

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

In the Matter of the Application of NuVox)
Communications of Missouri, Inc., for an)
Investigation into the Wire Centers that Southwestern) Case No. TO-2006-0360
Bell Telephone, L.P., d/b/a AT&T Missouri, Asserts)
are Non-Impaired Under the TRRO.)

**STAFF’S RESPONSE TO ORDER DIRECTING FILING
REGARDING PROCEDURAL PROCESS**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and, for its response to the Commission’s Order directing the parties to state their positions on whether the proceedings in this case should be conducted in one or two phases, states:

1. As the Staff stated during the prehearing conference held June 14, 2006, regarding procedure, the Staff’s primary concern is with quickly obtaining information from the parties through data requests the Staff issues.

2. As the attached objections the Staff has received from Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, in response to data requests the Staff issued to Southwestern Bell reflects, one of Southwestern Bell’s “global” objections is based on the Commission not having yet determined whether to hear this case in one or two phases. As the Staff understands the objection, Southwestern Bell is asserting the Staff should not be entitled to discover now material relevant to phase two of the bifurcated proceeding Southwestern Bell proposes—the facts regarding wire centers.

3. Because Southwestern Bell’s view of a bifurcated proceeding appears to include delaying the discoverability of facts relevant, or potentially relevant, to the second phase, the Staff opposes bifurcating the proceedings in this case.

WHEREFORE, the Staff, for the reasons stated above, the Staff opposes bifurcating the proceedings in this case into two phases.

Respectfully submitted,

/s/ Nathan Williams

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14th day of August 2006.

/s/ Nathan Williams

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OF THE STATE OF MISSOURI**

In the Matter of the Application of NuVox)
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Investigation into the Wire Centers that) Case No. TO-2006-0360
AT&T Missouri Asserts are Non-Impaired)
Under the TRRO.)

**AT&T MISSOURI'S OBJECTIONS TO STAFF'S DATA REQUESTS DIRECTED TO
AT&T MISSOURI**

Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri ("AT&T Missouri"), pursuant to 4 CSR 240-2.090(2), hereby submits its objections to Data Requests ("Requests" or "DRs") submitted to it by the Missouri Public Service Commission's ("Commission's") Staff (Nos. 18 through 38).

GENERAL OBJECTIONS APPLICABLE TO ALL REQUESTS

A. AT&T Missouri objects to the Requests to the extent that they purport to impose any obligations different from, inconsistent with, or in addition to, those imposed under the Rules of Practice and Procedure of the Commission.

B. AT&T Missouri objects to the Requests to the extent that they seek information outside the scope of the FCC's directives stated in its Triennial Review Remand Order.

C. AT&T Missouri objects to the Requests to the extent that they seek documents or information protected by the attorney-client privilege, the attorney work product doctrine or any other applicable privileges or doctrines. Any inadvertent disclosure of such privileged documents or information shall not be deemed to be a waiver of the attorney-client privilege, work product doctrine, or other applicable privileges or doctrines.

D. AT&T Missouri reserves the right to assert additional objections that are later determined to be applicable. In particular, AT&T Missouri reserves the right to assert undue burden objections to particular Requests if an undue burden becomes apparent in the course of attempting to respond to those Requests. Further, AT&T Missouri reserves its right to amend, delete and/or supplement its Responses as may become appropriate in the future.

E. AT&T Missouri objects to the Requests to the extent that they seek to impose an obligation on AT&T Missouri to respond on behalf of subsidiaries, affiliates, or other persons that are not subject to the jurisdiction of the Commission and/or that are not parties to this case, on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

F. AT&T Missouri has interpreted the Requests to apply to AT&T Missouri's regulated intrastate operations in Missouri and will limit its responses accordingly. To the extent that any Requests are intended to apply to matters that take place outside the state of Missouri and which are not related to Missouri intrastate operations subject to the jurisdiction of the Commission, AT&T Missouri objects to such Requests as irrelevant, overly broad and unduly burdensome.

