



Embarq  
Mailstop: NCWKFR0313  
14111 Capital Boulevard  
Wake Forest, NC 27587  
embarq.com

July 8, 2008

Chairman Eddie Roberson  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

filed electronically in docket office on 07/08/08

Re: United Telephone Southeast LLC ("Embarq") Second Set of Interrogatories and  
Requests for Production of Documents to the Consumer Advocate and Protection  
Division

Docket No. 07-00269

Dear Chairman Roberson:

Enclosed are an original and four (4) copies of the Second Set of Interrogatories and  
Requests for Production of Documents of United Telephone Southeast LLC d/b/a Embarq  
("Embarq") to the Consumer Advocate and Protection Division in the above-referenced Docket.  
Embarq has already filed this petition electronically and this letter is the required follow-up to  
that filing.

Please do not hesitate to contact me with any questions concerning this matter.

Sincerely yours,

Edward Phillips

HEP:sm

Enclosure

cc: Office of the Tennessee Attorney General

Edward Phillips  
COUNSEL  
Voice: (919) 554-7870  
Fax: (919) 554-7913  
edward.phillips@embarq.com

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

In Re:	)	
	)	
United Telephone-Southeast, Inc. d/b/a Embarq	)	Docket No. 07-00269
Tariff Filing to Increase Rates in Conjunction With	)	
the Approved 2007 Annual Price Cap Filing	)	
	)	

**UNITED TELEPHONE SOUTHEAST LLC ("EMBARQ") SECOND SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
THE CONSUMER ADVOCATE AND PROTECTION DIVISION**

Pursuant to Authority Rule 1220-1-2-.11 and the Hearing Officer's Order Setting Procedural Schedule entered on March 26, 2008, and the modifications to the schedule agreed to by the parties on June 24, 2008, United Telephone Southeast LLC ("Embarq") submits these discovery requests to the Consumer Advocate and Protection Division, Office of the Attorney General ("Consumer Advocate"). Embarq requests that the Consumer Advocate provide its answers to these discovery requests to Embarq's counsel, Edward Phillips at 14111 Capital Boulevard, Wake Forest, North Carolina, 27587-5900.

(a) If any response required by way of answer to these requests is considered to contain confidential or protected information, please furnish the requested information when a protective order has been entered in this docket and the appropriate non-disclosure agreements have been executed by the parties.

(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) 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.

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

### **DEFINITIONS**

“You,” “your” or “Consumer Advocate” refers to the Consumer Advocate and Protection Division, Office of the Attorney General, and the employees, agents, representatives, members or consultants of the Consumer Advocate and Protection Division, Office of the Attorney General.

“Representative(s)” means those persons, past and present not in the direct employment of the Consumer Advocate including outside counsel, who represent or represented the interests of Consumer Advocate in matters related to this proceeding.

“Employee(s)” means those persons in the direct employment of Consumer Advocate, past and/or present.

“Person” and “persons” include individuals, firms, partnerships, associations, trade associations, corporations, government entities, or other groups, however organized.

“Document” or “documentation” means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, e-mail, facsimile (“fax”), cable, report, recording, contract, agreement, study, handwritten note, drawing, sketch,



graph, index, list, tape, photograph, microfilm, data sheet or data processing tape, disk, file stored on computer, or any other written, recorded, transcribed, punched tape, filmed or graphic matter, however produced or reproduced, which is in your possession, custody, control or otherwise accessible to you or which was, but is no longer, in your possession, custody or control.

“Identification” or “identify” when used in reference to: (i) a document other than a contract or agreement means to state: (1) its date; (2) its author; (3) the type of document; (4) its title; (5) its present location; (6) the name of each of its present custodians; (ii) a contract or agreement, means: (1) state the date of its making; (2) identify the parties thereto; (3) state whether the contract is oral or in writing; (4) state fully and precisely and separately all of the terms of said contract; (iii) a person other than an individual, means to state: (1) its full name; (2) its nature of organization, including the name of the state or country under the laws of which it was organized; (3) the address of its principal place of business; and (4) its principal line of business; (iv) a communication, requires you, if any part of the communications 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.

“Possession, custody or control” includes actual constructive possession. Any document which is not in your immediate physical possession, but to which you have or had a right to compel or secure production from a third person or which is otherwise subject to your control, shall be obtained and produced as directed.

“Relate to” means concern, consist of, refer to, pertain to, reflect, evidence, or to be in any way logically or factually connected with the matter discussed.

“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 anything that would not otherwise be brought within their scope.

“Concerning” shall mean comprising, describing, evidencing, referring to, responding to, quoting, or pertaining in any way to any part of a specified subject matter and/or to the contents or subject matter of any document including the specified subject matter.

“Communication” includes, without limitation of its generality, correspondence, statements, agreements, contracts, discussions, conversation, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as e-mail, intercoms, telephones, television or radio, data systems, and electronic reproductions and delivery systems.

