CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2001, a copy of the foregoing Complainant's Second Set of Requests for Production of Documents to Defendant was served by hand-delivery on Sherry A. Ingram, Verizon, 1320 North Court House Road, Arlington, VA 22201, and John M. Goodman, Verizon, 1300 I Street, NW, 400W, Washington, DC 20005, and by first-class mail, postage prepaid, on the following parties:

The Honorable Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
445 12th Street, SW
Room 1-C861
Washington, DC 20554

Magalie Roman Salas, Secretary
Office of the Commission Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-B204
Washington, D.C. 20554
(Original and Three Copies)

Tejal Mehta, Esquire
Federal Communications Commission
Market Disputes Resolution Division
Enforcement Bureau
445 12th Street, SW
Washington, D.C. 20554

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Davida M. Grant, Esquire
Southwestern Bell Telephone Company
1401 I Street, NW, Suite 1100
Washington, D.C. 20005

Charles V. Mehler III

D

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(1) Before the
FEDERAL COMMUNICATIONS COMMISSION
(2) Washington, D.C. 20554
(3) In the Matter of:)
(4) C.F. COMMUNICATIONS CORP.,)
(5) Complainant,)
(6) v.)
(7) CENTURY TELEPHONE OF)
(8) WISCONSIN, INC., et al.)
(9) Defendants.)
(10) Commission Meeting Room
(11) FCC Headquarters
(12) 455 12th Street, S.W.
(13) Washington, D.C. 20554
(14) Thursday,
(15) May 24, 2001
(16) The parties met, pursuant to the notice of
(17) the Commission, at 9:04 a.m.
(18) BEFORE: The Honorable Judge Steinberg
(19) Administrative Law Judge
(20) APPEARANCES:
(21) On behalf of Complainants:
(22) Alcazar Ltd., Ascom Communications, Inc.,
(23) B.D.A. Sales, Inc., Crescent Communications,
(24) Just Telephone, Inc., Millicom Services Co.,
(25) New York Pay Phone Systems, Inc., and
(26) Telebeam Telephone
(27) ALBERT H. KRAMER, Esquire
(28) JOEL B. KLEINMAN, Esquire
(29) CHARLES V. MEHLER, III, Esquire
(30) ROBERT FELGAR, Esquire
(31) Dickson, Shapiro, Morin & Oshinsky LLP
(32) 2101 L Street, N.W.
(33) Washington, D.C. 20037
(34) (202) 828-2226

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(1) On behalf of Complainants: (Cont'd.)
(2) Best Payphones, Inc., Kayson Communication
(3) MICHAEL J. THOMPSON, Esquire
(4) Wright & Talisman, P.C.
(5) 1200 G Street, N.W., Suite 600
(6) Washington, D.C. 20005, (202) 393-1200
(7) On Behalf of Defendants:
(8) Bell Telephone Co. of Pennsylvania,
(9) C&P Telephone Co. of Maryland,
(10) C&P Telephone Co. of Virginia,
(11) GTE Florida, Inc.,
(12) GTE North, Inc.,
(13) GTE South, Inc.,
(14) New England Telephone and Telegraph Co.,
(15) New Jersey Bell Telephone Co., and
(16) New York Telephone Co.
(17) JOHN M. GOODMAN, Esquire
(18) 1300 I Street, N.W., Suite 400 West
(19) Washington, D.C. 20005, (202) 575-2563
(20) SHERRY A. INGRAM, Esquire
(21) 1320 N. Courthouse Road, 8th Floor
(22) Arlington, Virginia 22201, (703) 974-4414
(23) Carolina Telephone Co.,
(24) Century Telephone of Wisconsin, Inc.,
(25) North West Telephone Co.,
(26) Turtle Lake Telephone Co.,
(27) United Telephone Co. of Florida., and
(28) United Telephone Co. of Pennsylvania.
(29) ROBERT M. JACKSON, Esquire
(30) DOUGLAS W. EVERETTE, Esquire
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(1) On Behalf of Defendant: (Cont'd.)
(2) RIKKE DAVIS, Esquire
(3) SPRINT
(4) Law and External Affairs
(5) 401 9th Street, N.W., Suite 400
(6) Washington, D.C. 20004
(7) (202) 585-1919
(8) Michigan Bell Telephone Co.,
(9) Southwestern Bell Telephone Co., and
(10) Wisconsin Bell, Inc.
(11) JEFFRY BRUEGGEMAN, Esquire
(12) WILLIAM A. BROWN, Esquire
(13) MICHAEL D. ALERCON, Esquire
(14) CAREY CALDWELL
(15) SBC Telecommunications, Inc.
(16) 1401 I Street, N.W., 11th Floor
(17) Washington, D.C. 20005
(18) (202) 326-8911
(19) On Behalf of Defendant Southwestern Bell
(20) Telephone and Telegraph:
(21) THEODORE R. KINGSLEY, Esquire
(22) BellSouth
(23) Legal Department
(24) 675 West Peachtree Street, Suite 4300
(25) Atlanta, Georgia 30375
(26) (404) 335-0720
(27) On Behalf of Chief Enforcement Bureau, FCC:
(28) TEJAL MEHTA, Esquire
(29) TRENT HARKRADER, Esquire
(30) Federal Communications Commission
(31) Enforcement Bureau
(32) 445 12th Street, S.W., Room 3-B443
(33) Washington, D.C. 20554
(34) (202) 418-2955

