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October 16, 2001

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OCT 17 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RE: *WorldCom and AT&T v. Verizon*  
CC Docket Nos. 00-218 and 00-251, *00-249*

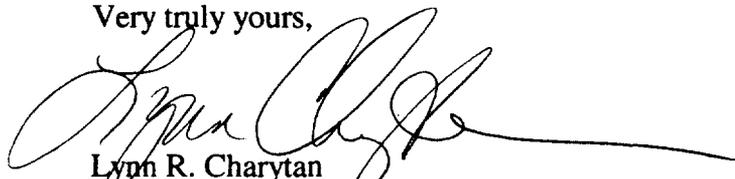
Dear Ms. Salas:

Enclosed for filing in the above-referenced arbitration proceedings, please find Verizon Virginia Inc.'s Opposition to AT&T and WorldCom's Motion to Compel.

Verizon VA is serving 8 copies (and an electronic copy) of the non-public versions of the Response, as well as 2 copies of the public versions, on Commission staff.

Please call me if you have any questions.

Very truly yours,



Lynn R. Charytan  
Attorney for Verizon Virginia Inc.

- cc: Dorothy Attwood (8 proprietary copies, 2 public copies of Opposition to Motion to Compel)
- Mark A. Keffer (1 proprietary and 1 public copy of Opposition to Motion to Compel)
- Jodie L. Kelley (1 proprietary and 1 public copy of Opposition to Motion to Compel)

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*0/14*

David Levy (1 proprietary copy of Opposition to Motion to Compel)  
Allen Fiefield (1 proprietary copy of Opposition to Motion to Compel)

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

**RECEIVED**

OCT 17 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Petition of WorldCom, Inc. Pursuant )  
to Section 252(e)(5) of the )  
Communications Act for Expedited )  
Preemption of the Jurisdiction of the )  
Virginia State Corporation Commission )  
Regarding Interconnection Disputes )  
with Verizon Virginia Inc., and for )  
Expedited Arbitration )

CC Docket No. 00-218

In the Matter of )  
Petition of Cox Virginia Telecom, Inc. )  
Pursuant to Section 252(e)(5) of the )  
Communications Act for Preemption )  
of the Jurisdiction of the Virginia State )  
Corporation Commission Regarding )  
Interconnection Disputes with Verizon )  
Virginia Inc. and for Arbitration )

CC Docket No. 00-249

In the Matter of )  
Petition of AT&T Communications of )  
Virginia Inc., Pursuant to Section 252(e)(5) )  
of the Communications Act for Preemption )  
of the Jurisdiction of the Virginia )  
Corporation Commission Regarding )  
Interconnection Disputes With Verizon )  
Virginia Inc. )

CC Docket No. 00-251

**VERIZON VIRGINIA INC.'S OPPOSITION TO AT&T'S AND WORLDCOM'S  
MOTION TO COMPEL**

Verizon Virginia Inc. ("Verizon") hereby responds as follows to the Motion to Compel Responses served by AT&T and WorldCom on October 16, 2001. The motion to compel is unnecessary. As Verizon informed AT&T on Monday prior to the filing of this motion, Verizon has been working on answering outstanding data requests, including those as to which AT&T has now moved to compel responses, and Verizon explained

that it planned to answer some of those requests on Tuesday. And in fact, Verizon is today serving responses to seven of the 12 requests for which AT&T and WorldCom are seeking to compel responses. Verizon will respond to three others on Thursday and Friday. Verizon is still consulting with its witnesses with respect to the two remaining requests and should be in a position at the hearing to clarify whether it can produce the requested information. In Exhibit 1, Verizon addresses the status of each request raised in the motion.

This motion must be viewed in the context of the voluminous discovery filed in these proceedings. Verizon has responded to more than 1100 discovery requests from AT&T and WorldCom, exclusive of subparts and follow-up questions. This motion concerns all of 12 requests. Accordingly, it is hard to credit AT&T's and WorldCom's complaint that as a result of the 12 outstanding requests addressed in this motion, they have been "compelled" to rely on the "limited information" provided by Verizon. (*Id.* at 3.)

