

BEFORE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

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In Re: Aeneas Communications, LLC, Petitioner,
Against Citizens Communications
Company of Tennessee, LLC, Respondent.

Docket No. 02-00438

TN REGULATORY AUTHORITY
DOCKET ROOM

RESPONSE TO CITIZENS TELECOMMUNICATIONS
COMPANY OF TENNESSEE, LLC'S FIRST SET OF DISCOVERY
REQUESTS TO NTCH - WEST TENN., INC.

Pursuant to TRA Rule 1220-1-2-.11, Citizens Telecommunications Company of Tennessee, LLC ("Citizens") is issuing these discovery requests to NTCH - West Tenn, Inc. ("NTCH").

(a) If any response required by way of answer to these requests is considered to contain confidential or protected information, please furnish this information subject to the protective agreement executed by the parties in this docket.

(b) If any response required by way of answer to these requests is withheld under a claim of privilege, please identify the privilege asserted and describe the basis for such assertion.

(c) These requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you.

(d) If any request cannot be responded to in full, answer to the extent possible and specify the reason for your inability to respond fully. If you object to any part of a request, answer all parts of the request to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

(e) These requests require supplemental responses consistent with the provisions of the Tennessee Rules of Civil Procedure.

DEFINITIONS

(a) "You" and "your" means NTCH - West Tenn, Inc., and any affiliated company providing telecommunications service in the State of Tennessee.

(b) "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these Interrogatories information that would not otherwise be brought within their scope.

(c) "Identification" or "identify" when used in reference to: (i) a natural individual, requires you to state his or her full name and residential and business address; (ii) a corporation, requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (iii) a document, requires you to state the number of pages and the nature of the document (e.g., a letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location or custodian; (iv) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

(d) "Switch" means a device composed of hardware and/or software that establishes, manages and releases physical or virtual connections between two or more points in a voice or data transmission system, regardless of the technology employed (e.g., circuit, wireless,

packet, or IP telephony). A "switch" may also perform other functions that enhance the aforementioned connections by providing additional information to or about the parties or devices that are involved in the connections.

DISCOVERY REQUESTS

1. State all facts upon which you base your interest in the outcome of this proceeding or which otherwise support your petition to intervene.

RESPONSE:

Clear Talk acknowledges that it may not be privy to all of the particular details of the dispute between Aeneas and Citizens, but it appears that the dispute raises issues concerning direct versus indirect connections and transit service provided at tandems and end offices. The Tennessee Regulatory Authority could issue a precedent-setting ruling regarding these issues that affects the business interests of Clear Talk and other wireless carriers in Tennessee (i.e., beyond Weakley County). Clear Talk has therefore chosen to intervene in this proceeding in order to provide its position on these vital issues and to monitor the course of the docket, especially to the extent the Tennessee Regulatory Authority may issue a precedent-setting ruling that may eliminate the need for separate or additional proceedings regarding Citizens interconnection policies.

Clear Talk supports carriers' ability to interconnect either directly or indirectly with other carriers depending on the volumes of traffic being exchanged between the ultimate originating and terminating parties. From a networking perspective, it is both inefficient and uneconomic to require a CLEC or CMRS provider to directly interconnect with every ILEC (and every other CLEC and CMRS provider) in a LATA when call traffic volumes do not economically justify

direct connections. It follows that allowing carriers to indirectly interconnect is essential to the development of a competitive marketplace, and consumers are the key beneficiaries of a competitive marketplace.

The federal 1996 Telecommunications Act and the Federal Communications Commission's rules clearly support and codify this position. To wit, section 251(a)(1) of the 1996 Telecommunications Act expressly requires all carriers "to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers." Indeed, the F.C.C. has affirmed the need for indirect interconnection under the 1996 Telecommunications Act, holding that indirect interconnection provides an economic alternative for carriers that do not have market power.¹

Third party carriers *cannot* indirectly interconnect without a third party transit provider. Clear Talk therefore believes that ILECs should be *required* to perform transiting functions for indirectly interconnected carriers at their tandems – not their end office(s) – for small volumes of call traffic. Clear Talk believes that carriers should *not* be required to perform tandem functions at an end office switch. Clear Talk further believes that the originating carrier and the terminating carrier delivering traffic via a tandem should establish an indirect agreement to address inter-carrier compensation issues.

Clear Talk acknowledges that once call traffic volumes exceed a certain level, then it becomes more cost-effective and efficient to establish a direct connection. Once appropriate call traffic volumes are reached, a direct connection avoids the issue of exhausting the transit provider's tandem and avoids incurring transit charges from the tandem provider. However,

when call traffic volumes are small, then the incremental burden imposed on the tandem is very small and a direct connection is not economically viable.

For those carriers seeking to indirectly interconnect with Citizens' network, Clear Talk believes that Citizens should be required to treat its tandem as a tandem. For those carriers (like Clear Talk) seeking to directly interconnect with Citizens' network, Clear Talk believes that Citizens should be required to provide a *single* point of direct interconnection within a local calling area, rather than requiring a carrier to directly connect to *multiple* end offices for purposes of serving one small, local calling area. Clear Talk believes that requiring direct connections to multiple end offices in a small local calling area is commercially unreasonable, if not outright anticompetitive.