G. AT&T Missouri has employees and maintains business records in many different locations. In the course of its business, AT&T Missouri creates countless documents that are not subject to this Commission's or the FCC's retention of records requirements. These documents may be frequently moved from one site to another as employees change jobs or as the business is reorganized. For these and other reasons, it is possible that not every document will be identified in response to these Requests. AT&T Missouri will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the Requests purport to require more, AT&T Missouri objects on the grounds that compliance would impose an undue burden or expense.

H. AT&T Missouri objects to the Requests to the extent that they seek to have AT&T Missouri create documents not in existence at the time of the Request or are not maintained in the ordinary course of business because such discovery is overly broad and unduly burdensome.

I. AT&T Missouri objects to the Requests to the extent that they seek information and/or documents that AT&T Missouri is in possession of by virtue of its provision of telecommunications services to a CLEC and/or documents which are highly confidential or proprietary within the meaning of the protective order entered in the case, in either of which case AT&T Missouri will produce the information and/or documents only if not objectionable on some other ground and only pursuant to the terms of the protective order entered in this case.

J. AT&T Missouri objects to each and every Request on the ground that each and every Request is unduly burdensome under the present procedural posture of the case. In particular, the Requests were served on AT&T Missouri without the Commission's first having decided whether, as AT&T Missouri maintains, the case should be adjudicated in two separate and distinct phases, i.e., Phase I (regarding the appropriate "methodology to be employed in determining the presence and number of Fiber Based Collocators, and Phase II (a "recount," if necessary). Furthermore, AT&T Missouri objects to those Requests which effectively require that AT&T Missouri formulate its testimony prior to the date on which such testimony must be filed, pursuant to a Commission order prescribing an appropriate Procedural Schedule arrived at through the participation of all parties involved. AT&T Missouri's responses to those Requests to which no general or specific objection is applicable will be prepared as soon as reasonably practicable under the circumstances and may be incorporated into AT&T Missouri's pre-filed Direct Testimony in the event that time and resources do not permit their having been prepared earlier.

K. AT&T Missouri objects to Staff's instructions and definitions to the extent that they seek to impose obligations on AT&T Missouri in excess of those imposed by the

applicable Procedural Rules of the Commission. AT&T Missouri will respond to the Requests in compliance with the applicable Procedural Rules.

L. AT&T Missouri objects to Staff's instructions regarding identification of documents as well as its definition of "documents" to the extent that they inappropriately include documents that are not in AT&T Missouri's constructive or actual possession, custody, or control. AT&T Missouri will produce relevant, responsive information within its constructive or actual possession, custody, or control, in accordance with the applicable Procedural Rules of the Commission.

M. AT&T Missouri objects to the definition of "you" and "your" to the extent that the definition includes AT&T Missouri's parent or any subsidiary or affiliate, and all directors, employees, agents, contractors, representatives, or consultants, and to the extent that Staff defines these terms to include "contractors, agents or others employed by or acting in [AT&T Missouri's] behalf[,]" in that the definition is overbroad, unduly burdensome and oppressive.

SPECIFIC OBJECTIONS

DR 18: On December 16, 2005, AT&T submitted a filing to the FCC in WC Docket No. 05-65 and WC Docket No. 04-313 updating its list of wire centers and their status under the FCC's high capacity loops and transport unbundling rules adopted in the TRRO (letter from Brian Benison to Mr. Tom Navin, Chief, Wireline Competition Bureau, FCC, dated December 16, 2005). Within the filing mentioned above, AT&T stated that it "will provide notice to CLECs and effectuate these changes by issuance of an Accessible Letter and through currently open state proceedings, as appropriate." Please supply copy of Accessible Letter(s) to CLECs along with any supporting documentation supplied to CLECs.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request to the extent that it seeks "any supporting documentation" on the ground that the phrase is vague and overbroad because it does not appear to be confined to documents that were actually supplied to CLECs (by, for example, their having been contemporaneously supplied in conjunction with the referenced Accessible Letter(s) or by their having been referenced by said Accessible Letter(s)). Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 19: Please provide a copy of any data submitted to the FCC in support of the December 16, 2005 filing in WC Docket No. 05-65 and WC Docket No. 04-313.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and to the extent that it requests data which is already part of the FCC's public record compiled in connection with the FCC's WC Docket No. 04-313 regarding Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange carriers and is equally available to Staff.