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(1) P R O C E E D I N G S
(2) (9:04 a.m.)
(3) JUDGE STEINBERG: Okay. We're on the record now.
(4) This is a prehearing conference in EB Docket No. 01-99, a
(5) proceeding which was designated for hearing in order to
(6) determine damages, if any, to which each of the Complainants
(7) is entitled. The hearing designation order which was
(8) referenced as DA 01-1044 was issued by the Chief of the
(9) Enforcement Bureau and was released on April 24, 2001.
(10) A summary of the HDO was published in the Federal
(11) Register on May 1, 2001 and the cite to that is 66 Fed. Reg.
(12) 21,755. By order of FCC 01M-10 released April 30, 2001 the
(13) Acting Chief Administrative Law Judge assigned the case to
(14) me and set today as the date for the first prehearing
(15) conference.
(16) I'm going to formally take the appearances for
(17) each of the parties which might take a while because there
(18) are a lot of parties. When you -- when I mention a party's
(19) name I want you to indicate -- a lot of names have changed
(20) and could you please, when I mention the party's name, tell
(21) me if it's still the current name and if it's not what the
(22) current name is? This is going to seem awful basic, but
(23) whether you're -- I can probably guess at this -- whether
(24) you're a Complainant or a Defendant because I formally don't
(25) know. Okay. First is Alcazar, Limited?
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(1) MR. GOODMAN: Your Honor, just to be clear about
(2) one thing, I would guess that a number of the
(3) interrogatories from the Complainants to us are going to ask
(4) for billing information and payment history about specific
(5) customers of ours and that is normally not the kind of
(6) information that we give to the world because it is – I
(7) mean under law it is not, you know, anything that we are
(8) permitted to give to the world.
(9) If that is the process, the procedure that you
(10) want, that's fine but I just wanted to bring up the issue
(11) that there is a kind of a privacy concern about disclosing
(12) customer –
(13) JUDGE STEINBERG: Well, what you can do is you can
(14) – we can work out an arrangement with the individual –
(15) with the party that asks for the information and you can use
(16) number one, this is the information – number one is this
(17) and number two is that, A, B, C, D, John Doe or whatever –
(18) MR. GOODMAN: That's right.
(19) JUDGE STEINBERG: And you keep the keys to
(20) yourself. I don't need the keys. Does anybody have any
(21) problem with that? That way there's – confidentiality
(22) isn't breached and probably no trade information can leak
(23) out so nobody can steal, you know, your clients from 15
(24) years ago. Any problem with that?
(25) (No response.)
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(1) That's something – that's something you can
(2) easily work out and if you need this – if you do need a
(3) protective order then – then like if you can't agree then
(4) you'd have to come to me and I'll make provision for
(5) confidentiality but I can see that this – everybody here is
(6) a businessperson and I'm sure everybody has the same
(7) interest in keeping their – keeping this type of
(8) information private.
(9) Ms. Mehta?
(10) MS. MEHTA: Yes, Judge. Your Honor, while the
(11) Bureau doesn't actually want to see the documents provided
(12) we would ask that the parties provide us with an inventory
(13) of the documents provided in response to discovery requests.
(14) JUDGE STEINBERG: You mean just like an index?
(15) MS. MEHTA: Yes.