Indeed, as even AT&T and WorldCom acknowledge, some of the requests at issue in the motion are "follow-up data requests" to responses that Verizon previously provided. The motion thus at least in some cases does not even involve any alleged failure by Verizon to respond to the 1100 formal requests served by AT&T and WorldCom. For example, Verizon responded to AT&T's Fourth and Fifth Sets of data requests on July 17. Verizon then provided additional responses on September 7. On September 10 AT&T submitted additional follow up questions to Verizon. Verizon has responded to six of these nine follow up questions, is responding to a seventh today, and should be able to address the status of the remaining two tomorrow. Thus, contrary to

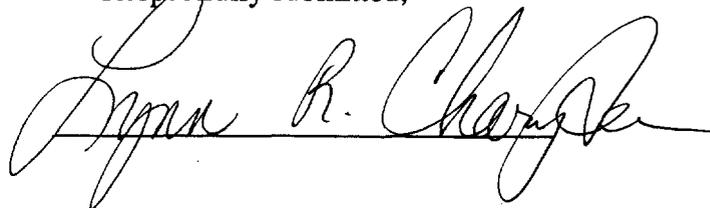
AT&T/WorldCom's contention that Verizon has *not* responded to follow up questions, Verizon has in fact done so, even though these were not formally served or part of any actual filing. Verizon provided responses to AT&T's and WorldCom's follow up questions on September 7, 18, and 27, and October 12 and 15.

In general, Verizon has made a tremendous effort to respond to all of AT&T's and WorldCom's data requests. In some cases responding was difficult due to sheer volume, witness unavailability, and/ or the burdensome nature of the particular request. Now that Verizon has filed surrebuttal testimony and responded to all of AT&T's and WorldCom's 231 discovery requests regarding rebuttal testimony and 110 discovery requests regarding surrebuttal, Verizon has been able to devote additional resources to responding to those few requests that remain outstanding. Given that AT&T and WorldCom themselves are still responding to outstanding data requests from Verizon, it seems particularly ironic that they are complaining about the miniscule fraction of outstanding requests.

**CONCLUSION**

For the foregoing reasons, the motion to compel should be denied.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lynn R. Charytan", written over a horizontal line.

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Of Counsel

Attorneys for Verizon

Dated: October 16, 2001

CERTIFICATE OF SERVICE

I do hereby certify that true and accurate copies of the foregoing Motion for Protective Order were served electronically and by overnight mail this 16th day of October, 2001, to:

Dorothy Attwood (not served electronically)  
Common Carrier Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554\*

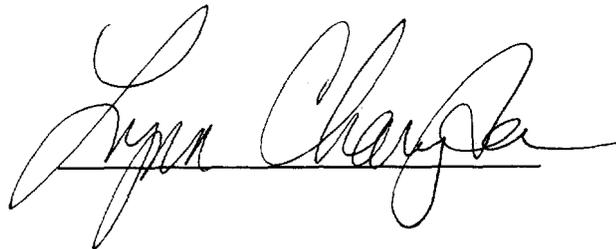
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A handwritten signature in black ink, appearing to read "Lynn Chang", is written over a horizontal line. The signature is cursive and stylized.

\* Served by hand delivery.

**FOLLOW UP QUESTIONS FROM AT&T/WCOM  
TO VERIZON SUBJECT TO MOTION TO COMPEL**

**RECEIVED**  
OCT 17 2001  
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OFFICE OF THE SECRETARY

**AT&T Sets 4 and 5 to Verizon**

In Sets 4 and 5, AT&T requested various line count data from Verizon. Responses were initially due on June 27 and 28, 2001. Verizon initially objected to many of the requests in these sets and, after many conversations between counsel, finally provided the requested information on September 8, 2001. Upon reviewing the information provided, AT&T and WCOM had nine follow-up requests which sought information needed to understand the line count data provided. Three of the nine follow-up requests remain unanswered. They are as follows:

AT&T/WCOM 2      If the answer to question 1 matches Table 1 for the combination of all VZ-VA regions, then please confirm that every customer gets all of the derived channels from each specific service, i.e. the DS1 customer gets the 24 derived channels associated with that DS-1 line.

**AT&T/WCOM Ground for Motion to Compel:**

In Table 1, AT&T requested an explanation regarding how the total DS-0 equivalents matched up to the services Verizon offers (an issue that matters because the derivation of DS-0 equivalent lines from DS-1 and DS-3 lines has been an issue between Verizon and AT&T or WorldCom in this case and other UNE cases in the mid-Atlantic region). To insure that AT&T and WCOM can understand how Verizon counted its lines, we need to understand whether all derived channels for a particular service are associated with that one customer. Without clarification on that point, we cannot meaningfully review the line count data Verizon provided. In the absence of that information, AT&T/WCOM witness Pitkin has made reasonable assumptions regarding Verizon's data. However, AT&T and WCOM would like the requested information so that Mr. Pitkin's testimony can use the Verizon line count data with as clear an understanding of Verizon's accounting methods as possible.

