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

In the Matter of)
)
C.F. Communications Corp., et al.)
)
Complainants,)
)
v.)
)
Century Telephone of Wisconsin,)
Inc., et al.)
)
Defendants)
_____)

EB Docket No. 01-99

File Nos. E-93-43, E-93-44, E-93-45

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: **Arthur I. Steinberg**
Administrative Law Judge

**DEFENDANTS SECOND SET OF INTERROGATORIES TO
COMPLAINANT ASCOM COMMUNICATIONS, INC.**

Carolina Telephone and Telegraph Company, United Telephone Company of Pennsylvania, and United Telephone Company of Florida, the Defendants in File Nos. E-93-43, E-93-44, and E-93-45, respectively, (collectively "the Defendants"), by their attorneys and pursuant to Section 1.323 of the Commission's Rules, hereby propound the following interrogatories upon Ascom Communications, Inc. (f/k/a Ascom Communications, Inc. and U.S. Communications of Westchester, Inc.) ("Complainant") and request that Complainant respond separately, fully, in writing, and under oath as required by Section 1.323(b) of the Commission's Rules unless an objection is made. If Complainant objects to an interrogatory or any portion thereof, it should clearly state the reason and answer fully any remaining portion of such interrogatory to which no objection exists.

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DEFINITIONS/INSTRUCTIONS

1. The term "communication" means every manner of transmitting or receiving information, opinions, or thoughts, orally, in writing, in person or otherwise.
2. The terms "document" and "documents" mean all writings or printed matter of any kind, including the originals and all copies, identical or non-identical, whether different from the originals by reason of any notation made on such copies or otherwise, including, without limitation: records, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, inter-office or intra-office communications, telephone message slips, offers, notations of conversations, bulletins, drawings, plans, computer printouts, computer input or output, teletypes, telefaxes, invoices, worksheets, ledger books, books of account, and all drafts, alterations, modifications, changes and amendments of any of the foregoing. The terms "document" and "documents" also include all graphic or aural records or representations of any kind, including without limitation, photographs, charts, graphs, microfilm, videotape, recordings, motion pictures, and electronic, mechanical, or electrical records, or recordation of any kind, including, without limitation, tape cassettes, discs, and recordings.
3. The term "person" means any natural person, corporation, partnership, proprietorship, association, organization, team, group of natural persons, or joint venturers.
4. The use of the singular shall be deemed to include the plural.
5. The term "refer" means to discuss, report on, review, consider, evaluate, or explain by
direct mention of the subject matter of the request.

6. The term "relate" means to comprise, explicitly, refer to, be reviewed in conjunction with, or be generated as a result of the subject matter of the request, or to reflect, record, memorialize, discuss, evaluate, consider, review or report on the subject matter of the request.
7. The term "possession" denotes actual or constructive possession and includes any document within Ascom's custody or control, any document that Complainant has a legal right to obtain from another, and any document within the possession of Ascom's agents, employees or representatives.
8. The term "identify" means as follows:
 - (a) when used in reference to a natural person, means to state the following:
 - (1) the person's full name;
 - (2) the person's last known home address and telephone number;
 - (3) the person's last known business address and telephone number;
 - (4) the name of the person's last known employer;
 - (5) the person's last known title, position, or business;
 - (6) if employee, the duration of employment;
 - (7) if employee, describe responsibilities;
 - (b) when used in reference to any person other than a natural person, means to state the full name, the present or last known address of the principal place of business, and the place(s) of incorporation or business qualification;
 - (c) when used in reference to a location, means, to state the street address, city and state, or if such identification is not possible, a complete description of the

location;

- (d) when used in reference to a document, means to describe the form of each document (e.g., letter, graph, report, message, etc.), to state the date or approximate date that each such document was prepared, and to state where the original and non-original are located. If Complainant knows of a document which no longer exists, but that falls within the ambit of one of the interrogatories, describe the facts surrounding the disposition of that document;
- (e) when used in connection with specifying "facts", means to state each occurrence, act, inaction, or omission upon which Defendant relies; those persons present, participating, party to or involved in such occurrence, act, inaction, or omission; and that date and place of each such occurrence, act, inaction, or omission; and
- (f) when used in reference to a meeting, conference, correspondence, or communication, means to state its date, time, location, whether in person or by telephone, to identify persons originating and receiving the correspondence or communication, identify other persons involved, persons present, and to identify any documents reflecting what occurred at or referring to the meeting, conference, correspondence, or communication.