(16) JUDGE STEINBERG: Okay. I suppose there would be
(17) an index, anyway, and – I mean if – yeah, okay. That's –
(18) that's reasonable. You could send the index to me, too,
(19) that way I kind of have an idea.
(20) Now there's a general statement that I always make
(21) with respect to discovery and that is that it's a very self-
(22) serving statement and that is that I don't really want to be
(23) bothered with discovery stuff. So I want – if a dispute
(24) arises I want you to make a good faith attempt to try to
(25) resolve the dispute among yourselves or between yourselves,
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(1) not just a token effort but a real effort.
(2) Don't ask me for any kind of discovery ruling
(3) before you genuinely attempt to reach agreement yourselves.
(4) If you absolutely can't reach an agreement then you file
(5) something with me and I'll settle the matter probably to the
(6) dislike of both of you. It's much better to reach a
(7) compromise than to risk whatever it is your risking.
(8) In that vain, if you file a pleading with me with
(9) respect to discovery in order to contain a certification
(10) that you attempted to work out your differences but just
(11) absolutely couldn't do it. I think the Federal Rules
(12) contain a – the FCC's rules, the hearing rules, don't
(13) contain that requirement but I like to have it because it
(14) gives people maybe second thoughts about coming to me
(15) initially. While we're on this area, in this area, there's
(16) something called supplemental complaints and what? Answers?
(17) MS. MEHTA: Mm-hmm.
(18) JUDGE STEINBERG: And I read – it's 1.722(c) is
(19) that it? Is that the right rule? I read that through
(20) yesterday. I mean I'm not – I'm the first to admit, I'm
(21) not familiar with that portion of the rules that's got to do
(22) with formal and informal complaints and supplemental
(23) complaints and accelerated documents and stuff like that but
(24) what I want – what I'd like to know is what useful purpose,
(25) if any, would be served by filing supplemental complaints
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(1) now?
(2) I mean this is the hearing that some people wanted
(3) and some people didn't want and now is the time for
(4) everybody to discover what everybody else has and kind of
(5) prove your case or not prove your case and how will
(6) supplemental complaints advance that or not advance it? I
(7) mean I just – I don't – again I can guess but I don't
(8) know. Now does anybody want to address that? Okay, Mr.
(9) Jackson?
(10) MR. JACKSON: Your Honor, it would be advantageous
(11) because I think it could facilitate settlement discussions
(12) if the Complainants were to tell each Defendant exactly what
(13) the dollar amount is that they're asking for.
(14) JUDGE STEINBERG: That gets us back to last August
(15) 3rd I think, doesn't it?
(16) MR. JACKSON: Well, it may.
(17) JUDGE STEINBERG: August 2000?
(18) MR. JACKSON: It may. But to date I, for example,
(19) have never seen any on behalf of SPRINT any calculation of
(20) the actual dollar amount of damages that –
(21) JUDGE STEINBERG: The time period. Mr. Bruggeman
(22) mentioned time period, too.
(23) MR. JACKSON: Mm-hmm.
(24) JUDGE STEINBERG: Do you have problems – do you
(25) have a problem with time periods?
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AUG 22 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	EB Docket No. 01-99
C.F. Communications Corp., et al.,	)	File No. E-93-34
Complainants,	)	
v.	)	
Century Telephone of Wisconsin, Inc., et al.,	)	
Defendants.	)	

