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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

C.F. COMMUNICATIONS CORP., *et al.*,

Complainants,

VS.

CENTURY TELEPHONE OF WISCONSIN
INC. *et al.*,

Defendants.

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EB Docket No. 01-99

File No. E-93-49

To: **Millicom Services Company, Complainant, by and through its attorney of record, Albert H. Kramer, et al., DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP, 2101 L. Street, N.W., Washington, DC 20037-1526.**

**DEFENDANT SOUTHWESTERN BELL TELEPHONE COMPANY'S
OBJECTIONS AND RESPONSES TO COMPLAINANT'S
FIRST SET OF REQUESTS FOR ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS**

Defendant Southwestern Bell Telephone Company (Defendant or SWBT) files the following objections and responses to "Complainant's First Set of Requests for Admission of Facts and the Genuineness of Documents," showing as follows:

General Objections

Defendant objects to any and all directions or requirements imposed under the sections denoted "Instructions" and "Definitions" or otherwise to the extent that they seek to impose obligations on Defendant not imposed by the Commission Rules or other applicable law governing these proceedings.

Defendant objects to any definitions or requests that require providing information that pertain to entities other than Southwestern Bell Telephone Company, the defendant in this proceeding, or that pertain to periods of time that pre-date January 14, 1991 or extends beyond April 16, 1997 or that pertain to operating territories other than those of Southwestern Bell Telephone Company or that pertain to entities other than the Complainant Millicom Services Company, a New York partnership. Defendant objects to these requests in their entirety because,

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based on Plaintiff's pleadings on file in this case, Plaintiff has not sustained any damages recoverable within the period covered by the applicable statute of limitations; i.e., from January 14, 1991 forward. Defendant has filed a motion for summary decision in this case and hereby incorporates that motion into these responses by reference.

Defendant shows that, in response to interrogatory no. 3 to "Complainant's First Set of Interrogatories to Defendant," Defendant will not be able to identify, by ANI and address, each telephone line subscribed to by Complainant in Defendant's operating territory either (a) during the period from 1987 through 1990 or (b) during the period from 1991 through April 16, 1997, (including the date of installation and date the telephone line was suspended or disconnected and/or reconnected). The primary source of information about the telephone lines allegedly subscribed to by Complainant in Defendant's territory would appear to be a list of telephone numbers provided to Defendant by Complainant's attorneys on September 18, 2000, some of which are numbers provided out side of Defendant's service territory by another telephone company. The responses to these requests are based on the information presently known to Defendant, and Defendant reserves the right to supplement its responses at a later date.

Requests for Admission

- 1. Admit that all the ANIs identified in your response to Interrogatory Number 3 of Complainant's First Set of Interrogatories to Defendant in the above referenced proceeding were "public" payphones under the Commission definition during the time period from 1987 through April 14, 1997.**

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request.

- 2. Admit that you are not aware of any evidence that shows or indicates that any of the ANIs identified in your response to Interrogatory Number 3 of Complainant's First Set of Interrogatories to Defendant in the above referenced proceeding were not "public" payphones under the Commission definition during the time period from 1987 through April 14, 1997.**

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that, as of the date of these responses, it does not have evidence that shows or indicates whether Complainant's payphones were "public" or "semi-public." Except as expressly admitted, Defendant denies this request.

- 3. Admit that none of the ANIs identified in your response to Interrogatory Number 3 of Complainant's First Set of Interrogatories to Defendant in the above referenced proceeding subscribed to telephone service that was tariffed as "semi-public" telephone service at any point during the time period from 1987 through April 14, 1997.**

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that Complainant would not have purchased service under Defendant's semi-public tariff offering because Independent Payphone Providers (IPPs) did not purchase lines under that tariff.

- 4. Admit that during the time period from 1987 through April 14, 1997, you imposed EUCL charges on payphones owned and/or operated by independent payphone service providers that obtained payphone access lines from SBC, but did not impose EUCL charges on payphones owned and/or operated by SBC that were tariffed as "public" rather than "semi-public" telephone lines.**

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that, before April 15, 1997, it did not assess EUCL charges for public payphone lines used by Defendant's payphone division.

