that shows or indicates that any of the payphones owned and/or operated by Complainant in the States of North Carolina and/or South Carolina and connected to Sprint payphone access lines during the time period from 1987 through April 14, 1997 had directory listings assigned to them.

Response to Request No. 16: Denied.

Request No. 17: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-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.

Response to Request No. 17: Objection. The requested admission is irrelevant because neither the Defendant's payphones nor the provisions of the Defendant's tariff are at issue in this case.

Request No. 18: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-owned payphones located at gas stations that were subscribed to telephone service that was tariffed as "public" telephone service.

Response to Request No. 18: Objection. The requested admission is irrelevant because neither the Defendant's payphones nor the provisions of the Defendant's tariff are at issue in this case.

Request No. 19: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-owned payphones located at pizza parlors that were subscribed to telephone service that was

tariffed as "public" telephone service.

Response to Request No. 19: Objection. The requested admission is irrelevant because neither the Defendant's payphones nor the provisions of the Defendant's tariff are at issue in this case.

Request No. 20: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-owned payphones located in airports that were subscribed to telephone service that was tariffed as "semi-public" telephone service.

Response to Request No. 20: Objection. The requested admission is irrelevant because neither the Defendant's payphones nor the provision's of the Defendant's tariff are at issue in this case.

Request No. 21: Admit that, during the time period from 1987 through April 14, 1997, Sprint allowed and/or did not prohibit directory listings on phone lines to which Sprint-owned payphones were connected, irrespective of whether such payphones were subscribed to telephone service that was tariffed as "public" or "semi-public" telephone service.

Response to Request No. 21: Objection. The requested admission is irrelevant because neither the Defendant's payphones nor the provisions of the Defendant's tariff are at issue in this case.

Request No. 22: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-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.

Response to Request No. 22: Objection. The requested admission is irrelevant because neither the Defendant's payphones nor the provisions of the Defendant's tariff are at issue in this case.

Request No. 23: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-owned payphones that both (a) had extensions connected to them and (b) were subscribed to telephone service that was tariffed as "public" telephone service.

Response to Request No. 23: Objection. The requested admission is irrelevant because neither the Defendant's payphones nor the provisions of the Defendant's tariff are at issue in this case.

Request No. 24: Admit that, during the time period 1987 through April 14, 1997, there were never any Sprint-owned payphones that were subscribed to telephone service that was tariffed as "public" telephone service and for which the premises owner paid Sprint a recurring fee.

Response to Request No. 24: Objection. The requested admission is irrelevant because neither the Defendant's payphones nor the provisions of the Defendant's tariff are at issue in this case.

Request No. 25: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-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.

Response to Request No. 25: Objection. The requested admission is irrelevant because the Defendant's payphones are not at issue in this case.

Request No. 26: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-owned payphones located at gas stations that were "public" payphones under the Commission definition.

Response to Request No. 26: Objection. The requested admission is irrelevant because the Defendant's payphones are not at issue in this case.

Request No. 27: Admit that, during the time period from 1987 through April 14, 1987, there were Sprint-owned payphones located at pizza parlors that were "public" payphones under the Commission definition.

Response to Request No. 27: Objection. The requested admission is irrelevant because the Defendant's payphones are not at issue in this case.

Request No. 28: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-owned payphones located in airports that were "semi-public" payphones under the Commission definition.

Response to Request No. 28: Objection. The requested admission is irrelevant because the Defendant's payphones are not at issue in this case.

Request No. 29: Admit that, during the time period from 1987 through April 14, 1997, Sprint allowed and/or did not prohibit directory listings on the phone lines to which Sprint-owned payphones were connected, irrespective of whether such payphones were "public" or "semi-public" payphones under the Commission definition.

Response to Request No. 29: Objection. The requested admission is irrelevant because the Defendant's payphones are not at issue in this case.

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Request No. 33: Admit that, during the time period 1987 through April 14, 1997, Sprint 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 Sprint.

Response to Request No. 33: Admitted.

Request No. 34: Admit that, during the time period from April 15, 1997 through the present, Sprint 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 Sprint.

Response to Request No. 34: Admitted.

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Response to Request No. 35: Generally admitted, although there are exceptions to the general rule.

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Request No. 37: Admit that, during the time period from 1987 through April 14, 1997, it was Sprint'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 and independent payphone service provider failed to pay the EUCL charges billed by Sprint.

Response To Request No. 37: Denied.

Request No. 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 Sprint against Complainant for EUCL charges billed on payphones that Complainant owned and/or operated in the States of North Carolina and/or South Carolina.

Response to Request No. 38: Denied.

Request No. 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 assessed against Complainant for EUCL charges on payphones that Complainant owned and/or operated in the States of North Carolina and/or South Carolina.

Response to Request No. 39: Denied.