**Verizon Response:**

**Verizon is responding to this request today.**

**\*\*\*Begin Verizon-VA proprietary\*\*\***

AT&T/WCOM 5      Please explain the difference in line counts reported in "Line Counts by WC 1998-2001\_PROPRIETARY.xls" (original response to AT&T DR 4-1) for 2000 (Column G of the "VIRGINIA LINE COUNT 2000" worksheet equal to \*\*\*\*\* and the \*\*\*\*\* special access lines reported in

“ATTRquest5Quest1\_VA1.xls” (DS0, DS1, and DS3s) which is the sum of column I in the worksheet entitled “VA Special Access.”

- a. Are either of these line counts reported on a physical pair basis?
- b. Provide each forecast of special access lines identified in question 5 on a DS-0 equivalent basis.
- c. Lastly compare each of the \*\*\*\*\* and \*\*\*\*\* year 2000 special access line counts to the \*\*\*\*\* special access lines for 2001 reported in response to AT&T’s 4<sup>th</sup> data request, question 4 which are the sum of the TOTAL SPECIAL ACCESS rows (and column c) in each of the following files provided in response to AT&T’s 4<sup>th</sup> data request, question 4. (See AT&T4-4CulpeperVA062001SP.xls, AT&T4-4EasternVA062001SP.xls, AT&T4-4NORVA062001SP.xls, AT&T4-4RichmondVA062001SP.xls, AT&T4-4WesternVA62001SP.xls)

**\*\*\*End Verizon-VA proprietary\*\*\***

AT&T/WCOM Ground for Motion to Compel:

Verizon initially provided some line count information, including a forecast of line count demand, to AT&T and WCOM on July 18, 2001. When Verizon provided complete responses to the data requests in AT&T Sets 4 and 5, Verizon provided revised data, including a revised forecast of line count demand. These questions simply seek to understand what changed and why.

Verizon Response:

**Verizon will respond to this request by Thursday, October 18.**

**\*\*\*Begin Verizon-VA proprietary\*\*\***

AT&T/WCOM 6      Please explain the differences in the DS-1 \*\*\*\*\* and DS-3 special access lines \*\*\*\*\* reported for Verizon-VA year 2000 in Mr. Murphy’s rebuttal testimony at page 34-35 with the DS-1 and DS-3 total line counts reported in Verizon-Response to AT&T 4th data request question 4. (Compared to the \*\*\*\*\* DS-1s and \*\*\*\*\* DS-3’s that reported by Verizon-VA for 2001. Sum the DS-1 and DS-3 services listed in Column C (2001) for all Verizon-VA regional data files. (See AT&T4-4CulpeperVA062001SP.xls, AT&T4-4EasternVA062001SP.xls, AT&T4-4NORVA062001SP.xls, AT&T4-4RichmondVA062001SP.xls, AT&T4-4WesternVA62001SP.xls)

- a. Explain the reason for the difference?
- b. Is this difference attributable to growth?

**\*\*\*End Verizon-VA proprietary\*\*\***

**AT&T/WCOM Ground for Motion to Compel:**

The numbers reported in Verizon witness Murphy's rebuttal testimony are different than the numbers reported in Verizon's September 8, 2001 response to AT&T Sets 4 and 5. We simply seek an explanation that enables us to reconcile the difference between the numbers.

**Verizon Response:**

**Verizon is reviewing this request and will provide any available information by Thursday, October 18.**

**AT&T/WCOM Set 1**

**AT&T/WCOM 1-48:** For each of 1998, 1999 and 2000, identify the number of distribution relief jobs undertaken by Verizon. Provide documentation supporting each distribution relief job (such as Outside Plant Estimate Cases or other expenditure authorization) and showing the number of distribution lines relieved, the number of distribution lines after relief was completed and the total cost of the distribution relief job.

**Verizon Reply:** See response to request 47

**Verizon Reply to AT&T/WCOM 1-47:**

See previously filed general objections. Verizon objects to this question on the grounds that it is overly broad, that it is not likely to lead to the discovery of admissible evidence or information relevant to this proceeding, and that responding to this request would be unduly burdensome.