- 5. Admit that the table attached as Exhibit A accurately and completely reflects the amount of EUCL rates imposed by SBC per payphone access line per month in the State of Texas during the time periods set forth in the table.**

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that Exhibit A accurately shows the multi-line EUCL charges that would have been assessed by SWBT in the State of Texas for the dates shown. Except as expressly admitted, Defendant denies this request.

6. Admit that Complainant paid all of the EUCL charges billed by SBC on the payphone access lines subscribed to by Complainant in the State of Texas during the period from 1987 through April 14, 1997.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Denied.

7. Admit that you are not aware of any evidence that shows or indicates that Complainant never paid any of the EUCL charges billed by SBC on the payphone access lines subscribed to by Complainant in the State of Texas during the period from 1987 through April 14, 1997.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Denied.

8. Admit that Complainant paid all of the EUCL charges billed by SBC on the payphone access lines subscribed to by Complainant in the State of Texas during the time period from 1987 through April 14, 1997 on or prior to the due date.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Denied.

9. Admit that you are not aware of any evidence that shows or indicates that Complainant paid, after the due date, any of the EUCL charges billed by SBC on the payphone access lines subscribed to by Complainant in the State of Texas during the time period from 1987 through April 14, 1997.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits it is aware of evidence that Complainant failed to pay EUCL charges assessed by Defendant. Except as expressly admitted herein, Defendant shows that it

has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request with any further specificity at this time.

10. Admit that none of the payphones owned and/or operated by Complainant in the State of Texas and connected to SBC phone lines were “semi-public” payphones under the Commission definition during the time period from 1987 through April 14, 1997.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request.

11. Admit that you are not aware of any evidence that shows or indicates that any of the payphones owned and/or operated by Complainant in the State of Texas were “semi-public” payphones under the Commission definition during the time period from 1987 through April 14, 1997.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that, as of the date of these responses, Defendant is not aware of any evidence that shows or indicates whether Complainant’s payphones were “public” or “semi-public.”

12. Admit that none of the payphones owned and/or operated by Complainant in the State of Texas and connected to SBC payphone access lines were subscribed to telephone service that was “semi-public” telephone service under the applicable tariff during the time period from 1987 through April 14, 1997.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits this request because IPPs, like Complainant, did not buy payphone lines out of a semi-public payphone line tariff.

13. Admit that none of the payphones owned and/or operated by Complainant in the State of Texas and connected to SBC payphone access lines during the time period from 1987 through April 14, 1997 had extensions connected to them.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request.

14. Admit that you are not aware of any evidence that shows or indicates that any of the payphones owned and/or operated by Complainant in the State of Texas and connected to SBC payphone access lines during the time period from 1987 through April 14, 1997 had extensions connected to them.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that, as of the date of these responses, Defendant is not aware of any evidence that shows or indicates whether Complainant's payphones had extensions connected to them; however, Defendant shows that its tariff for this service — SWBT General Exchange Tariff, Section 36, Sheet 2, Item 1.5 — prohibited the connection of extensions.

15. Admit that none of the payphones owned and/or operated by Complainant in the State of Texas and connected to SBC payphone access lines during the time period form 1987 through April 14, 1997 had directory listings assigned to them.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request.

16. Admit that you are not aware of any evidence that shows or indicates that any of the payphones owned and/or operated by Complainant in the State of Texas and connected to SBC payphone access lines during the time period from 1987 through April 14, 1997 had directory listings assigned to them.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that, as of the date of these responses, Defendant is not aware of any direct evidence that shows or indicates whether Complainant's payphones had directory listings assigned to them.

17. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones that were both (a) located within buildings or premises closed to the public for at least part of each day, and (b) subscribed to telephone service that was tariffed as "public" telephone service.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request.

18. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones located at gas stations that were subscribed to telephone service that was tariffed as "public" telephone service.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that its records indicate that certain of its payphones that were provided under Defendant's "public" tariffed offering were located in gas stations; however, Defendant shows that it cannot say where or under what circumstances these payphones were placed and, consequently, Defendant cannot say, for example, that the payphones in question were or were not located in areas available or unavailable to the general public.

19. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones located at pizza parlors that were subscribed to telephone service that was tariffed as "public" telephone service.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that its records indicate that certain of its payphones that were provided under Defendant's "public" tariffed offering were located in pizza parlors; however,

Defendant shows that it cannot say where or under what circumstances these payphones were placed and, consequently, Defendant cannot say, for example, that the payphones in question were or were not located in areas available or unavailable to the general public.

20. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones located in airports that were subscribed to telephone service that was tariffed as “semi-public” telephone service.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that its records indicate that certain of its payphones that were provided under Defendant’s “semi-public” tariffed offering were located in airports; however, these airports appear to be either privately owned and operated and/or small municipal airports. Further responding, Defendant shows that it cannot say where or under what circumstances these payphones were placed and, consequently, Defendant cannot say, for example, that the payphones in question were or were not located in areas unavailable to the general public.

21. Admit that, during the time period form 1987 through April 14, 1997, SBC allowed and/or did not prohibit directory listings on the phone lines to which SBC-owned payphones were connected, irrespective of whether such payphones were subscribed to telephone service that was tariffed as “public” or “semi-public” telephone service.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that directory listings may have been available for semi-public payphones but have not generally been available for public payphones. Except as expressly admitted herein, Defendant denies this request.

22. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones that both (a) had directory listings assigned to them and (b) were subscribed to telephone service that was tariffed as “public” telephone service.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Denied.

23. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones that both (a) had extensions connected to them and (b) were subscribed to telephone service that was tariffed as “public” telephone service.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request; however, Defendant shows that its tariff for “public” payphones did not prohibit the connection of extensions.

24. Admit that, during the time period form 1987 through April 14, 1997, there were never any SBC-owned payphones that were subscribed to telephone service that was tariffed as “public” telephone service and for which the premises owned paid SBC a recurring fee.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Admitted.

25. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones that were both (a) located within buildings or premises closed to the public for at least part of each day and (b) “public” payphones under the Commission definition.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request.

26. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones located at gas stations that were “public” payphones under the Commission definition.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that its records indicate that certain of its payphones that were provided under Defendant’s “public” tariffed offering were located in gas stations; however, Defendant shows that it cannot say where or under what circumstances these payphones were placed and, consequently, Defendant cannot say, for example, that the payphones in question were or were not located in areas available or unavailable to the general public.

27. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones located at pizza parlors that were “public” payphones under the Commission definition.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that its records indicate that certain of its payphones that were provided under Defendant’s “public” tariffed offering were located in pizza parlors; however, Defendant shows that it cannot say where or under what circumstances these payphones were placed and, consequently, Defendant cannot say, for example, that the payphones in question were or were not located in areas available or unavailable to the general public.

28. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones located in airports that were “semi-public” payphones under the Commission definition.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that its records indicate that certain of its payphones that were provided under Defendant’s “semi-public” tariffed offering were located in airports; however, these airports appear to be either privately owned and operated and/or small municipal airports.

Further responding, Defendant shows that it cannot say where or under what circumstances these payphones were placed and, consequently, Defendant cannot say, for example, that the payphones in question were or were not located in areas available or unavailable to the general public. Except as expressly admitted, Defendant denies this request.

29. Admit that, during the time period from 1987 through April 14, 1997, SBC allowed and/or did not prohibit directory listings on the phone lines to which SBC-owned payphones were connected, irrespective of whether such payphones were “public” or “semi-public” payphones under the Commission definition.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that directory listings may have been available for semi-public payphones but have not generally been available for public payphones. Except as expressly admitted herein, Defendant denies this request..

30. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones that both (a) had directory listings assigned to them and (b) were “public” payphones under the Commission definition.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Denied.

31. Admit that, during the time period from 1987 through April 14, 1997, there were SBC-owned payphones that both (a) had extensions connected to them and (b) were “public” payphones under the Commission definition.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request;

however, Defendant shows that its tariff for “public” payphones did not prohibit the connection of extensions.

32. Admit that, during the time period from 1987 through April 14, 1997, there were never any SBC-owned payphones that were subscribed to telephone service that was “public” under the Commission definition and for which the premises owner paid SBC a recurring fee.

RESPONSE: Admitted.

33. Admit that, during the time period from 1987 through April 14, 1997, SBC had a business practice or policy regarding the termination and/or suspension of telephone service for nonpayment and/or late payment of charges billed by SBC.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that, under certain circumstances and contingent on certain safe-guards, its tariffs normally permitted Defendant to terminate or suspend service for non-payment; however, Defendant shows that it had discretion with respect to the application of this permission. Whether Defendant exercised this right depended on the individual circumstances of the customer in question. Except as expressly admitted herein, Defendant denies this request.

