AT&T's Reply Legal Analysis (*see* Part IV), and the initial and reply declarations of Daniel P. Rhinehart. To the extent that INS has specific questions as to AT&T's presentation, AT&T is willing to respond to such inquires. AT&T should not be required to respond to this Interrogatory as currently drafted.

INS-ATT 7:

Identify (1) all offers, arrangements, agreements, settlements, proposals, correspondence, emails, or other documents Regarding AT&T and any Subtending LECs where AT&T pays or proposes to pay the Subtending LEC for switched access service for traffic that is routed over Aureon's CEA network, (2) the total access minutes-of-use of traffic that AT&T routed to each Subtending LEC from August 2013 to the present for which AT&T paid a Subtending LEC under such an agreement, (3) the total dollar amount that AT&T paid to each Subtending LEC from August 2013 to the present under an agreement for that traffic, and (4) the total dollar amount of Aureon's invoices that AT&T did not pay Aureon for that traffic for which AT&T paid Subtending LECs under an agreement.

OBJECTION: In addition to its General Objections, AT&T objects to this multi-part Interrogatory as overbroad and unduly burdensome. As currently written, this request would require AT&T to produce all documents relating to AT&T's dealings with respect to every Subtending LEC on INS's network. Not only would such an undertaking be burdensome, it would result in the production of large volumes of material that is of no relevance to the matters properly at issue in this proceeding. As such, the request is not a proportionate request under the newly revised Federal Rules of Civil Procedure. Further, the amounts AT&T pays to INS's Subtending LECs is of no relevance to, nor a defense to, INS's unlawful conduct. Whether INS improperly billed its CEA rates for access stimulation traffic, whether it violated the Commission's rate cap, rate parity and access stimulation rules, and whether INS unlawfully manipulated its CEA rates has nothing to do with AT&T's dealings with INS's Subtending LECs. Finally, AT&T notes that INS has already had access to AT&T's production in the GLCC case and thus has sufficient information to make the arguments articulated in its Explanation.

INS-ATT 8:

When Aureon revised the rate in its FCC tariff on June 17, 2013, Aureon filed its TRP and cost and usage data supporting the calculation of the CEA tariff rate in accordance with 47 C.F.R. § 61.38. AT&T did not file any petition at the FCC to suspend or other complaint at that time regarding the June 17, 2013 FCC tariff revision. Identify the reasons why AT&T did not file a petition or complaint regarding the June 17, 2013 FCC tariff revisions in 2013, 2014, 2015, or 2016. Produce all analysis, emails, communications, and other documents Relating to AT&T's decision not to file a petition or complaint regarding Aureon's June 17, 2013 FCC tariff revision.

OBJECTION: In addition to its General Objections, AT&T objects to this Interrogatory because it does not seek relevant information. The reasons AT&T decided not to file a petition challenging INS's 2013 Tariff Filing, and instead elected to file a Counterclaim in response to INS's filing of a collection action in New Jersey federal court and to pursue its claims in the court and later before the FCC, are not only likely privileged but they have no bearing on the matters at issue in this proceeding. As AT&T explained in its initial submission, its claims are not barred by the "deemed lawful" doctrine. *See* AT&T Legal Analysis, Part II. Further, INS's affirmative defenses regarding estoppel and the like are wholly lacking in merit. Subject to the foregoing objections, AT&T will conduct a reasonable search of its files and produce, to the extent that it has not already, any non-privileged documents that relate to AT&T's decision not to challenge INS's 2013 Tariff Filing.

SUPPLEMENTAL RESPONSE TO INS-ATT 8:

Consistent with AT&T's objection, and pursuant to the Commission's Letter Ruling of July 25, 2017, AT&T performed a reasonable search of its files for the documents described in the above objection. That search did not reveal the existence of any non-privileged documents responsive to this request beyond documents that have already been produced in connection with this proceeding.