9. Any reference to a corporate or business entity shall include references to any employee, principal, or agent of such business or entity.

10. With respect to any document otherwise responsive to an interrogatory which has been lost, destroyed or is withheld under a claim of privilege or otherwise, identify the document and state with particularity the circumstances whereby the document was lost or

destroyed and/or the basis of any privilege claimed.

11. The term "Defendant" or "Defendants" as used herein and in each of the interrogatories below means Carolina Telephone and Telegraph Company, United Telephone Company of Pennsylvania, and United Telephone Company of Florida.
12. The term "relevant time period" for a given formal complaint as used herein and in each of the interrogatories below means the two-year period prior to the date the Complainant filed its formal complaint against the Defendants up to and including April 16, 1997.
13. The term "EUCL" as used herein and in each of the interrogatories below means the End User Common Line Charge that the Complainant claims was wrongfully assessed and which is the subject matter of the proceeding designated for hearing by the HDO.
14. The term "HDO" as used herein and in each interrogatory below means the Federal Communications Commission's Hearing Designation Order (EB Docket No. 01-99), Mimeo DA 01-1044, released April 24, 2001.
15. The term "public payphone" as used herein and in each interrogatory below means "a pay telephone ... used to provide a public telephone service when a public need exists, such as at an airport lobby, at the option of the telephone company and with the agreement of the owner of the property on which the phone is placed." HDO at Para. 4.
16. The term "semi-public payphone" as used herein and in each interrogatory below means a pay telephone used to provide service when "there is a combination of general public and specific customer need for the service, such as at a gasoline station or pizza parlor." HDO at Para. 4.
17. These interrogatories are continuing in nature and shall be promptly supplemented so as to

keep the responses accurate in all respects.

INTERROGATORIES

Interrogatory No. 1: Please identify all telephone bills that are in Complainant's possession, custody or control, from Defendants for service provided in connection with Complainant's payphones, by month, account number, ANI, and customer name.

Interrogatory No. 2: In response to Defendants' First Set of Interrogatories number 4(h), Complainant stated that the majority of payphones were installed outdoors. Please identify the payphones that were installed outdoors by ANI, location (including street address, state and ZIP Code and whether the payphone was placed on the public-right-of-way) and the time period of such installation.

Interrogatory No. 3: In response to Defendants' First Set of Interrogatories number 4(h), Complainant stated that there were some instances where Complainant installed a payphone indoors. Please identify these payphones by ANI, location (including street address, state and ZIP Code) and the time period of such installation.

Interrogatory No. 4: For each of the Complainant's payphones, which was placed and/or located in a public right-of-way, please identify the following information:

- a) the telephone number of the payphone;
- b) the service commencement date of the payphone;
- c) the service termination date of the payphone, or a statement that the payphone is still in service;
- d) the government entity that granted permission for such placement;

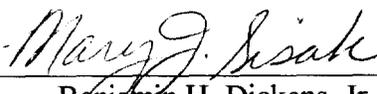
- e) any certificate, license, agreement, or other document granting permission for such placement.

Interrogatory No. 5: Please identify the date when Complainant entered bankruptcy, the court in which bankruptcy was filed, the docket number of the bankruptcy proceeding, the date when the Complainant exited bankruptcy and any documents concerning the bankruptcy proceeding.

Respectfully submitted,

Carolina Telephone and Telegraph Company;
United Telephone Company of Pennsylvania;
United Telephone Company of Florida

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Dated: July 19, 2001

Their Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2001 a copy of the foregoing was served by first-class United States mail, postage prepaid, on the following parties:

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