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FILE NO: 46001.000278

June 11, 2001

**BY HAND**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RECEIVED

JUN 11 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

*WorldCom, Cox, and AT&T ads. Verizon*  
CC Docket Nos. 00-218, 00-249, and 00-251

Dear Ms. Salas:

Enclosed for filing on behalf of Verizon, please find four copies of Verizon's Objections to AT&T's Second Set of Data Requests.

Please do not hesitate to call me with any questions.

Sincerely,



Kelly L. Faglioni  
Counsel for Verizon

KLF/ar  
Enclosures

No. of Copies rec'd 013  
List A B C D E

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**  
JUN 11 2001  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
Petition of WorldCom, Inc. Pursuant	)	
to Section 252(e)(5) of the	)	
Communications Act for Expedited	)	
Preemption of the Jurisdiction of the	)	CC Docket No. 00-218
Virginia State Corporation Commission	)	
Regarding Interconnection Disputes	)	
with Verizon Virginia Inc., and for	)	
Expedited Arbitration	)	
	)	
In the Matter of	)	
Petition of Cox Virginia Telecom, Inc.	)	
Pursuant to Section 252(e)(5) of the	)	
Communications Act for Preemption	)	CC Docket No. 00-249
of the Jurisdiction of the Virginia State	)	
Corporation Commission Regarding	)	
Interconnection Disputes with Verizon	)	
Virginia Inc. and for Arbitration	)	
	)	
In the Matter of	)	
Petition of AT&T Communications of	)	
Virginia Inc., Pursuant to Section 252(e)(5)	)	CC Docket No. 00-251
of the Communications Act for Preemption	)	
of the Jurisdiction of the Virginia	)	
Corporation Commission Regarding	)	
Interconnection Disputes With Verizon	)	
Virginia Inc.	)	

**VERIZON VIRGINIA INC.'S OBJECTIONS  
TO AT&T'S SECOND SET OF DATA REQUESTS**

In accordance with the *Procedures Established for Arbitration of Interconnection Agreements Between Verizon and AT&T, Cox and WorldCom*, CC Docket Nos. 00-218, 00-249, 00-251, DA 01-270, Public Notice (CCB rel. February 1, 2001), Verizon Virginia Inc. ("Verizon") objects as follows to the Second Set of Data Requests served on

Verizon by AT&T Communications of Virginia (“AT&T”) on the evening of May 31, 2001.<sup>1</sup>

### GENERAL OBJECTIONS

1. Verizon objects to AT&T’s Data Requests to the extent that all or any of them seek confidential business information covered by the Protective Order that was adopted and released on June 6, 2001. Such information will be designated and produced in accordance with the terms of the Protective Order.

2. Verizon objects to AT&T’s Data Requests to the extent that all or any of them seek attorney work product or information protected by the attorney-client privilege.

3. Verizon objects to AT&T’s Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek information that is neither relevant to this case nor likely to lead to the discovery of admissible evidence, or otherwise seek to impose upon Verizon discovery obligations beyond those required by 47 CFR § 1.311 *et seq.*

4. Verizon objects to AT&T’s Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, are overly broad and unduly burdensome.

5. Verizon objects to AT&T’s Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein,

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<sup>1</sup> The above-cited Public Notice states that “parties shall negotiate diligently and in good faith concerning any discovery dispute prior to the filing of any objection.” *Public Notice* at 6. AT&T served these requests electronically on Thursday, June 7. The deadline for filing these objections is Monday, June 11, and the deadline for responding to these requests is June 22. Counsel for Verizon contacted counsel for AT&T on June 11 and explained the nature of these objections. Verizon will continue to negotiate in good faith with AT&T between now and June 22 before refusing to answer on the basis of any of the objections stated herein.

seek information from independent corporate affiliates of Verizon Virginia Inc., or from board members, officers or employees of those independent corporate affiliates, that are not parties to this proceeding.

6. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek information relating to operations in any territory outside of Verizon Virginia Inc. territory.

7. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek discovery throughout the Verizon footprint. This proceeding involves only Verizon Virginia Inc. and relates only to the terms of interconnection and resale in Virginia. Moreover, as the Commission has assumed the jurisdiction of the Virginia State Corporation Commission in this matter, it has no jurisdiction over Verizon entities that do not conduct business in Virginia. *See Memorandum Opinion and Order, In the Matter of Petition of AT&T Communications of Virginia, Inc. for Preemption Jurisdiction of the Virginia State Corporation Commission Pursuant to Section 252(E)(5) of the Telecommunications Act of 1996, CC Docket No. 00-251 (January 26, 2001).*

8. Verizon objects to AT&T's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek discovery regarding customer premises wiring. Virginia is a Minimum Point of Entry state, meaning that all of the wire on the customer's side of the Rate Demarcation Point is deregulated. *See Order Authorizing Tariff To Take Effect, Case No. PUC920026 (Virginia State Corporation Commission, August 3, 1992).* Information relating to a

deregulated environment is neither relevant to the issues presented here nor appropriate for discovery in a regulated proceeding.

### **SPECIFIC OBJECTIONS**

In addition to the foregoing General Objections and without waiver of same, Verizon objects specifically to AT&T's Data Requests as follows:

**1. Does Verizon maintain ownership or control of any on-premises wiring for any multi-tenant environment ("MTE") within its operating territory in Virginia?**

OBJECTION: See General Objections.

**(a) If so, state the most recent count (and time frame of said count) of Verizon-owned or Verizon -controlled MTE's (separately for residential and commercial tenants, if possible) that exist within the Verizon Service territory in Virginia. Describe the methodology employed and the records relied upon in making the determination of ownership.**

OBJECTION: See General Objections.

**(b) For MTEs that exist in the Verizon footprint, excluding Virginia, state the number and proportion where Verizon assert ownership or control of the on-premise wiring? Describe the methodology employed and the records relied upon in making the determination of ownership.**

OBJECTION: See General Objections.

**(c) If Verizon has not made such a determination regarding ownership or control of on-premise wiring for any MTE within its operating territory in Virginia, does Verizon contend that it currently lacks the ability to make a determination of ownership or control?**

OBJECTION: See General Objections.

**(i) If Verizon does not contend it lacks the ability to make the determination of ownership or control but has not made a determination for the MTEs within the Verizon Virginia territory, does Verizon have any estimates, regardless of methodology, of the proportion of MTEs where the on-premise wiring is owned or controlled by Verizon. If so, provide such estimate(s) and describe the methodology employed to make the estimate(s).**

OBJECTION: See General Objections.

- (d) If Verizon has not made such a determination regarding ownership or control of on-premise wiring for any MTE in the Verizon footprint, excluding Virginia, does Verizon contend that it currently lacks the ability to make a determination of ownership or control?**

OBJECTION: See General Objections.

- (i) If Verizon does not contend it lacks the ability to make the determination of ownership or control but has not made a determination for the MTEs within the Verizon territory, excluding Virginia, does Verizon have any estimates, regardless of methodology, of the proportion of MTEs where the on-premise wiring is owned or controlled by Verizon. If so, provide such estimate(s) and describe the methodology employed to make the estimate(s).**

OBJECTION: See General Objections.

- 2. Does Verizon have a process in place or designed that allows it to determine the ownership or control of on-premises wiring in MTEs located within the Verizon Virginia service area? If so describe the process for making the determination? What requirements were established for the process with respect to cycle time for supplying the determination? Who established these requirements and what input was obtained from potential competitors of Verizon with respect to the adequacy of the cycle time requirement defined?**

OBJECTION: See General Objections.

- (a) If this process is different in other areas of the Verizon footprint, excluding Virginia, please describe the processes in place in the other Verizon footprint areas.**

OBJECTION: See General Objections

- (b) If Verizon claims no process exists for Virginia but one or more processes may exist elsewhere, please describe the process in place in the other Verizon footprint areas.**

OBJECTION: See General Objections

- 3. With respect to its operations within the state of Virginia, what is Verizon's practice with regard to designation of the demarcation point when the demarcation point is not at the minimum point of entry for a MTE property? To the extent its practices differ for new construction compared to existing**

**structure, make such distinctions clear in any response provided. Please provide all documents that memorialize Verizon's practices with respect to the designation of the point of demarcation in MTEs including, but not limited to employee or contractor training material, policy statements, or any documentation whether written or in other form and whether intended for internal or external purposes.**

OBJECTION: See General Objections.

