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AT&T

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DEC 18 2001

December 18, 2001

Magalie R. Salas, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CC Docket No. 00-251, 00-2491
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 State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc.

Dear Ms. Salas:

Enclosed for filing on behalf of AT&T and its affiliates, please find an original and 3 copies of AT&T's Reply to Verizon Virginia Inc.'s Objections to AT&T Response to Record Requests from the 10/04/01 Transcript.

Should you have any questions, please do not hesitate to call.

Sincerely yours,

Mark A. Keffer

cc: Service List
Enclosures

Recycled Paper

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

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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

AT&T's REPLY TO VERIZON VIRGINIA INC.'S OBJECTIONS TO AT&T RESPONSE TO RECORD REQUESTS FROM THE 10/04/01 TRANSCRIPT

In a curious attempt to deprive the Commission of a complete and accurate record, Verizon Virginia Inc. (Verizon) objects to AT&T's November 7, 2001 filing of a document that was captioned "AT&T Response to Record Requests from the 10/04/01 Transcript . . . FCC Record Request 1 (Tr. 551-555)." Despite Verizon's aspersions, AT&T's filing is simply an attempt to fulfill an obligation that it understood it had assumed in connection with the testimony

of its witness Robert Kirchberger on Issues V-3, V-4 and V-4-a. That obligation was to answer the question asked by Commission Staff and to respond to that question accurately and completely. Verizon apparently feels aggrieved by AT&T's answer to Staff's inquiry, but nevertheless has availed itself of the opportunity to respond to AT&T's answer. AT&T does not oppose the Commission accepting Verizon's Objection to AT&T's FCC Record Request 1 into the record as Verizon VA Exhibit 84.

AT&T does not dispute Verizon's descriptions of the process by which record requests were generally raised during the hearing, nor does it disagree with the summary of the cross examination of Verizon witness Gabrielli and AT&T witness Kirchberger concerning the issues of call flow compensation associated with UNE-P customers. However, AT&T does take issue with Verizon's characterization of its filing as "an attempt to bolster the testimony of its witness."[1] When Mr. Kirchberger was asked a question the answer to which he candidly acknowledged that he did not know, he suggested that it would be better for the Commission to have an accurate answer "rather than guess." Tr. at 555. AT&T understood that, as a consequence of this response, it owed the Commission the complete answer that Mr. Kirchberger was unable to provide at the time of the hearing.[2] Verizon contends that it would be inappropriate to admit this information into the record, but makes no pretense about explaining why it would be inappropriate for the Commission to have the answer it sought. It also contends

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[1] Verizon Virginia's Objections To AT&T Response to Record Requests, December 10, 2001 at 2.

[2] Indeed, it was the recollection of Mr. Kirchberger that he had volunteered to "get back to the Commission," rather than guess, about the answer to the question he had been asked. That is all that AT&T's filing was and is. While Verizon makes much of the absence of a memorialization of a formal request for the information, AT&T saw no need to do so since it understood that it owed the Commission an answer. Compare Tr. at 1082, where in a quite similar situation, when a Verizon witness could not answer a question he had been asked, the Commission noted that "it would be helpful to us if we could get some clarification on what Verizon's position is." Verizon provided that clarification in a record request response; see Verizon VA Exhibit 64. There is no reason that it is not equally helpful for the Commission to get the clarification it sought from AT&T on this issue as it was to get the clarification that Verizon provided in its Exhibit 64 on the latter issue.

that it somehow would be unfair to Verizon to close this gap in the record, and defends this point by adding its own clarification and support of its position,[3] thus rendering moot any claims of unfairness.

AT&T's view is that the record is best served by the inclusion of complete information on the issues, rather than gaps and guesses. For that reason, the Commission should accept AT&T's "FCC Record Request 1" as appropriate clarification of the issue. For the same reason, AT&T has no objection to the receipt of Verizon's filing of December 10, 2001 as Verizon VA Exhibit 84.

Respectfully submitted,

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[3] Verizon Objections, supra note 1, at 4, fn.2.

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Reply to Verizon Virginia Inc.'s Objections to AT&T Response to Record Requests from the 10/04/01 Transcript was served via hand delivery, facsimile, Federal Express and/or e-mail this 18th day of December 2001:

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