34. Admit that, during the time period from April 15, 1997 through the present, SBC had a business practice or policy regarding the termination and/or suspension of telephone service for nonpayment and/or late payment of charges billed by SBC.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that, under certain circumstances and contingent on certain safe-guards, its tariffs normally permitted Defendant to terminate or suspend service for non-payment; however, Defendant shows that it had discretion with respect to the application of this

permission. Whether Defendant exercised this right depended on the individual circumstances of the customer in question. Except as expressly admitted herein, Defendant denies this request.

35. Admit that, during the time period from 1987 through April 14, 1997, it was SBC's business practice or policy to terminate and/or suspend telephone service, upon appropriate notice and the expiration of the time period referenced in the applicable legal or tariff provisions relating to the termination and/or suspension of service for non-payment, if a residential or business line subscriber failed to pay the charges billed by SBC.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that, under certain circumstances and contingent on certain safe-guards, its tariffs normally permitted Defendant to terminate or suspend service for non-payment; however, Defendant shows that it had discretion with respect to the application of this permission. Whether Defendant exercised this right depended on the individual circumstances of the customer in question. Except as expressly admitted herein, Defendant denies this request.

36. Admit that, during the time period from 1987 through April 14, 1997, it was SBC's business practice or policy to terminate and/or suspend telephone service, upon appropriate notice and the expiration of the time period referenced in the applicable legal or tariff provisions relating to the termination and/or suspension of service for non-payment, if an independent payphone service provider failed to pay the charges billed by SBC.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case.

RESPONSE: Defendant admits that, under certain circumstances and contingent on certain safe-guards, its tariffs normally permitted Defendant to terminate or suspend service for non-payment; however, Defendant shows that it had discretion with respect to the application of this permission. Whether Defendant exercised this right depended on the individual circumstances of the customer in question. Except as expressly admitted herein, Defendant denies this request.

37. Admit that, during the time period from 1987 through April 14, 1997, it was SBC's business practice or policy to terminate and/or suspend telephone service, upon appropriate notice and the expiration of the time period referenced in the applicable legal or tariff provisions relating to the termination and/or suspension of service for non-payment, if an independent payphone service provider failed to pay the EUCL charges billed by SBC.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that, under certain circumstances and contingent on certain safe-guards, its tariffs normally permitted Defendant to terminate or suspend service for non-payment; however, Defendant shows that it had discretion with respect to the application of this permission. Whether Defendant exercised this right depended on the individual circumstances of the customer in question. Except as expressly admitted herein, Defendant denies this request.

38. Admit that, during the time period from 1987 through April 14, 1997, you authorized and/or agreed to the placement in escrow of amounts assessed by SBC against Complainant for EUCL charges billed on payphones that Complainant owned and/or operated in the State of Texas.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Denied.

39. Admit that you are aware of one or more occasions, during the time period from 1987 through April 14, 1997, when Complainant placed in escrow amounts that you had assessed against Complainant for EUCL charges on payphones that Complainant owned and/or operated in the State of Texas.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Denied.

40. Admit that you have in your possession, custody, or control records that indicate, relate or refer to the total number of payphones that Complainant had connected to SBC payphone access lines during each month and/or each year of the time period from 1987 through April 14, 1997.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that it may have some billing documents relating to the services purchased by Millicom Services Company; however, Defendant does not believe that it has documents in its possession, custody, or control for the entire period in question or that it has sufficient number of such documents to identify the total number of Millicom Services Company's payphone lines purchased from Defendant. Further answering this request, Defendant shows that, by letter dated September 18, 2000, Complainant's attorneys provided Defendant with a list the telephone numbers allegedly subscribed to by Complainant in Defendant's territory, some of which are numbers provided out side of Defendant's service territory by another telephone company. Defendant cannot attest to the veracity of this list. Except as expressly admitted, Defendant denies this request.