**(a) If this process is different in other areas of the Verizon footprint, excluding Virginia, please describe the processes in place in the other Verizon footprint areas.**

OBJECTION: See General Objections

**4. Of the total number of MTEs within Verizon Virginia's territory, how many contain on-premises wiring owned by the building owner. In addition, how many requests have been made by building owners to move the demarcation point to the minimum point of entry (MPOE) since the issuance of the First Report and Order in 99-217? What is Verizon's procedure and timetable for moving the demarcation point to the MPOE? Please identify the buildings for which Verizon has moved the demarcation point to the MPOE.**

OBJECTION: See General Objections.

**5. Of the total number of MTEs within Verizon's footprint, excluding Virginia, how many contain on-premises wiring owned by the building owner. In addition, how many requests have been made by building owners to move the demarcation point to the minimum point of entry (MPOE) since the issuance of the First Report and Order in 99-217? What is Verizon's procedure and timetable for moving the demarcation point to the MPOE? Please identify the buildings for which Verizon has moved the demarcation point to the MPOE.**

OBJECTION: See General Objections

**6. Does Verizon assert that it is solely Verizon's responsibility to determine whether or not a technically feasible point of interconnection is an accessible terminal? If so, identify the legal and/or regulatory basis upon which Verizon makes this assertion.**

OBJECTION: See General Objections. Verizon further objects to this Request to the extent that it calls for a legal opinion.

7. **How does Verizon define the Network Interface Device (NID) for MTEs and does Verizon maintain that NID as it has chosen to define the term is the only technically feasible point available for competitive [*sic*] to access on-premises wiring that Verizon owns or controls at MTEs?**

OBJECTION: See General Objections. Verizon further objects to this Request to the extent that it calls for a legal opinion.

- (a) If Verizon asserts the NID is the only technical feasible point of interconnection, or in the alternative maintains that it is the only point of interconnection that Verizon is required to accommodate, provide any documentation and legal regulatory citations that supports Verizon's position.**

OBJECTION: See General Objections. Verizon further objects to this Request to the extent that it calls for a legal opinion.

- (b) If Verizon does not make the preceding assertion with respect to the NID at MTEs, what other technically feasible points does Verizon acknowledge may routinely exist for access to on-premises wiring and on what basis did Verizon make such a determination.**

OBJECTION: See General Objections. Verizon further objects to this Request to the extent that it calls for a legal opinion.

8. **Assuming that Verizon owns or controls on-premises wiring at one or more MTE in Virginia, how does (or did) Verizon classify the facility for accounting purposes and, if different, for engineering purposes? Specifically address the treatment of each of the following segments of the on-premises wiring and, if the treatment differs with respect to high-rise versus campus style MTEs, or for residential or commercial MTEs, make any differences clear. The segments of on-premises wiring that are to be addressed include: (1) from the point when the outside plant first crosses the property line to the first point of cross-connection, (2) from the first point of cross connection to any second point of cross-connection before the customer unit, to the extent such an intermediate cross-connect device might exist and (3) from the final cross-connection device to the demarcation point at or within the retail customer's unit?**

OBJECTION: See General Objections.

9. Please provide any written documents (including but not limited to, any initial investment, accumulated depreciation, net salvage value, cost of removal, remaining life, and so forth) relating to the valuation of any Verizon-owned or Verizon-controlled on-premise wiring located within MTEs in the State of Virginia.

OBJECTION: See General Objections.

10. Please provide all documents including, but not limited to tariffs or contracts, that identify the terms, conditions and charges by which Verizon recovers the costs of on-premises wiring that Verizon owns or controls within MTEs in Virginia.

OBJECTION: See General Objections.

15. What is Verizon's practice for deploying functionality at the MTE, where it does not own or control the on-premises wiring, that permits the on-premises wiring to be isolated from Verizon's outside plant facilities for purposes of determining if transmission impairments exist in one or the other portion of the transmission path? To the extent that a device is deployed that permits such isolation of the trouble, is the cost of the device charged directly to the building owner? If so, identify and provide a copy of the tariff or contract that governing the terms, conditions and charges for such a device. If the cost is not directly charged to the building owner, how are such costs recovered and what party determined that the device should be deployed?

OBJECTION: Verizon objects to this Request on the grounds that it is vague.