TO: Arthur I. Steinberg
Administrative Law Judge

DEFENDANT VERIZON NEW YORK INC.'S RESPONSE TO COMPLAINANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

The Defendant Verizon New York Inc., in File No. E-93-34, responds to Complainant's First Set of Requests for Production of Documents as follows:

General Objections

1. Defendant objects to Complainant's Requests to the extent that they seek information for any period prior to January, 1991. Complainant's claim is subject to a two-year statute of limitations that runs from the date the Complaint was filed. The Complaint was filed January 8, 1993; therefore, information prior to January 8, 1991 is not relevant to the resolution of this case.

2. Defendant objects to Complainant's Requests to the extent that they seek information which the Complainant knows or should know. It is unduly burdensome for

Complainant to ask Defendant to review its records for information which the Complainant should already have in its possession.

3. Defendant objects to Complainant's Requests to the extent that they do not make any distinction between the EUCL charges it might have paid on its public payphones versus charges it might have paid on its semi-public payphones. Since Defendant was entitled to assess EUCL charges for Complainant's semi-public payphones and is entitled to retain the EUCL charges paid by Complainant as to those payphones, nothing about those payphones can be relevant to this case.

Specific Responses

1. *Any and all documents in your possession, custody or control which you identified, relied upon, or referred to in responding to Complainant's First Set of Interrogatories to Defendants.*

RESPONSE:

All non-privileged documents responsive to this Request will be produced.

2. *Any and all documents in your possession, custody or control which evidence, reference or reflect the amount of any and all EUCL charges imposed by Verizon, per public access telephone line per month, in the State of New York (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that EUCL charges that were imposed by Verizon in the State of New York during the relevant time period are set forth in Defendant's tariffs, which are being produced in response to Request Number 25.

3. *Any and all documents in your possession, custody or control which evidence, reference or reflect any and all Verizon telephone lines subscribed to by Complainant in the State of New York (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.*

RESPONSE:

Defendant renews its general objections and further objects to this Request on the grounds that it is unduly burdensome. Because the requested documents concern Complainant's telephone lines, Complainant has or should have this information in its own records. Defendant further states that Defendant is not able to search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all the lines subscribed to by a given customer using only the customer's name. It is able to access its customer records only by using the number of the phone line in question. Thus, Defendant states that it cannot locate these records unless the Complainant provides this information.

Defendant will produce for inspection and copying, however, collection reports that record and reflect an aggregate number of payphones lines subscribed to by Complainant during the relevant time period.

4. Any and all billing records and/or other documents in your possession, custody or control which evidence, reference or reflect any and all EUCL charges imposed on lines subscribed to by the Complainant in the State of New York (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

RESPONSE:

Defendant renews its general objections and further objects to this Request on the grounds that it is unduly burdensome. Because the requested documents concern Complainant's telephone lines, Complainant has or should have this information in its own records. Defendant further states that Defendant is not able to search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all of the ANI information for a given customer using only the customer's name. It is able to

access these records only by using the ANI of the phone line in question. Thus, Defendant states that it cannot locate these records unless the Complainant provides ANI information.

Defendant will produce for inspection and copying, however, collection reports that record and reflect an ongoing balance Complainant owed to the Defendant during the relevant time period for a specified number of payphone lines and responsive pages from a deduction log that show the number of lines for which Complainant deducted the EUCL charge.

5. Any and all installation records and/or other documents in your possession, custody or control which evidence, reference or reflect the installation of any telephone lines subscribed to by Complainant in the State of New York (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that Defendant is not able to search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all the telephone lines subscribed to by a given customer using only the customer's name. It is able to access installation records only by using the telephone number of the phone line in question. Thus, Defendant states that it cannot locate these records unless the Complainant provides that information

6. Any and all documents in your possession, custody or control which evidence, reference or reflect the payment of any and all invoices sent from Verizon to Complainant (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

RESPONSE:

Defendant renews its general objections and further objects to this Request on the grounds that it is unduly burdensome. Because the requested documents concern

Complainant's telephone lines and its payment of invoices, Complainant has or should have this information in its own records. Defendant further states that Defendant is not able to search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all the lines subscribed to by a given customer using only the customer's name. It is able to access billing records only by using the telephone number of the phone line in question. Thus, Defendant states that it cannot locate these records unless the Complainant provides this information.