41. Admit that you have in your possession, custody, or control records that indicate, relate or refer to the date on which payphones owned and/or operated by Complainant in the State of Texas during the time period from 1987 through April 14, 1997 were first connected to SBC payphone access lines.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant denies this request; however, Defendant shows that, by letter dated, September 18, 2000, Complainant's attorneys provided Defendant with a list the telephone

numbers allegedly subscribed to by Complainant in Defendant's territory, some of which are numbers provided out side of Defendant's service territory by another telephone company. Defendant cannot attest to the veracity of this list.

42. Admit that you have in your possession, custody, or control records that indicate, relate or refer to the date on which payphones owned and/or operated by Complainant in the State of Texas during the time period from 1987 through April 14, 1997 were disconnected from SBC payphone access lines and/or last connected to SBC payphone access lines.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that, for some portion of the period from 1987 to 1993, it may have records that would give some indication of when Complainant's payphone lines were disconnected. As of the date of the responses to these requests, Defendant was unable to make that determination. Defendant reserves the right to supplement this response at a later date. Defendant shows that, by letter dated, September 18, 2000, Complainant's attorneys provided Defendant with a list the telephone numbers allegedly subscribed to by Complainant in Defendant's territory, some of which are numbers provided out side of Defendant's service territory by another telephone company. Defendant cannot attest to the veracity of this list Except as expressly admitted herein, Defendant denies this request.

43. Admit that you have in your possession, custody, or control records that indicate, relate or refer to the amounts that Complainant paid to SBC in EUCL charges during the time period from 1987 through April 14, 1997.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that it has copies of certain documents that indicate that Complainant did not pay Defendant for EUCL charges assessed by Defendant in the time period referenced; Defendant does not believe that it has any records in its possession, custody, or control that indicate that Complainant paid EUCL charges assessed by Defendant. Except as expressly admitted herein, Defendant denies this request.

44. Admit that New York City Telecommunications Company, Inc. is a successor to the entity that filed the Complainant against SBC in this case, Millicom Services Company.

RESPONSE: Denied.

45. Admit that you are aware of no evidence that shows or indicated that New York Telecommunications Company, Inc. is not a successor to the entity that filed the Complainant against SBC in this case, Millicom Services Company.

RESPONSE: Denied.

46. Admit that at no time, during the period from 1987 through April 14, 1997, did SBC ever adjust, for any reason, any telephone bill(s) sent to Complainant so as to remove any EUCL charges from the telephone bill(s).

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits, on information and belief, that, on each of Defendant's bills to Millicom Services Company, Defendant would have assessed Millicom Services Company a EUCL charge on each of its payphone lines during the period in question. Except as expressly admitted, Defendant shows that Defendant might have adjusted Complainant's bills after a certain period following the closing of Complainant's account. Such an adjustment would not mean that Complainant had paid its obligations to Defendant, including any overdue EUCL charges.

47. Admit that the "previous balance" entries on the telephone bills sent out by SBC during the time period from 1987 through April 14, 1997 reflect outstanding charges that

remain unpaid from previous telephone bills sent out by SBC for the same telephone lines.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Admitted.

48. Admit that an amount of zero next to the “previous balance” entry in a SBC telephone bill sent out at any time during the period from 1987 through April 14, 1997 means that all charges reflected on previous bills sent out by SBC for the same telephone line have been paid.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that, under the usual circumstances, a zero balance indicates either that previous charges were paid or that they were adjusted, and that an adjustment does not mean that the subscriber paid all outstanding charges. Except as expressly admitted herein, Defendant denies this request.

49. Admit that, during the period from 1987 through April 14, 1997, it was SBC’s policy or practice to require certain subscribers to pay a deposit to SBC in connection with SBC’s provision of service to those subscribers based upon those subscribers’ credit histories, credit scores, or history of nonpayment’s or late payments to SBC.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that, under certain circumstances and contingent on certain safe-guards, its tariffs normally permitted Defendant to request subscribers to pay a deposit in advance of providing service; however, Defendant shows that it had discretion with respect to

the application of this permission. Whether Defendant exercised this right depended on the individual circumstances of the customer in question. Further answering this request, Defendant shows that, in cases where deposits are requested, Defendant would hold the deposit for a 12-month period and refund the deposit if the account had a satisfactory payment history. Except as expressly admitted herein, Defendant denies this request.