20. Has Verizon performed any study or does it have any factual basis upon which to determine if trouble report rates for locations where Verizon does not own or control the on-premise wiring is different than when Verizon does own or control the on-premises wiring?

OBJECTION: See General Objections.

- a) If such a study exists or any other factual basis exists upon which such a conclusion may be drawn, provide the results supporting such a conclusion and fully describe the methodology by which the results were derived.

OBJECTION: See General Objections.

21. Please provide the initial failure rate (generally defined as the number of customer trouble reports received by Verizon within 30 calendar days of initial provisioning of the local service/POTs line divided by the number of newly provisioned local service/POTs access lines provisioned by Verizon in the same period) for local service that Verizon provides for retail customers located in an

**MTE in the State of Virginia, by month from January 2000 to present. Please provide the basis for such calculations including the definition of the metric calculation, any exclusion of data points permissible within the definition and the numerator and denominator for each monthly result supplied. This information should be separately provided for both residential and commercial retail customer MTEs.**

OBJECTION: See General Objections.

- 22. Please provide the overall trouble rate (generally defined as the total number of customer reported troubles for local service/POTS received by Verizon within a calendar month divided by the total number of local service POTS access lines in service with Verizon at the beginning of the same month) for local service that Verizon provides for retail customers located in an MTE in the State of Virginia, by month from January, 2000 to present. Please also provide the basis for such calculations including the definition of the metric calculation, any exclusion of data points permissible within the definition and the numerator and denominator for each monthly result supplied. This information should be separately provided for both residential and commercial retail customer MTEs.**

OBJECTION: See General Objections.

- 26. When Verizon owns or controls on-premises wiring is it Verizon's routine practice to inventory on-premises wiring and/or the terminal upon which the on-premises wiring terminates?**

OBJECTION: See General Objections.

- a) If so, what information elements does Verizon capture and in what database (whether electronic, or hard copy) is the information retained?**

OBJECTION: See General Objections.

- b) Has Verizon audited or in any other manner determined the accuracy of information relating to on-premises wiring that it has captured and stored?**

OBJECTION: See General Objections.

- i) If so, provide the results of the assessment, the methodology employed to evaluate the accuracy and the time frame in which the most recent evaluation was performed.**

OBJECTION: See General Objections.

**27. When Verizon provides wiring in those instances where it owns or controls wiring in the MTE, how many pairs does it generally run to a typical residential MDU unit?**

OBJECTION: See General Objections.

**a) How many pairs are physically connected to the inside wire when the end user customer has only one line in service? When such a customer terminates service, where is the physical connectivity to the Verizon Central Office interrupted (e.g., at the customer unit, the first building terminal after the MPOE, at the Verizon MDF, in software translations in the Verizon serving switch or elsewhere?)**

OBJECTION: See General Objections.

**b) What is done with any additional pair running to the retail customer's unit?**

OBJECTION: See General Objections.

**28. Please identify the information that Verizon retains for MTEs that allows Verizon to uniquely identify and associate on-premises wiring pairs for a specific retail customer unit with specific terminal appearances on a terminal block and how that pair and terminal appearance are associated with cable pair assignments and terminal appearances of Verizon outside plant that is used to provide service to the retail customer?**

OBJECTION: See General Objections.

**a) To the extent such information is retained, identify the specific element of information retained, the form and format of the information and the mechanized system or manual records where the information is retained.**

OBJECTION: See General Objections.

**b) Please answer the same question with respect to records identifying the terminal block locations at residential MTEs.**

OBJECTION: See General Objections.

**c) Is it Verizon's routine practice to permanently and conspicuously mark the cables, cable pairs, terminal blocks and terminal block pins that it employs when serving MTE? If so, how, where and what type of markings are made? If differing treatment is afforded MTEs where Verizon owns or control the on-premises wiring compared to MTEs where it does not, make the distinction apparent.**

OBJECTION: See General Objections.

Respectfully submitted,

*Karen Zacharia* / *by permission*  
*ca*

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Of Counsel

Attorneys for Verizon

Dated: June 11, 2001

CERTIFICATE OF SERVICE

I do hereby certify that true and accurate copies of the foregoing Objections to AT&T's Second Set of Data Requests were served electronically and by overnight mail this 11<sup>th</sup> day of June, 2001, to:

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