Defendant will produce for inspection and copying, however, collection reports that record and reflect an ongoing balance Complainant owed to the Defendant during the relevant time period for a specified number of payphone lines and responsive pages from a deduction log that show the number of lines for which Complainant deducted the EUCL charge.

7. Any and all documents in your possession, custody or control which evidence, reference or reflect the failure to pay any invoices sent from Verizon to Complainant (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

RESPONSE:

Defendant renews its general objections and further objects to this Request on the grounds that it is unduly burdensome. Because the requested documents concern Complainant's telephone lines, Complainant has or should have this information in its own records. Defendant further states that Defendant is not able to search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all the lines subscribed to by a given customer using only the customer's name. It is able to access billing records only by using the number of the phone line in question. Thus,

Defendant states that it cannot locate these records unless the Complainant provides this information.

Defendant will produce for inspection and copying, however, collection reports that record and reflect an ongoing balance Complainant owed to the Defendant during the relevant time period for a specified number of payphone lines and responsive pages from a deduction log that show the number of lines for which Complainant deducted the EUCL charge.

8. Any and all documents in your possession, custody or control which evidence, reference or reflect the late payment of any and all invoices sent from Verizon to Complainant (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

RESPONSE:

Defendant renews its general objections and further objects to this Request on the grounds that it is unduly burdensome. Because the requested documents concern Complainant's telephone lines, Complainant has or should have this information in its own records. Defendant further states that Defendant is not able to search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all the lines subscribed to by a given customer using only the customer's name. It is able to access billing records only by using the number of the phone line in question. Thus, Defendant states that it cannot locate these records unless the Complainant provides this information.

Defendant will produce for inspection and copying, however, collection reports that record and reflect an ongoing balance Complainant owed to the Defendant during the relevant time period for a specified number of payphone lines and responsive pages from a

deduction log that show the number of lines for which Complainant deducted the EUCL charge.

9. Any and all documents in your possession, custody or control which evidence, reference or reflect whether any of the payphones owned or serviced by Complainant were capable, as subscribed, of receiving incoming phone calls.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that Defendant is not able to search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all the lines subscribed to by given customer using only the customer's name. It is able to access these records only by using the number of the phone line in question. Thus, Defendant states that it cannot locate customer service records unless the Complainant provides this information.

10. Any and all documents in your possession, custody or control which evidence, reference or reflect the tariffs subscribed to by Complainant for payphones in service in the State of New York (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that the appropriate tariffs in effect during the relevant time period will be produced in response to Request Number 25.

11. Any and all documents in your possession, custody or control which evidence, reference or reflect whether the payphones owned and/or serviced by Complainant in the State of New York were public or semi-public under the Commission definition (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that it does not have documents which evidence, reference or reflect whether

Complainant's payphones were public or semi-public under the Commission definition. Defendant states that lines it provided to Complainant are not offered as "public" or "semi-public" lines. No such distinction exists for these lines. The basic payphone line service that Defendant offers to IPPs like Complainant can be used to provide either semi-public or public payphone service. Whether a payphone line provided by Defendant is used to provide public or semi-public service is entirely dependent on the manner in which the IPP places its payphone.

Defendant further states that its billing records do not contain enough detail to make the relevant determination under the Commission's definition. While the billing records do contain an address for the Complainant's payphone, the records give no indication as to where at that address the payphone was actually located.

12. Any and all documents in your possession, custody or control which evidence, reference or reflect whether the payphones owned and/or serviced by Complainant in the State of New York were public or semi-public under the standards set forth in your Response to Interrogatory Number 11 propounded by Complainant (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

RESPONSE:

Defendant states that since the standard set forth in Interrogatory Number 11 is the Commission definition, Defendant's response to this Request is the same as that for Request Number 11.

13. Any and all documents in your possession, custody or control which evidence, reference or reflect whether, for each payphone owned and/or serviced by Complainant in the State of New York during the time period from 1987 through April 16, 1997, there was "a combination of general public and specific customer need" at the location of the telephone line.

RESPONSE:

Defendant renews its general objections and further objects to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Defendant cannot respond to this Request without a more specific Request.