INS-ATT 9:

Provide: (1) a breakdown of the traffic that AT&T routed to Aureon's network in minutes of use per month between August 1, 2013 through the present by customer categories (i.e., wireless residential, wireless business, wireline residential, wireline business, calling card, etc.); (2) the rate plan(s) applicable to each customer category; (3) the number of minutes applicable to each rate plan; and (4) the incremental revenue that AT&T received for each rate plan, and for each customer category on calls routed to Aureon's network. Include revenues that AT&T received from customers who exceeded their allotted minutes on fixed rate wireless and wireline plans. For purposes of this Interrogatory, the term "incremental revenue" means the revenue that AT&T received for each minute for calls to Aureon's network.

OBJECTION: In addition to its General Objections, AT&T objects to this multi-part Interrogatory as overbroad and unduly burdensome. As noted in response to Interrogatory No. 1, AT&T will produce documents responsive to Part (1) of this Interrogatory providing a breakdown of the traffic routed over INS's networks presented by customer categories for the last three years (i.e., since June 2014). Such data is currently available on AT&T's systems. AT&T will also investigate whether such data for the period August 2013 to May 2014 can be recovered without undue burden. As to the remainder of the requests set forth in this Interrogatory, AT&T objects on the ground that the material and information sought are not relevant to the matters properly at issue, particularly at this stage of this proceeding. *See* AT&T's discussion of the relevance of such material in its responses to Interrogatories Nos 1 and 2, which are incorporated herein by reference. AT&T further notes that this type of discovery is more properly considered in the damages phase of this proceeding.

SUPPLEMENTAL RESPONSE TO INS-ATT 9:

Consistent with AT&T's objection above, and pursuant to the Commission's Letter Ruling of July 25, 2017, AT&T has produced traffic data (*see* ATT-001106-08) showing that wholesale traffic is a small percentage of the total AT&T traffic delivered to INS's network.

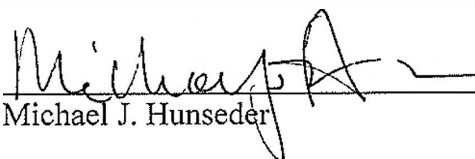
INS-ATT 10:

Some of the documents that AT&T produced during the pre-complaint informal exchange of documents were redacted and marked “privileged.” Provide a privilege log for both the documents produced during the pre-complaint informal exchange of documents and for any documents responsive to these formal discovery requests. In the privilege log, Identify with respect to each document or other information you claim is privileged: (1) a general description of the information that you claim is privileged; (2) the identities, titles, and roles of the authors; (3) the identities, titles, and roles of each recipient; (4) the identities, titles, and roles of each person that was CC’ed or received a copy of the information; (5) the privilege or privileges asserted; (6) a detailed explanation of why the particular information is claimed to be privileged; and (7) any other circumstances affecting the existence, extent, or waiver of the privilege.

OBJECTION: In addition to its General Objections, AT&T objects to this multi-part Interrogatory as overbroad and unduly burdensome. Given that this proceeding is to be resolved within five months of the filing of the Complaint, it is not clear that the preparation of detailed privilege logs and the litigation of privilege claims is feasible or practical. Further, a review of the material that has been withheld to date suggest that the withheld material is of tangential relevance to the matters properly at issue in this proceeding. AT&T further objects to the instructions set forth in this Interrogatory to the extent that they are at odds with the requirements set forth in the Federal Rules of Civil Procedure and the Commission’s rules. AT&T also notes that any requirements regarding the logging of privileged documents must be done on a uniform, mutual basis. In other words, if requirements are put on one party, they will apply to the other party. Finally, AT&T states that it is prepared to discuss with INS and Commission Staff alternative approaches that will ensure that all relevant non-privileged material is produced but at the same time reduce to the maximum extent possible the significant burdens associated with the review of privileged material.

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Respectfully submitted,


Michael J. Hunseder

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Dated: August 7, 2017

Counsel for AT&T Corp.