**AT&T Follow-Up Request to Verizon:**

AT&T and WorldCom sought information regarding Verizon's outside plant estimates. Verizon objected. However, in Maryland, Verizon responded to the exact same data response with approximately 2 inches of relevant materials. If the information was responsive, discoverable, and relevant in Maryland, we cannot understand why it is not so here in Virginia. Please produce the responsive materials.

**AT&T/WCOM Grounds for Motion to Compel:**

AT&T and WCOM sought outside plant estimates from VZ-VA, as they did in the parallel UNE proceeding now pending before the Maryland PSC.<sup>1</sup> AT&T and WCOM believe that, as in the Maryland proceeding, Verizon's documentation of its outside plant

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<sup>1</sup> When Verizon did not produce the documents in Virginia promptly, AT&T and WCOM identified the Maryland data response regarding outside plant estimates for use in this proceeding.

estimate cases is likely to validate AT&T and WCOM's definition of fill factor, indicate the degree of maintenance savings associated with rehabilitation of the plant, indicate the prevalence of defective plant, and shed light on the reasonableness of Verizon's unit cost assumptions for outside plant in this case. To ensure a complete record, AT&T and WCOM need to see the requested information for outside plant estimates in Virginia.

**Verizon Response:**

**Without waiving its objections, Verizon will provide the information AT&T/WorldCom is seeking in the follow up request by Thursday, October 18.**

**AT&T/WCOM Set 3**

**AT&T/WCOM 3-5 through 3-8**

- AT&T/COM 3-5: Provide the definition that Verizon uses to calculate the line counts included in Verizon Communications Investor Quarterly, for each type of lines (i.e. residential, business, single line business, special access lines and public)?
- a. If the definitions have changed within the past 7 years, provide the prior definition(s) and new definition(s) and the years applicable to each definition?
  - b. Explain the difference for which line counts are included in this report, but absent from the 4308 report filed with the FCC?

Verizon Reply to 3-5: See previously filed objections. Verizon VA objects to this request on the grounds that Verizon Communications Investor Quarterly provides data aggregated from the entire Verizon footprint and includes data from the former GTE. This information is therefore irrelevant to this proceeding and not likely to lead to the discovery of admissible evidence.

- AT&T/WCOM 3-6: Do the total special access lines, reported on a DS0- equivalent basis, included in Verizon Communications Investor Quarterly, include the following: resold lines ("TSR"), UNE- P, BRI ISDN, PRI ISDN, Frame Relay, ATM, ADSL, private line under state tariffs, interstate special access lines, lines used for interoffice trunking, fiber rings-SONET for end user or leases, high capacity UNE loop or lines used for specifically by Verizon Virginia for its official business purposes?
- a. How many DS0 equivalents per BRI, ISDN, PRI ISDN, ADSL, fractional DS1, DS1, DS3, OC3 OC12, etc?
  - b. Are leased lines included in the total line count?
  - c. Are unused capacity included in the total?

- d. How is the utilization of high capacity service approximated?
- e. If a high capacity service is going through a CO node, is the service counted twice?
- f. How would Verizon count a leased OC48 ring with 5 connections points that each have 1 DS3 going to an individual customer?

Verizon Reply to 3-6: See previously filed objections. See response to request 3-5.

AT&T/WCOM 3-7: Provide the definition that Verizon uses to calculate the special access line counts reported on Verizon Communications Investor Quarterly?

- a. If the definition has changed within the past 7 years, provide the prior definition(s) and new definition(s) and the years applicable to each definition?
- b. Are these lines leased only by IXCs to meet their POPs?
- c. Do ISPs lease special access lines?
- d. How many line equivalents is one PRI ISDN?
- e. Is unused capacity included?
- f. If an OC48 is partially lit, is it still counted as an OC48?
- g. When an aggregator is leasing OC48 transport services but only using part of the connection for IXC traffic, is it all counted as a special access service?

Verizon Reply to 3-7: See previously filed objections. See response to request 3-5.

AT&T/WCOM 3-8: Do the total switched lines reported on Verizon Communications Investor Quarterly include the following: resold lines ("TSR"), UNE- P, BRI ISDN, PRI ISDN, Frame Relay, ATM, ADSL, or lines used for specifically by Verizon Virginia for its official business purposes?

Verizon Reply to 3-8: See previously filed objections. See response to request 3-5.

