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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
C.F. Communications Corp., et al.,)
Complainants,)
)
v.)
)
Century Telephone of Wisconsin, Inc.,)
et al.,)
)
Defendants.)

EB Docket No. 01-997

File Nos. E-93-38

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

DEFENDANT VERIZON VIRGINIA'S RESPONSE TO COMPLAINANT'S FIRST SET OF REQUESTS FOR ADMISSION OF FACTS AND THE GENUINENESS OF DOCUMENTS

The Defendant Verizon Virginia responds to Complainant's First Set of Requests for Admission of Facts and the Genuineness 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 claims are subject to a two-year statute of limitations that runs from the date the Complaint was filed.

Specific Responses

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 of 1987 through April 14, 1997.*

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RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that no ANIs were identified in response to Interrogatory Number 3 of Complainant's First Set of Interrogatories; therefore, Defendant can neither admit nor deny.

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 proceedings were not "public" payphones under the Commission definition during the time period from 1987 through April 14, 1997.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that no ANIs were identified in response to Interrogatory No. 3 of Complainant's First Set of Interrogatories; therefore, Defendant can neither admit nor deny.

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:

Subject to and without waiving Defendant's general objections, Defendant states that no ANIs were identified in response to Interrogatory No. 3 of Complainant's First Set of Interrogatories; therefore, Defendant can neither admit nor deny.

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 Verizon, but did not impose EUCL charges on payphones owned and/or operated by Verizon that were tariffed as "public" rather than "semi-public" telephone lines.*

RESPONSE:

Defendant objects to this request on the grounds that it relates to liability rather than to Complainant's damages and, therefore, is not reasonably calculated to lead to the discovery of relevant facts.

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

RESPONSE:

Subject to and without waiving Defendant's general objections, admitted.

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

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that, because Defendant is unable to identify the payphone lines subscribed to by Complainant and because Complainant has produced no evidence of what Complainant was billed or that Complainant has paid all of the EUCL charges billed by Defendant, Defendant can neither admit nor deny.

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 Verizon on the payphone access lines subscribed to by Complainant in the State of Virginia during the period from 1987 through April 14, 1997.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant admits that it has no information either that Complainant paid or did not pay the EUCL charges billed by Defendant for access lines subscribed to by Complainant in Virginia during the relevant time period.

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

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that, because Defendant is unable to identify the payphone lines subscribed to by Complainant and because Complainant has produced no evidence of what Complainant was billed or that Complainant has paid all of the EUCL charges billed by Defendant, Defendant can neither admit nor deny.

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 Verizon on the payphone access lines subscribed to any Complainant in the State of Virginia during the time period from 1987 through April 14, 1997.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that, because Defendant is unable to identify the payphone lines subscribed to by Complainant and because Complainant has produced no evidence of what Complainant was billed or that Complainant has paid all of the EUCL charges billed by Defendant, Defendant can neither admit nor deny.

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

RESPONSE:

Defendant objects to this request on the grounds that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

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 Virginia were*

“semi-public” payphones under the Commission definition during the time period from 1987 through April 14, 1997.

RESPONSE:

Defendant objects to this request on the grounds that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

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

RESPONSE:

Subject to and without waiving Defendant’s general objections, Defendant states that Defendant does not know whether Complainant’s payphones had extensions connected to them and, therefore, can neither admit nor deny.

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 Virginia and connected to Verizon payphone access lines during the time period from 1987 through April 14, 1997 had extensions connected to them.

RESPONSE:

Subject to and without waiving Defendant’s general objections, Defendant admits that it is not aware of any evidence that would show or indicate whether any of the payphones owned by Complainant in the State of Virginia had extensions connected to them during the relevant time period.

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

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that Defendant does not know whether Complainant's payphones had directory listings assigned to them, therefore, can neither admit nor deny.

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 Virginia and connected to Verizon payphone access lines during the time period from 1987 through April 14, 1997 had directory listings assigned to them.

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant admits that it is not aware of any evidence that would show or indicate whether any of the payphones owned by Complainant in the State of Virginia had directory listings assigned to them during the relevant time period.

25. Admit that, during the time period from 1987 through April 14, 1997, there were Verizon-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:

Defendant objects to this request on the ground that it calls for a legal conclusion, rather than an admission of fact, to which no response is required. If a response is required, Defendant denies.

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

RESPONSE:

Defendant objects to this request on the ground that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

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

RESPONSE:

Defendant objects to this request on the ground that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

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

RESPONSE:

Defendant objects to this request on the ground that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

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

RESPONSE:

Defendant objects to this request on the ground that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

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

RESPONSE:

Defendant objects to this request on the ground that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

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

RESPONSE:

Defendant objects to this request on the ground that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

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

RESPONSE:

Defendant objects to this request on the ground that it calls for a legal conclusion to which no response is required. If a response is required, Defendant denies.