DR 20: Please provide a copy of all previous filings and supporting data submitted to the FCC outlining AT&T (or SBC) Missouri wire centers and the status of those wire centers under the FCC's high capacity loops and transport unbundling rules adopted in the TRRO.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and to the extent that it requests data which is already part of the FCC's public record compiled in connection with the FCC's WC Docket No. 04-313 regarding Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange carriers and is equally available to Staff. AT&T Missouri further objects to this Request on the ground that it seeks documents not limited to the FCC's WC Docket No. 04-313, and thus is overbroad, irrelevant and unduly burdensome. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 21: Please supply copies of Accessible Letters, related to transport and loop impairment, issued to CLECs on the TRRO prior to December 16, 2005 along with supporting documentation supplied to CLECs.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request to the extent that it seeks "supporting documentation" on the ground that the phrase is vague and overbroad because it does not appear to be confined to documents that were actually supplied to CLECs (by, for example, their having been contemporaneously supplied in conjunction with the referenced Accessible Letter(s) or by their having been referenced by said Accessible Letter(s)). Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 22: Please provide AT&T's interpretation of the definition of "business line" as used in 47 C.F.R. §51.5.

OBJECTION: Subject to and without waiving its General Objections, AT&T Missouri will provide a response to this Request.

DR 23: Please provide AT&T's interpretation of the definition of "fiber-based collocater" as used in 47 C.F.R. §51.5.

- a. What is meant by the term "operates" in this definition?
- b. What is meant by the term "terminates" in this definition?
- c. What is meant by the term "leaves" in this definition?

OBJECTION: Subject to and without waiving its General Objections, AT&T Missouri will provide a response to this Request.

DR 24: Please explain in a general overview the process AT&T Missouri followed in determining the number of fiber-based collocators in AT&T's wire centers, including the steps taken to develop the count of (a) fiber-based collocators and (b) business lines.

OBJECTION: Subject to and without waiving its General Objections, AT&T Missouri will provide a response to this Request.

DR 25: Please supply a copy of December 31, 2003 ARMIS Report. Please supply workpapers and supporting documentation for business lines for each wire center served by AT&T.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to the portion of this Request that seeks "workpapers and supporting documentation for business lines for each wire center served by AT&T[,]" on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 26: Please supply a copy of December 31, 2004 ARMIS Report. Please supply workpapers and supporting documentation for business lines for each wire center served by AT&T.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad. AT&T Missouri further objects to the portion of this Request that seeks "workpapers and supporting documentation for business lines for each wire center served by AT&T[,]" on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 27: Please supply a copy of December 31, 2005 ARMIS Report. Please supply workpapers and supporting documentation for business lines for each wire center served by AT&T.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad. AT&T Missouri further objects to the portion of this Request that seeks "workpapers and supporting documentation for business lines for each wire center served by AT&T[,]" on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 28: For Missouri, please supply a list of Tier 1 wire centers filed by AT&T with the FCC meeting the non-impairment criteria. Please supply the CLLI Code and wire center name.