AT&T/WCOM Follow-Up Request to Verizon:

In these requests AT&T and WorldCom requested information which Verizon presented in Verizon Communications Investor Quarterly. Verizon objected "on the grounds that Verizon Communications Investor Quarterly provides data aggregated from the entire Verizon footprint and includes data from the former GTE." Verizon claims, therefore, that these requests are irrelevant. Obviously, we disagree. Verizon repeatedly states that there are no financial reports specific to Verizon Virginia. Our only recourse is financials for Verizon as a whole. The simple fact that it reflects GTE information does not make it non-discoverable. Verizon remains free, of course, to argue that any such

information that we may use is irrelevant. Please provide the requested information immediately.

AT&T/WCOM Grounds for Motion to Compel

Line count values are critical inputs for converting aggregate costs into unit costs per line. AT&T and WCOM requested information regarding the Verizon Communications Investor Quarterly because it apparently contains line count information which is different from that on which Verizon relies in this proceeding. Verizon is required to produce some line count information for ARMIS reporting, but not all lines are counted within the ARMIS reports. The line counts Verizon Virginia refers to in its testimony in this proceeding appear to be solely the ARMIS line counts, and exclude the lines that are not required to be reported in ARMIS. If the ARMIS line counts are in fact understated, their use in cost models as a measure output will tend to overstate unit costs. AT&T and WCOM believe that the line counts published by Verizon in its Communications Investor Quarterly may shed light on this issue. To that end, AT&T and WCOM requested the information from the Verizon Communications Investor Quarterly regarding line counts.

Verizon has responded that it will not produce the information regarding the Verizon Communications Investor Quarterly because it contains GTE information as well as Bell Atlantic information. As AT&T and WCOM stated in its follow up request, this objection is irrelevant. That a Verizon business record may contain both requested and unrequested information does not shield the requested information from discovery. Moreover, given that Verizon has repeatedly stated that it does not have financial reports specific to Verizon Virginia, AT&T and WCOM have little recourse but to request information for Verizon as a whole. Verizon cannot have it both ways. It cannot say it does not have Verizon VA specific information and then object to producing overall Verizon information.

Verizon Response:

**Verizon is responding to these requests today.**

AT&T/WCOM 3-15: Please provide a list of all services offered by Verizon-VA, reporting the former Bell Atlantic-VA and GTE-VA separately. At a minimum include POTS, HDSL, ADSL, 2-wire loop, 4-wire loop, PBX, ISDN, Centrex.

- a. For the services identified in above, please provide the number of subscribers for 1998, 1999 2000 and 2001 (YTD and forecasted) for Verizon-VA, reporting the former Bell Atlantic-VA and GTE-VA separately.
- b. For each service identified above, please provide the rates associated with each service for 1998, 1999 2000 and 2001 (YTD and forecasted). To the extent that a rate for a particular service is customer specific, please provide the average rate, the minimum rate and the maximum rate provided by Verizon-VA, reporting the

former Bell Atlantic-VA and GTE-VA separately, for each of the services during each year specified above.

- c. For each service identified above, please provide the capacity of each service, or average capacity, if actual capacity is not available, on a DS-0 equivalent basis for Verizon-VA, reporting the former Bell Atlantic-VA and GTE-VA separately.

Verizon Reply to 3-15: See previously filed objections. Verizon VA objects to this request on the grounds that it is not relevant and is not likely to lead to the discovery of admissible evidence. Verizon VA further objects to this request as overly broad, and responding to it would require a special study and would be unduly burdensome. Verizon VA also objects to supplying information for the former GTE-VA as being not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. Notwithstanding these objections, the services offered by Verizon VA are listed in its publicly available tariffs and interconnection agreements.

AT&T/WCOM Follow-Up to 3-15:

AT&T and WorldCom requested information regarding the subscribers, rates and capacities of the services which Verizon provides. AT&T and WorldCom require this information to analyze the demand inputs used in the cost models. Verizon refused to respond claiming several specific objections. Ultimately, Verizon simply referred to its tariff for a listing of the services offered. This is inadequate. Contrary to Verizon's stated objections, the information requested is directly relevant to the cost models in this case. Please provide the responsive information. If Verizon persists in objecting on the grounds of burden or special study, please call and we can discuss the problem and try to find a way for AT&T and WorldCom to obtain the necessary data.