Request No. 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 Sprint payphone access lines during each month and/or each year of the time period from 1987 through April 14, 1997.

Response to Request No. 40: Denied.

Request No. 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 States of North Carolina and/or South Carolina during the time period from 1987 through April 14, 1997 were first connected to Sprint payphone access lines.

Response to Request No. 41: Denied.

Request No. 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 States of North Carolina and/or South Carolina during the time period from 1987 through April 14, 1997 were disconnected from Sprint payphone access lines and/or last connected to Sprint

payphone access lines.

Response to Request No. 42: Denied.

Request No. 43: Admit that you have in your possession, custody, or control records that indicate, relate or refer to the amounts that Complainant paid to Sprint in EUCL charges during the time period from 1987 through April 14, 1997.

Response to Request No. 43: Denied.

Request No. 44: Admit that New York City Telecommunications Company, Inc., is a successor to the entity that filed a Complaint against Sprint in this case, Millicom Services Company.

Response to Request No. 44: Denied. Millicom Services Company did not file a complaint against the Defendant in this case.

Request No. 45: Admit that you are aware of no evidence that shows or indicates that New York City Telecommunications Company, Inc. is not a successor to the entity that filed the Complaint against Sprint in this case, Millicom Services Company.

Response to Request No. 45: Denied. Millicom Services Company did not file a complaint against the Defendant in this case.

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

Response to Request No. 46: Denied.

Request No. 47: Admit that the "previous balance" entries on

the telephone bills sent out by Sprint during the time period from 1987 through April 14, 1997 reflect outstanding charges that remain unpaid from previous telephone bills sent out by Sprint for the same telephone lines.

Response to Request No. 47: Denied.

Request No. 48: Admit that the amount of zero next to the "previous balance" entry in a Sprint 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 Sprint for the same telephone line have been paid.

Response to Request No. 48: Denied.

Request No. 49: Admit that, during the period from 1987 through April 14, 1997, it was Sprint's policy or practice to require certain subscribers to pay a deposit to Sprint in connection with Sprint's provision of service to those subscribers based upon those subscribers' credit histories, credit scores, or history of nonpayments or late payments to Sprint.

Response to Request No. 49: Generally admitted, but would not always require a deposit, depending upon the circumstances.

Request No. 50: Admit that, during the period from 1987 through April 14, 1997, it was Sprint's policy or practice to require certain subscribers to pay a deposit to Sprint in connection with Sprint's provision of service to those subscribers based upon those subscribers' history of nonpayments or late payments to Sprint.

Response to Request No. 50: Generally admitted, but

implementation was based on tariff provisions.

Request No. 51: Admit that, during the period from 1987 through April 14, 1997, you never required Complainant to pay a deposit to Sprint in connection with Sprint's provision of service to Complainant because of Complainant's credit history, credit score, or history of nonpayments or late payments to Sprint.

Response to Request No. 51: Denied.

Respectfully submitted,
Carolina Telephone and Telegraph Company

By: _____
Benjamin H. Dickens, Jr.
Gerard J. Duffy
Robert M. Jackson
Mary J. Sisak
Its Attorneys

Blooston, Mordkofsky, Dickens, Duffy & Prendergast
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Tel: (202)659-0830

Dated: July 30, 2001

CERTIFICATE OF SERVICE

I hereby certify that I am an attorney with the law offices of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, and that on July 30, 2001 I caused to be mailed by first class United States mail, postage prepaid, a copy of the foregoing **"Carolina Telephone and Telegraph Company's Response to Complainant's First Set of Requests for Admission of Facts and the Genuineness of Documents"** to the following:

The Honorable Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
445 - 12th Street, S.W.
Room 1-C861
Washington, D.C. 20554
(Hand Delivered)

Tejal Mehta, Esquire
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
445 - 12th Street, S.W.
Room 5-C817
Washington, D.C. 20554
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Trent B. Harkrader, Esquire
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
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James W. Shook, Esquire
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Wright & Talisman, P.C.
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William A. Brown, Esquire
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SBC Telecommunications, Inc.
1401 I Street, N.W.
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Angela M. Brown, Esquire
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Bell South Telecommunications, Inc.
675 West Peachtree Street
Suite 4300
Atlanta, Georgia 30375

John M. Goodman, Esquire
Sherry A. Ingram, Esquire
Verizon
1320 North Court House Road
8th Floor
Arlington, Virginia 22201

Robert M. Jackson

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

In the Matter of	)	
	)	
C.F. Communications Corp., et al.	)	**EB Docket No. 01-99**
	)	**File No. E-93-44**
Complainants,	)	
	)	
v.	)	
	)	
Century Telephone of Wisconsin, Inc., et al.	)	
	)	
Defendants	)	

To: Administrative Law Judge Arthur I. Steinberg and Ascom Communications, Inc. n/k/a Ascom Holding, Inc.