50. Admit that, during the period from 1987 through April 14, 1997, it was SBC's policy or practice to require certain subscribers to pay a deposit to SBC in connection with SBC's provision of service to those subscribers based upon those subscribers' history of nonpayment's or late payments to SBC.

OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Defendant admits that, under certain circumstances — including a history of non-payment or late payment — and contingent on certain safe-guards, its tariffs normally permitted Defendant to request subscribers to pay a deposit in advance of providing service; however, Defendant shows that it had discretion with respect to the application of this permission. Whether Defendant exercised this right depended on the individual circumstances of the customer in question. Further answering this request, Defendant shows that, in cases where deposits are requested, Defendant would hold the deposit for a 12-month period and refund the deposit if the account had a satisfactory payment history. Except as expressly admitted herein, Defendant denies this request.

51. Admit that, during the period from 1987 to April 14, 1997, you never required Complainant to pay a deposit to SBC in connection with SBC's provision of service to Complainant because of Complainant's credit history, credit score, or history of nonpayment's or late payments to SBC.

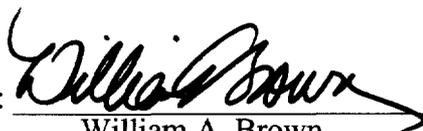
OBJECTION: Defendant objects to this request on the grounds that it seeks discovery for periods of time not relevant to the claims asserted in this case. Defendant further objects to this

request insofar as it seeks an admission with respect to tariffed telephone services other than payphone lines.

RESPONSE: Although the records presently available to Defendant do not indicate that Complainant paid Defendant a deposit for telephone service, Defendant has made a reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the Defendant to admit or deny this request; however, Defendant shows that, in cases where deposits are requested, Defendant would hold the deposit for a 12-month period and refund the deposit if the account had a satisfactory payment history.

Dated: July 30, 2001

SOUTHWESTERN BELL
TELEPHONE COMPANY

By: 
William A. Brown

William A. Brown
Davida M. Grant

SBC Telecommunications, Inc.
1401 I Street, N.W., Suite 1100
Washington, DC 20005
(202) 326-8904 — Voice
(202) 408-8745 — Facsimile

Its Attorneys

CERTIFICATE OF SERVICE

I, William A. Brown, the undersigned attorney of record, do hereby certify that I have caused copies of the foregoing “**DEFENDANT SOUTHWESTERN BELL TELEPHONE COMPANY’S RESPONSES TO COMPLAINANT’S FIRST SET OF REQUESTS FOR ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS**” to be served in accordance with 47 C.F.R. § 1.735(f) via hand delivery or via facsimile transmission, followed by regular U.S. mail delivery, postage prepaid, this 30 day of July, 2001, to each of the following persons:

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554
Via Hand Delivery

Arthur I. Steinberg, Administrative Law Judge
Federal Communications Commission
445 – 12th Street, S.W., Room 1-C861
Washington, DC 20054
Courtesy Copy, Via Regular Mail

Tejal Mehta
Federal Communications Commission
Enforcement Bureau
Market Disputes Resolution Division
445 12th Street, S.W.
Washington, DC 20554
Via Hand Delivery

David Solomon, Chief
Federal Communications Commission
Enforcement Bureau
445 12th Street, S.W.
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Sherry A. Ingram
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Via Regular Mail

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Theodore Kingsley
Regulatory Counsel, BellSouth
675 West Peachtree Street, Suite 4300
Atlanta, GA 30375
Via Fax: 404-614-4054


William A. Brown

VERIFICATION

My name is Michael D. Alarcon and I work in SBC Communications Inc.'s Washington, DC office. My title is General Manager – Business & Consumer Issues. As part of my job, I assist SBC affiliates in their defense of complaints filed against them at the Federal Communications Commission.

With respect to the case *Millicom Services Company v. Southwestern Bell Telephone Company*, EB Docket No. 01-99, File No. E-93-49, I assisted Southwestern Bell Telephone Company in its efforts to respond to “Complainant’s First Set of Requests for Admission of Facts and the Genuineness of Documents.” In that regard, I coordinated the overall effort of Southwestern Bell Telephone Company’s various departments to provide responses.

To the best of my ability, I have determined that the above-given responses provided Southwestern Bell Telephone Company in this matter are true and correct.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on July 30, 2001.



Michael D. Alarcon