AT&T/WCOM Grounds for Motion to Compel:

As AT&T and WCOM stated in their follow up request to Verizon, this data request seeks information needed to assess the demand inputs used in the cost models. The number of subscribers, rates and services capacities bear directly on the demand for Verizon's services. Without this information, AT&T and WCOM cannot completely assess the accuracy of Verizon's assertions regarding demand inputs. Verizon should be required to produce the requested information.

Verizon Response:

**Verizon is consulting with its witness on this request and hopes to have responsive data by Friday, October 19.**

AT&T/WCOM Set 9

AT&T/WCOM 9-25: For any account codes used for field installation work, identify the work groups whose activities are booked in those accounts, which activities

are booked in which accounts, and any work done by those groups which is booked to those accounts but which is not included in the NRCM.

Verizon Reply to 9-25: Verizon VA objects to this request on the grounds that the request is not material or relevant to this proceeding or likely to lead to the discovery of relevant or material evidence. Further, it is not clear what purpose is served by detailing work content *not* included in the Verizon VA NRCM. The Verizon VA wholesale NRCM identifies only the non-recurring work activities necessary to provision wholesale UNEs. A list of those non-recurring work activities is contained in Exhibit Part H, Section D.

AT&T/WCOM Follow-Up:

The testimony of both parties shows a debate over whether all activities are properly or improperly included in the various non-recurring models. In fact, Verizon's assertion in the response that its NRCM "identifies only the non-recurring work activities necessary to provision wholesale UNEs" has been challenged by AT&T/WCOM as inaccurate. It is AT&T's position that Verizon has arbitrarily and inappropriately included certain work activities in its NRCM. A list of field installation work activities which Verizon does not include in the NRCM is relevant to this issue and should be produced promptly.

Counsel for Verizon informed counsel for AT&T Monday evening, October 15, 2001, that it will continue to object to this request.

AT&T/WCOM Grounds for Motion to Compel:

AT&T/WCOM's follow-up request succinctly explains the need for the requested information. Both parties have demonstrated that a central issue to be determined in establishing the non-recurring UNE rates is whether all activities are properly or improperly included in the competing non-recurring models.<sup>2</sup> Verizon's bald assertion that its NRCM "identifies only the non-recurring work activities necessary to provision wholesale UNEs" is exactly the assertion that requires Verizon to respond to this request. From the review of the materials provided, AT&T and WCOM have concluded that Verizon has arbitrarily and inappropriately included certain work activities in its NRCM. A list of field installation work activities which Verizon does not include in the NRCM will allow all parties and the Commission to assess whether Verizon appropriately included all field installation activities in its non-recurring model. Verizon should be compelled to respond fully to this request.

Verizon Response:

**Verizon is responding to this request today.**

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<sup>2</sup> By its own actions, Verizon has acknowledged the relevance of this type of request. In Verizon data requests IV-22 and IV-23, Verizon asked AT&T and WCOM to identify all the activities that the AT&T/WCOM NRCM includes in establishing and in disconnecting the cross connect.

AT&T/WCOM 9-35: AT&T and WorldCom request that Verizon provide samples of the information (specifically described in the itemized requests below) produced by and contained in the various OSS as a result of actual orders for the UNE's listed in the table below:

**VZ-NRCM UNE**

<b>VZ-NRCM UNE</b>
1. Two Wire New Initial
84. IDLC Two Wire New Initial
3. Two Wire Hotcut Initial
17. Line Port New Initial
19. Line Port Hotcut Initial
21. EO Trunk Port Initial
36. Two Wire Analog-Digital UNE-P New Initial
38. Two Wire Analog-Digital Conversion UNE-P Initial
41. IOF DS-1
84. IDLC Two-Wire New Initial.
86. IDLC Four Wire New Initial

Verizon Reply to 9-35: Verizon VA objects to each of the elements of this request on the grounds that the request is not material or relevant to this proceeding or, indeed, likely to lead to the discovery of relevant or material evidence. Further, it is not clear what purpose is served by providing OSS data the results of which are already shared with the CLECs on a daily, even hourly, basis, in the normal course of installing unbundled elements. The model already identifies the functions and activities associated with the processing of CLEC requests for service and the associated costs. In addition, UNEs 84 and 86, listed in the request, are not tariffed items. Also, UNEs 17, 19 and 21 have, in fact, yet to be ordered and, therefore, do not have "actual orders" that can be identified.