It is unlikely that Complainant's service records would contain any information responsive to this Request. In any event, Defendant is not able to locate Complainant's service records because it cannot search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all the telephone lines subscribed to by a given customer using only the customer's name. It is able to access these records only by using the telephone number of the phone line in question. Thus, Defendant states that it cannot locate service records unless the Complainant provides this information.

14. Any and all documents in your possession, custody or control which support any contention you have that any of the telephone lines owned or operated by Complainant in the State of New York during the time period from 1987 through April 16, 1997, had extensions connected to them and/or directory listings assigned to them.

RESPONSE:

Defendant is not making any contention concerning these matters; therefore, there are no documents "which support any contention" Defendant has.

15. Any and all documents in your possession, custody or control which evidence, reference or reflect the total number of payphones that Verizon had in operation in the State of New York during each month of the period (a) from 1987 through 1990, and (b) from 1991 through April 16, 1997.

RESPONSE:

Defendant objects to this Request on the grounds that it is not reasonably calculated to lead to the production of relevant facts.

16. Any and all documents in your possession, custody or control which evidence, reference or reflect the number of Verizon payphones tariffed as "semi-public" in the State of New York that were in service during each month of (a) the period from 1987 through 1990, and (b) the period from 1991 through April 16, 1997.

RESPONSE:

Defendant objects to this Request on the grounds that it is not reasonably calculated to lead to the production of relevant facts.

17. Any and all documents in your possession, custody or control which evidence, reference or reflect the number of Verizon payphones in the State of New York that were "semi-public" during each month of the period from 1987 through April 16, 1997, under (a) the Commission definition, and (b) the standards set forth in your Response to Interrogatory Number 11 propounded by Complainant.

RESPONSE:

Defendant objects to this Request on the grounds that it is not reasonably calculated to lead to the production of relevant facts.

18. Any and all documents in your possession, custody or control which evidence, reference or reflect any extensions that were connected to any phone lines to which any Verizon payphones were connected during the time period (a) from 1987 through 1990, and (b) from 1991 through April 16, 1997.

RESPONSE:

Defendant objects to this Request on the grounds that it is not reasonably calculated to lead to the production of relevant facts.

19. Any and all documents in your possession, custody or control which evidence, reference or reflect any directory listings for any phone lines connected to Verizon payphones during the time period (a) from 1987 through 1990, and (b) from 1991 through April 16, 1997.

RESPONSE:

Defendant objects to this Request on the grounds that it is not reasonably calculated to lead to the production of relevant facts.

20. Any and all documents in your possession, custody or control which evidence, reference or reflect any communications between you and Complainant, other than phone bills, regarding the billing, payment or non-payment of EUCL charges by Complainant in the State of New York during the time period from 1987 through April 16, 1997.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that, while there have been communications between it and the Complainant during the normal course of business between January 1991 and April 1997, in which the non-payment of EUCL charges were discussed, these records generally have not been retained. These communications included both written correspondence and telephone conversations. To the extent Defendant has been able to locate non-privileged documents responsive to this Request, those documents will be produced.

21. Any and all documents in your possession, custody or control which evidence, reference or reflect Verizon's practices and/or policies, during the time period from 1987 through April 16, 1997, regarding non-payment and/or late payment of telephone bills, EUCL charges, and/or other charges, by independent payphone providers, business line subscribers and/or residential subscribers.

RESPONSE:

Defendant renews its general objections and further objects to this Request on the grounds that it is overly broad and unduly burdensome. Defendant's polices relating to its business and residential line subscribers are not relevant. Defendant states, however, that its practices regarding non-payment and/or late payment of telephone bills is set forth in its tariffs, which are being produced in response to Request Number 25.

To the extent Defendant is able to locate other non-privileged documents responsive to this Request, those documents will be produced.

22. Any and all documents in your possession, custody or control which evidence, reference or reflect Verizon's standards or criteria for determining the placement of public and/or semi-public payphones inside or outside a particular premises, and/or the standards or criteria for determining the location where a public and/or semi-public payphone would be installed on the particular premises, including, but not limited to, any sales and/or installation manuals or guidelines.