UNITED TELEPHONE COMPANY OF PENNSYLVANIA'S RESPONSE TO COMPLAINANT'S FIRST SET OF REQUESTS FOR ADMISSION OF FACTS AND THE GENUINENESS OF DOCUMENTS

United Telephone Company of Pennsylvania, the Defendant in File No. E-93-44, by its attorneys and pursuant to Section 1.246 of the Commission's Rules, hereby responds to the "Complainant's First Set of Requests for Admission of Facts and Genuineness of Documents" propounded by the Complainant, Ascom Communications, Inc. n/k/a Ascom Holding, Inc., on July 18, 2001. The Defendant's responses are as follows:

Request No. 1: Admit that all 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 "public" payphones under the Commission definition during the time period from 1987 through April 14, 1997.

Response to Request No. 1: Denied. In addition, Defendant did not identify specific ANIs in its response to Interrogatory No.

3 for the reasons stated in its answers dated July 6, 2001.

Request No. 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.

Response to Request No. 2: Denied. In addition, Defendant did not identify specific ANIs in its response to Interrogatory No. 3 for the reasons stated in its answers dated July 6, 2001.

Request No. 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.

Response to Request No. 3: Denied. In addition, Defendant did not identify specific ANIs in its response to Interrogatory No. 3 for the reasons stated in its answers dated July 6, 2001.

Request No. 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 Sprint, but did not impose EUCL charges on payphones owned and/or operated by Sprint that were tariffed as "public" rather than "semi-public" telephone lines.

Response to Request No. 4: Defendant admits that, during the

time period stated, it imposed EUCL charges on payphones owned by independent payphone providers that obtained payphone access lines from Defendant. An objection is interposed to the balance of Request No. 4 because neither the classification of the Defendant's payphones nor the provisions of the Defendant's tariff are at issue in this case, and, accordingly, the admission requested is irrelevant to the issues presented.

Request No. 5: Admit that the table attached as Exhibit A accurately and completely reflects the amount of EUCL rates imposed by Sprint per payphone access line per month in the State of Pennsylvania during the time periods set forth in the table.

Response to Request No. 5: Admitted.

Request No. 6: Admit that Complainant paid all EUCL charges billed by Sprint on the payphone access lines subscribed to by Complainant in the State of Pennsylvania during the period from 1987 through April 14, 1997.

Response to Request No. 6: Denied.

Request No. 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 Sprint on the payphone access lines subscribed to by Complainant in the State of Pennsylvania during the period from 1987 through April 14, 1997.

Response to Request No. 7: Denied.

Request No. 8: Admit that Complainant paid all of the EUCL charges billed by Sprint on the payphone access lines subscribed to by Complainant in the State of Pennsylvania during the time

period from 1987 through April 14, 1997 on or prior to the due date.

Response to Request No. 8: Denied.

Request No. 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 Sprint on the payphone access lines subscribed to by Complainant in the State of Pennsylvania during the time period from 1987 through April 14, 1997.

Response to Request No. 9: Denied.

Request No. 10: Admit that none of the payphones owned and/or operated by Complainant in the State of Pennsylvania and connected to Sprint phone lines were "semi-public" payphones under the Commission definition during the time period from 1987 through April 14, 1997.

Response to Request No. 10: Denied.

Request No. 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 Pennsylvania were "semi-public" payphones under the Commission definition during the time period from 1987 through April 14, 1997.

Response to Request No. 11: Denied.

Request No. 12: Admit that none of the payphones owned and/or operated by Complainant in the State of Pennsylvania and connected to Sprint 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.

Response to Request No. 12: Objection. The provisions of the Defendant's tariff speak for themselves, and the provisions of the tariff are irrelevant to the issues presented in this case.

Request No. 13: Admit that none of the payphones owned and/or operated by Complainant in the State of Pennsylvania and connected to Sprint payphone access lines during the time period from 1987 through April 14, 1997 had extensions connected to them.

Response to Request No. 13: Denied.

Request No. 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 Pennsylvania and connected to Sprint payphone access lines during the time period from 1987 through April 14, 1997 had extensions connected to them.

Response to Request No. 14: Denied.

Request No. 15: Admit that none of the payphones owned and/or operated Complainant in the State of Pennsylvania and connected to Sprint payphone access lines during the time period from 1987 through April 14, 1997 had directory listings assigned to them.

Response to Request No. 15: Denied.

Request No. 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 Pennsylvania and connected to Sprint payphone access lines during the time period from 1987 through April 14, 1997 had directory listings assigned to them.

Response to Request No. 16: Denied.

Request No. 17: Admit that, during the time period from 1987 through April 14, 1997, there were Sprint-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.

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