AT&T/WCOM Follow-up:

Verizon acknowledges that there is responsive material, i.e. samples of the OSS results for the various unbundled elements. Those materials are discoverable and directly relevant to the non-recurring cost associated with installation of certain unbundled network elements. AT&T and WCOM are asking for the material which appears on the computer screens of the Verizon employees. This is not the same information that CLECs receive with daily reports. Verizon should produce the requested samples promptly.

AT&T/WCOM Grounds for Motion to Compel:

AT&T and WCOM requested information regarding data maintained in Verizon's OSS regarding orders for the specific UNEs listed to enable all parties to assess the validity of Verizon's claims regarding fallout. Verizon claims that many orders for UNEs fallout and that the non-recurring costs of manually handling those orders that fallout should be included in the NRCs. In a nutshell, this request merely seeks the support for that claim. Let us review the OSS information for various orders and determine whether (1) orders fallout to the degree Verizon says, and (2) orders that do fallout are not the result of Verizon error or database inadequacies. If provided, information regarding the OSS data for UNE orders would give all parties the opportunity to analyze whether the costs associated with the fallout is appropriately included in the NRCs. The mere fact that a few of the UNEs listed have not yet been ordered is insufficient justification for refusing to produce the information for UNEs that have been ordered. Verizon should be required to provide the information underlying its claim that the costs of high fallout should be included in the NRCs established in this case.

Verizon Response:

**Verizon is consulting with its witness on this request and will provide responsive data on Friday, October 19.**

AT&T/WCOM Set 10

AT&T/WCOM 10-118: Referring to page 53, lines 1-5 of the NRC Panel Rebuttal Testimony regarding technical developments required to support multi-carrier GR303 interfaces, and the failure, to date, to define a comprehensive specification. Please provide all documentation regarding the technical developments to support multi-carrier GR303 interfaces and all specifications that have been defined.

Verizon Reply to 10-118: Verizon VA objects to this data request on the grounds that it is so broadly phrased that it would be impossible to assemble all potentially responsive documents; that compliance with the request would be unduly burdensome; and that the request would require production of materials

that are neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence.

AT&T/WCOM Follow-up:

In an effort to narrow the request and resolve Verizon's claims of voluminous and burdensome, AT&T and WCOM are willing to restrict the request to all documents defining comprehensive specifications since the 1996 Act was passed. The request also sought information regarding specifications that have already been defined. Is Verizon really stating that producing documents regarding already defined specifications is too voluminous and burdensome? Given that Verizon has claimed that GR-303 is technically infeasible in a multicarrier environment, information regarding the efforts to define comprehensive specifications is directly relevant to Verizon's claims.

Please call to discuss the best way to obtain a reasonable universe of responsive documents.

Counsel for Verizon informed counsel for AT&T Monday evening, October 15, 2001, that it will continue to object to this request.

AT&T/WCOM Grounds for Motion to Compel:

The AT&T and WCOM Non-Recurring Cost Model reasonably assumes a network that includes use of GR-303 technology, as do the recurring cost studies the parties submitted. Verizon contends in this case that these assumptions are unrealistic, and that only limited implementation of GR-303 technology is feasible in an unbundled network. To shed light on this issue, AT&T and WCOM requested information in Verizon's possession regarding the use of GR-303 technology, including any defined specifications on its use. Notably, Verizon's response acknowledges that responsive materials exist by claiming it would be too burdensome to produce them.

Moreover, in response to AT&T/WCOM 11-59, provided October 15, 2001, Verizon states: "Verizon VA assumes a 3:1 concentration ratio for all GR-303 customers because it assumes that GR-303 will initially be deployed in environments with relatively high CCS." This statement clearly indicates that Verizon assumes deployment of GR-303 technology. Given Verizon's own admission that GR-303 will be deployed, Verizon almost certainly has documents addressing the specifications for its deployment.

To the extent that Verizon has documents regarding GR-303, particularly documents relating to already defined specifications, Verizon should be required to produce them.

As to Verizon's objection that the request is too burdensome, AT&T and WCOM attempted to narrow the request and invited Verizon to call to discuss the best way to provide responsive documents without undue burden. Verizon has not even attempted to discuss with AT&T and WCOM the possibility of finding a reasonable universe of responsive documents. Verizon has simply persisted in its blanket refusal to provide any responsive documents.

**Verizon Response:**

**Verizon is responding to this request today.**