RESPONSE:

Defendant objects to this Request on the grounds that it is not reasonably calculated to lead to the production of relevant facts. Defendant further states that, since it does not have standards or criteria for determining the placement of public and/or semi-public payphones inside or outside a particular premises, nor does it have standards or criteria covering where such a payphone would be located on a particular premises, there are no documents responsive to this Request.

23. Any and all documents in your possession, custody or control which evidence, reference or reflect any representations made by Verizon regarding the ratio of, or number of, Verizon public payphones or semi-public payphones to any person, entity or governmental body, including, but not limited to, any representations made to the Commission, to any court, and/or to any state or federal agency or regulatory body.

RESPONSE:

Defendant objects to this Request on the grounds that it is not reasonably calculated to lead to the production of relevant facts. Defendant further objects to this Request on the grounds that it is overly broad and unduly burdensome. By seeking "any representations" made to "any person, entity, or governmental body," the question encompasses a nearly unlimited number of formal and informal communications between Defendant and anyone who is not employed by Defendant. It is impossible for Defendant to know of or identify each of these communications.

24. Any and all documents in your possession, custody or control which evidence, reference or reflect any authorization or agreement by Verizon for the placement of amounts billed to Complainant for EUCL charges in escrow.

RESPONSE:

To the extent Defendant has been able to locate non-privileged documents responsive to this Request, those documents will be produced.

25. Any and all documents in your possession, custody or control which evidence, reference or reflect any tariff provisions that governed EUCL charges imposed by Verizon, non-payment or late payment of amounts billed by Verizon and/or the termination of telephone service by Verizon, during the time period from 1987 through April 16, 1997.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant will produce the appropriate tariff provisions that governed EUCL charges imposed by Defendant, non-payment or late payment of amounts billed by the Defendant, and/or the termination of telephone service by Verizon during the relevant time period.

26. Any and all documents in your possession, custody or control which evidence, reference or reflect Verizon's document retention and destruction policies during the time period from 1987 through the present, including the policies as to electronic or computerized records.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant will produce Defendant's document retention and destruction policies in effect during the relevant time period.

27. Any and all customer service records and/or service order records in your possession, custody or control relating or referring to Complainant.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that Defendant is not able to search its records based on Complainant's name in order to retrieve them – it cannot generate a list of all the lines subscribed to by a given customer using only the customer's name. It is able to access these records only by using the telephone number of the phone line in question. Thus, Defendant states that it cannot

locate service records or service order records unless the Complainant provides this information.

Defendant further objects to this Request as not reasonably calculated to lead to the production of relevant facts, as it is not clear how such records would relate to the amount of EUCL charges Complainant paid or the public or semi-public nature of its payphones.

28. Any and all documents provided to any expert you might call as a witness at the hearing of this case.

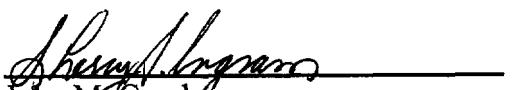
RESPONSE:

Defendant states that it has not yet identified any witnesses Defendant may call to testify in this case.

29. Any and all documents prepared by, or under the direction or supervision of, any expert you might call as a witness at the hearing in this case, including any and all reports that contain preliminary conclusions.

RESPONSE:

Defendant states that it has not yet identified any witnesses Defendant may call to testify in this case.



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Of Counsel:
Michael E. Glover

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July, 2001, a true copy of the foregoing Defendant's Response to Complainant's First Set of Requests for Production of Documents was hand-delivered to:

Albert H. Kramer, Esquire
Dickstein, Shapiro, Morin & Oshinsky, LLP
2101 L Street, N.W.
Washington, D.C. 20037

And a true copy was hand-delivered on the 25th day of July, 2001, to:

The Honorable Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, DC 20554

Magalie Roman Salas, Secretary
Office of the Commission Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Tejal Mehta, Esquire
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
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Washington, D.C. 20554

David H. Solomon, Chief
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

And copies were mailed, first-class mail, postage prepaid, on the 25th day of July, to:

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