- a. For each Tier 1 wire center, please identify the number of business access lines.
- b. Please provide a copy of the data provided to the FCC and used to classify as a Tier 1 wire center.
- c. For each Tier 1 wire center, please identify all CLECs collocated in the wire center.
- d. For each Tier 1 wire center, please identify the number of fiber-based collocators. Please identify the name(s) of the entities having fiber-based collocations arrangements.
 - i. For entities identified, did AT&T Missouri identify any entity as a fiber-based collocator based on AT&T's assumption of the entity having an IRU arrangement with AT&T Missouri? If yes, please identify the wire center?
 - ii. From entities identified, did AT&T Missouri identify coax as equivalent to fiber for purposes of wire center classification? If yes, please identify the wire center.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to part (b) this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and to the extent that it requests data which is already part of the FCC's public record compiled in connection with the FCC's WC Docket No. 04-313 regarding Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange carriers and is equally available to Staff. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 29: For Missouri, please supply a list of Tier 2 wire centers filed by AT&T with the FCC meeting the non-impairment criteria. Please supply the CLLI Code and wire center name.

- a. For each Tier 2 wire center, please identify the number of business access lines.
- b. Please provide a copy of the data supplied to the FCC and used to classify as a Tier 2 wire center.
- c. For each Tier 2 wire center, please identify all CLECs collocated in the wire center.
- d. For each Tier 2 wire center, please identify the number of fiber-based collocators. Please identify the name(s) of the entities having fiber-based collocations arrangements.
 - i. For entities identified, did AT&T Missouri identify any entity as a fiber-based collocator based on AT&T's assumption of the entity having an IRU arrangement with AT&T Missouri? If yes, please identify the wire center?
 - ii. From entities identified, did AT&T Missouri identify coax as equivalent to fiber for purposes of wire center classification? If yes, please identify the wire center.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to part (b) of this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and to the extent that it requests data which is already part of the FCC's public record compiled in connection with the FCC's WC Docket No. 04-313 regarding Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange carriers and is equally available to Staff. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 30: Were all wire centers that AT&T classified as non-impaired visually inspected for non-impairment criteria? Please explain.

OBJECTION: Subject to and without waiving its General Objections, AT&T Missouri will provide a response to this Request.

DR 31: Please state whether AT&T Missouri's count of business lines for purposes of wire center classification counted any lines that do not terminate on AT&T Missouri switch? If yes, please state the justification, the name of the CLEC and the number of lines counted by wire centers by UNE-L and UNE-P which do not terminate on an AT&T Missouri switch.

OBJECTION: Subject to and without waiving its General Objections, AT&T Missouri will provide a response to this Request.

DR 32: For Missouri, please supply a list of wire centers that meet the non-impairment threshold for DS1 loops. For each DS1 loops wire center(s) identified above, please identify the number of business access lines in the wire center and the number of fiber-based collocators. Please identify the name(s) of CLECs having fiber-based collocation arrangements.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 33: For Missouri, please supply a list of wire centers that meet the non-impairment threshold for DS3 loops. For each DS3 loops wire center(s) identified above, please identify the number of business access lines in the wire center and the number of fiber-based collocators. Please identify the name(s) of CLECs having fiber-based collocation arrangements.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

DR 34: Please supply a copy of December 31, 2003 Form 477.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad.

DR 35: Please supply a copy of December 31, 2004 Form 477.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad.

DR 36: Please supply a copy of December 31, 2005 Form 477.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and overbroad.

DR 37: Please explain how the special access lines of AT&T (prior to the merger of SBC and AT&T) were reported or considered in the list of wire centers that meet the non-impairment thresholds.

OBJECTION: Subject to and without waiving its General Objections, AT&T Missouri will provide a response to this Request.

DR 38: Please provide the status of any impairment cases in all AT&T states. Please include a copy of any final decisions.

OBJECTION: In addition to its General Objections stated above, AT&T Missouri objects to this Request on the grounds that it requests information publicly available to the Staff. Subject to and without waiving its General and/or Specific Objections, AT&T Missouri will provide a response to this Request.

Submitted: July 26, 2006

SOUTHWESTERN BELL TELEPHONE, L.P.,
D/B/A AT&T MISSOURI

BY 

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