

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: UNITED TELEPHONE-SOUTHEAST)
INC. d/b/a EMBARQ CORPORATION)
TARIFF FILING TO INCREASE RATES IN) **DOCKET NO. 07-00269**
CONJUNCTION WITH THE APPROVED)
2007 ANNUAL PRICE CAP FILING)
)

CONSUMER ADVOCATE'S SECOND SET OF DISCOVERY REQUESTS

Robert E. Cooper, Jr., the Attorney General & Reporter for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118 and the Tennessee Rules of Civil Procedure, respectfully submits these discovery requests to United Telephone-Southeast, LLC. d/b/a Embarq Corporation ("Embarq" or "Company").

This Discovery Request is hereby served upon Embarq, pursuant to Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11. We request that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate and Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o Ryan McGehee.

PRELIMINARY MATTERS AND DEFINITIONS

Each discovery request calls for all knowledge, information and material available to Company, as a party, whether it be Company's, in particular, or knowledge, information or material possessed or available to Company's attorney or other representative.

These discovery requests are to be considered continuing in nature, and are to be supplemented from time to time as information is received by Company which would make a prior response inaccurate, incomplete, or incorrect. In addition, the Attorney General requests that Company supplement responses hereto with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert at hearing, the subject matter on which the expert is expected to testify, and the substance of the expert's testimony.

These discovery requests are to be interpreted broadly to fulfill the benefit of full discovery. The singular of any discovery request includes the plural and the plural includes the singular. To assist you in providing full and complete discovery, the Attorney General provides the following definitional guidelines.

The terms "and" and "or" shall be construed conjunctively or disjunctively as necessary to include any information that might otherwise be construed outside the scope of these requests.

The term "communication" means any transmission of information by oral, graphic, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, or otherwise.

For purposes of these discovery requests, the term "you" shall mean and include: Embarq, United Telephone-Southeast, LLC. and all employees, agents and representatives thereof.

The term "person" or "persons" as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever. Where a company or organization is the party being served, all

responses must include the company's response. Moreover, the company's designated person for responding must assure that the company provides complete answers. *A complete answer must provide a response which includes all matters known or reasonably available to the company.*

The term "identity" and "identify" as used herein, with respect to any person, means to provide their name, date of birth, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to an entity, those terms mean to provide the name by which said entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, those terms mean to provide the date of the document, the nature of the document, the title of the document, the reference number (if any) of the document, and the current location of the document, including the identity of the person or entity in possession of the document.

The term "document" as used herein, means any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, workpaper, spreadsheet, note, photograph, tape recording, computer disk or record, or other data compilation in any form without limitation. Produce the original and each copy, regardless of origin or location, of any book, pamphlet, periodical, letter, note, report, memorandum (including memoranda, note or report of a meeting or conversation), spreadsheet, photograph, videotape, audio tape, computer disk, e-mail, or any other written, typed, reported, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was, but is no

longer, in your possession, custody, or control. If any such document was, but no longer is, in your possession or control, state what disposition was made of it and when. If a document exists in different versions, including any dissimilar copies (such as a duplicate with handwritten notes on one copy), each version shall be treated as a different document and each must be identified and produced.

If you produce documents in response to these discovery requests, produce the original of each document or, in the alternative, produce a copy of each document and identify the location of the original document. If the “original” document is itself a copy, that copy should be produced as the original.

If any objections are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege asserted.

If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

If any of the interrogatories are not answered on the basis of privilege or immunity, include in your response to each such interrogatory a written statement evidencing:

- (a) the nature of the communication;
- (b) the date of the communication;
- (c) the identity of the persons present at such communication; and
- (d) a brief description of the communication sufficient to allow the Authority to rule on a motion to compel.

If, for any reason, you are unable to answer a discovery request fully, submit as much information as is available and explain why your answer is incomplete. If precise information

cannot be supplied, submit 1) your best estimate, so identified, and your basis for the estimate and 2) such information available to you as comes closest to providing the information requested. If you have reason to believe that other sources of more complete and accurate information exist, identify those sources.

If any information requested is not furnished as requested, state where and how the information may be obtained or extracted, the person or persons having knowledge of the procedure and the person instructing that the information be excluded.

1. On July 1, 2008, Mr. Mark C. Hunter filed direct testimony on behalf of Embarq in this proceeding. On page 9 of Mr. Hunter's testimony, he expresses that the "current situation", in which Embarq is required to provide a call allowance while CLECs are not, is anti-competitive. Is it the company's position that a D.A. call allowance hinders it from competing against CLECs? If so, please explain how.

RESPONSE:

2. In Docket 05-00251, Bristol Tennessee Essential Services ("BTSE") sought a certificate of convenience and necessity to provide telecommunication services in Tennessee as a CLEC. Embarq was a party to that docket. Did Embarq raise the issue of call allowances being "anti-competitive" if CLECs, such as BTSE, were not required to provide call allowances? If the issue was not raised, please explain why it was not raised.

RESPONSE:

3. In Docket 96-01423, when Embarq was first required to provide call allowances, did the

company ever raise the issue that call allowances required of price cap regulated companies are “anti-competitive” or hinder the ability of Embarq to compete?

RESPONSE:

4. Is Embarq aware of any complaint having been filed before the TRA on the grounds that call allowances provided by AT&T and Embarq are “anti-competitive”? If so, identify and/or reference the company and/or entity that filed the complaint and the corresponding docket number if the information is available to the company.

RESPONSE:

5. In responding to this discovery request, please reference page 9, lines 16-22 and page 10, lines 1-8 of Mr. Hunter’s direct testimony. On page 10, Mr. Hunter states that price cap regulated companies “buy down local directory assistance call allowances in order to more closely match their services with those of competitors”. Please explain the term “buy down” in the context in which Mr. Hunter applies the term in his testimony.

RESPONSE:

6. In responding to this discovery request, please reference page 9, lines 16-22 and page 10, lines 1-8 of Mr. Hunter’s direct testimony. On page 10, Mr. Hunter states that price cap regulated companies “buy down local directory assistance call allowances in order to more closely match their services with those of competitors”. Is it the company’s position that the D.A. call allowance must be lowered, while the rate has been raised, in order to more closely match the services of Embarq’s

competitors? If not, please explain why?

RESPONSE:

7. In responding to this discovery request, please reference page 9, lines 16-22 and page 10, lines 1-8 of Mr. Hunter's direct testimony. On page 10, Mr. Hunter states that price cap regulated companies "buy down local directory assistance call allowances in order to more closely match their services with those of competitors". Please explain how a reduction in the call allowance will make the telecommunications market in which Embarq is a member more competitive? If it will not make the telecommunications market more competitive, please explain the company's position as to why not?

RESPONSE:

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complaint and Petition to Intervene was served on the party below via facsimile, U.S. Mail, hand delivery, commercial delivery, or e-mail, on the 8 day of July, 2008.

Edward Phillips, Esq.
Embarq Corporation
1411 Capital Boulevard
Wake Forest, NC 27587-5900



Ryan L. McGehee
Assistant Attorney General