2. State all facts and circumstances that you intend to assert in this proceeding that do not directly relate to the ability of customers of Aeneas Communications ("Aeneas") to connect with customers of Citizens in Weakley County, Tennessee or within Citizens' Dresden, Martin and/or Sharon exchanges.

RESPONSE:

See Clear Talk's response to Question 1.

3. Describe the types of services you provide in Weakley County, Tennessee or in areas connected by Extended Area Service ("EAS") routes with Citizens's customers in its

¹ See, e.g., *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996: Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Services Providers*, FCC No. 96-325 (rel. 8/1/96), 11 FCC Rcd 15499.

Dresden, Martin and Sharon exchanges and the number of customers you serve within such areas.

RESPONSE:

Clear Talk provides voice-only PCS service in this area. Clear Talk cannot accurately estimate the number of customers that might be served in this area because landline telephones (i.e., Citizens' customers) cannot currently call Clear Talk's wireless customers. Clear Talk is informed that Citizens will require Clear Talk to provide *all* necessary trunking to allow a Citizens' landline customer to be able to call a Clear Talk wireless customer.

4. If you contend in this proceeding that your customers have had dropped or uncompleted calls because of connectivity issues with Citizens, with respect to such dropped or uncompleted calls, please (a) identify all dropped or uncompleted calls, by time, date, caller (including telephone number), recipient or intended recipient (including telephone number), location of caller, location or recipient/intended recipient, type of call (e.g. voice, internet, other), and (b) state your understanding as to the reason for the dropped calls.

RESPONSE:

Clear Talk does not contend that any of its customers have experienced dropped or incomplete calls as a result of connectivity issues with Citizens. Rather, Clear Talk believes that Citizens' customers in Martin, Sharon and Dresden, Tennessee have been *unable* to reach Clear Talk's wireless customers in those areas. Hence, any connectivity issues arise because Citizens customers cannot call Clear Talk wireless customers. Because those calls never reach Clear Talk customers, Clear Talk has no way to identify or measure those calls; i.e., as the terminating

carrier, Clear Talk cannot collect data on calls that are blocked or not completed by the originating carrier (Citizens). Clear Talk is further informed that Citizens itself may not have the capability to measure the originating call traffic of its own customers, and therefore Citizens may therefore be unable to provide data regarding dropped or incomplete calls attempted by Citizens' customers.

5. For each recipient or intended recipient identified in your response to request number 4, please state the volume of monthly volume of calls (by calls, minutes, amount of data, and any other measurement kept by you) received by that customer from NTCH customer(s) in Weakley County, Tennessee or in an area connected by an EAS route to Citizens' customers in Citizens' Dresden, Martin or Sharon exchanges..

RESPONSE:

See Clear Talk's response to Question 4.

6. With respect to your customer(s) identified herein that have had calls dropped or uncompleted because of the connection with Citizens' customers, please state the frequency of such occurrence(s), including but not limited to a ratio of completed calls to uncompleted calls to each affected NTCH customer.

RESPONSE:

See Clear Talk's response to Question 4.

7. Describe your interconnection arrangement(s) with other telecommunication providers in Tennessee, including a description of the contractual agreements and the type of connection/switch. Also, provide a copy of all agreements identified herein, including your agreement(s) with BellSouth.

RESPONSE:

Clear Talk objects to this request on the basis that such request is overbroad, seeks information that is irrelevant to this proceeding, seeks documents available as public records, and is apparently intended to vex, annoy and harass Clear Talk. To the extent Citizens seeks a legal synopsis of Clear Talk's interconnection agreements, Clear Talk objects on the basis that the request seeks attorney work product. Without waiving the foregoing objections, Clear Talk responds as follows:

Clear Talk has entered into the following interconnection agreements in Tennessee:

TRA Docket No. 02-00237: Citizens and NTCH-West Tenn, Inc.

TRA Docket No. 01-00073: Citizens and NTCH-ET, Inc.

TRA Docket No. 01-00575: United Telephone Southeast (Sprint) and NTCH-West Tenn, Inc. and NTCH-ET, Inc.

8. To the extent you have not already done so, please quantify the number of customers and monthly volume of calls (including number of calls, minutes, bytes of information, and any other measured quantity) affected by the manner in which calls are currently routed from Citizens' customers to your customers.

RESPONSE:

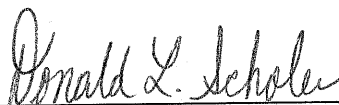
See Clear Talk's response to Question 4.

9. Please provide all documents that evidence or relate to your responses to the foregoing requests.

RESPONSE:

Clear Talk objects to this request on the basis that the request seeks documents that are equally available to Citizens as public records. See Clear Talk's response to Questions 1 and 7.

Respectfully submitted,



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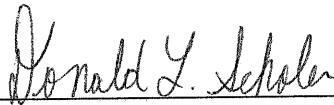
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 28th day of January, 2003.

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