33. *Admit that, during the time period from 1987 through April 14, 1997, Verizon 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 Verizon.*

RESPONSE:

Subject to and without waiving Defendant's general objections, admitted.

34. *Admit that, during the time period from 1987 through the present, Verizon 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 Verizon.*

RESPONSE:

Subject to and without waiving Defendant's general objections, admitted.

35. *Admit that, during the time period from 1987 through April 14, 1997, it was Verizon'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 Verizon.*

RESPONSE:

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the production of relevant facts. Nothing about Defendant's residential or business line subscribers can be relevant to this case.

36. *Admit that, during the time period from 1987 through April 14, 1997, it was Verizon's business practice or policy regarding to terminate and/or suspend telephone service, upon appropriate notice and the expiration of the time period referenced in the applicable legal or tariff provision 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 Verizon.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that, during the relevant time period, it was Defendant's business practice, upon appropriate notice, to terminate and/or suspend telephone service if an independent payphone service provider failed to pay charges billed by Defendant. Defendant, however, did not suspend or terminate telephone service for nonpayment or late payment of disputed charges.

37. *Admit that, during the time period from 1987 through April 14, 1997, it was Verizon's business practice or policy regarding to terminate and/or suspend telephone service, upon appropriate notice and the expiration of the time period referenced in the applicable legal or tariff provision 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 Verizon.*

RESPONSE:

Subject to and without waiving Defendant's general objections, denied.

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 Verizon against Complainant for EUCL charges billed on payphones that Complainant owned and/or operated in the State of Virginia.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant denies.

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 Virginia.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant denies.

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 Verizon payphone access lines during each month and/or each year of the time period from 1987 through April 14, 1997.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant denies.

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 Virginia during the time period from 1987 through April 14, 1997 were first connected to Verizon payphone access lines.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant denies.

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 Virginia during the time period from 1987 through April 14, 1997 were disconnected from Verizon payphone access lines and/or last connected to Verizon payphone access lines.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant denies.

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

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant denies.

46. *Admit that New York City Telecommunications Company, Inc. is a successor to the entity that filed the Complaint against Verizon in this case, Millicom Services Company.*

Subject to and without waiving Defendant's general objections, Defendant denies.

47. *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 Verizon in the case, Millicom Services Company.*

Defendant admits that Complainant has produced no evidence that shows or indicates that New York City Telecommunications Company, Inc. is a successor to the entity that filed the Complaint against Verizon, Millicom Services Company.

48. *Admit that at no time, during the period from 1987 through April 14, 1997, did Verizon 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:

Subject to and without waiving Defendant's general objections, Defendant admits.

49. *Admit that the "previous balance" entries on the telephone bills sent out by Verizon during the time period from 1987 through April 14, 1997 reflect outstanding charges that remain unpaid from previous telephone bills sent out by Verizon for the same telephone lines.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant denies.

50. *Admit that an amount of zero next to the "previous balance" entry in a Verizon 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 Verizon for the same telephone line have been paid.*

RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant denies.

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

RESPONSE:

Subject to and without waiving Defendant's general objections, admitted.

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

RESPONSE:

Subject to and without waiving Defendant's general objections, admitted.

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

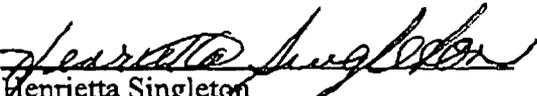
RESPONSE:

Subject to and without waiving Defendant's general objections, Defendant states that, without further investigation, Defendant is unable to admit or deny at this time.

Defendant will supplement this response if and when information becomes available.

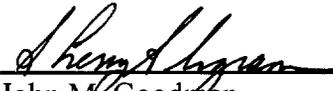
I, Henrietta Singleton, am the Public Communications Manager of the Defendant telephone company and am authorized to make the above interrogatory answers on behalf of the Defendant, now known as Verizon Virginia Inc. The above answers have been prepared with the assistance of counsel and are based on personal knowledge, the personal knowledge of Verizon Virginia Inc. employees, or on information obtained from Verizon records. The answers are true to the best of my knowledge, information, and belief.

VERIZON COMMUNICATIONS

By 
Henrietta Singleton
Public Communications Manager

AS TO OBJECTIONS

Of Counsel:
Michael E. Glover



John M. Goodman
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1320 North Court House Road
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Attorneys for the Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2001, a true copy of the foregoing Defendant's Response to Complainant's First Set of Requests for Admission of Facts and the Genuineness of Documents was hand-delivered to:

Albert H. Kramer, Esquire
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2101 L Street, N.W.
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And copies were hand-delivered on the 27th day of September, 2001, to:

The Honorable Arthur I. Steinberg
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Washington, DC 20554

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David H. Solomon, Chief
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And copies were mailed, first-class mail, postage prepaid, on the 27th day of
September, 2001, to:

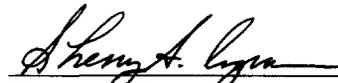
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