### **INSTRUCTIONS**

These Interrogatories and Requests for Production of Documents are to be answered with reference to all information in your possession, custody or control or reasonably available to you. When the information requested by an Interrogatory varies over time, state the response for each period of time as to which the response differs, and identify the time periods. If you cannot answer an Interrogatory in full after exercising due diligence to secure all the information requested, or do not have precise information with regard to any part of any Interrogatory, you should so state in your response, describing in full your effort to obtain the information requested, and then proceed to respond to the fullest extent possible. If you object to any part of any Interrogatory, answer all parts of the Interrogatory 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.

These Interrogatories and Requests for Production of Documents are continuing in nature. Thus, in the event that you obtain additional information with respect to any Interrogatory and Request for Production of Documents after it has been answered, you are required to supplement your response promptly following receipt of such additional information, giving the additional information to the same extent as originally requested. If you are unwilling to supplement your responses, please so state giving the legal basis for your refusal.

In the event that you assert that any requested information is not available in the form requested, in your written response thereto, you should disclose the following:

- a. The form in which the requested information currently exists (identifying documents by title or description); and
- b. The earliest dates, time period, and location that representatives of Embarq may inspect your files, records or documents in which the information currently exists.

For each Interrogatory and Request for Production of Documents answered, provide the name, business address(es) and telephone number(s) of the person or persons answering, the title of such person(s), and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response. If you do not intend to call or present a witness who is prepared to testify concerning the matters contained in any response, please so state.

## **INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please identify each person whom you expect to call as an expert witness at the hearing on the merits in this docket, and for each such expert witness his or her qualifications.

RESPONSE:

2. Please produce copies of all documents, summaries, charts, trade articles, journals, treatises, publications, workpapers, file notes, chart notes, tests, test results, interview notes, and consultation notes provided to, reviewed by, utilized by, relied upon, created by, or produced by any proposed expert witness in evaluating, reaching conclusions or formulating an opinion in this matter.

RESPONSE:

3. Please produce copies of all documents referred to or relied upon in responding to these discovery requests.

RESPONSE:



4. Please produce copies of all hearing exhibits that you plan to introduce, use, or reference at the hearing on the merits in this docket.

RESPONSE:

5. Please produce copies of all documents -- including, without limitation, workpapers, spreadsheets, summaries, charts, notes, exhibits, articles, journals, treatises, periodicals, publications, reports, records, statements, Internet web pages, or financial information -- that you contend support the factual assertions, conclusions, or opinions of any of your witnesses in this matter.

RESPONSE:

6. Please produce copies of all documents -- including, without limitation, workpapers, spreadsheets, summaries, charts, notes, exhibits, articles, journals, treatises, periodicals, publications, reports, records, statements, Internet web pages, or financial information -- relied upon by any of your witnesses in evaluating, reaching conclusions, or formulating an opinion in this matter.

RESPONSE:



7. Please produce copies of all documents -- including, without limitation, workpapers, spreadsheets, summaries, charts, notes, and exhibits -- created by or for or prepared by or for any of your witnesses in evaluating, reaching conclusions, or formulating an opinion in this matter.

RESPONSE:

8. Please identify all information, documents and things filed in the present docket record, including all responses to discovery of the parties and data request of the Tennessee Regulatory Staff, which the Consumer Advocate produced in this docket and does not agree to stipulate to the authenticity of such information, documents and things in this proceeding. For each separate piece of information, documents and things which Consumer Advocate produced in this docket and Consumer Advocate contends is not admissible as evidence, describe in specific detail any objection(s) Consumer Advocate claims as to admissibility into the evidentiary record in this docket.

RESPONSE:

9. Please provide all Excel (or other data files) containing the information provided in response to these requested items.

RESPONSE:

10. Please identify all alternatives known to and/or documented by the Consumer Advocate that are available to Embark's residential customers for access to free directory assistance service within the company's Tennessee service area.

RESPONSE:

11. Provide any information about billing or service complaints concerning Embark's directory assistance service the Consumer Advocate is aware of, including any complaints to the Tennessee Regulatory Authority, Better Business Bureau or other consumer complaint gathering agency or organization.

RESPONSE:

12. Provide copies of all documents in possession of the Consumer Advocate that document, pertain or indicate the scope of, estimate and/or factual documentation of internet access and service penetration within Embarq's Tennessee Service area.

RESPONSE:

13. At pages 2-3 of Michael D. Chrysler's Direct Testimony, Mr. Chrysler stated he had doubts about the accuracy of the 1-800-Free-411 service and explained that a "random sampling reveals that this service could not provide listing information for some listings that are already in Embarq's published directories." Please provide: (a) all notes concerning the name and number of the directory assistance inquiries made in the random sampling; (b) the number of inquiries made; (c) identify by whom and when the inquiries were made; and (d) whether the inquiries were made using the service's website or 1-800 number.

RESPONSE:

14. For each witness the Consumer Advocate intends to call as an expert witness at the hearing on the merits in this docket, please describe that person's training and experience working in the telecommunications area. Particularly describe any training, experience and employment duties that pertains to telecommunications. List the dates of all training, experience and employment duties. Particularly list any recent training, experience or employment duties that pertain to the current competitive telecommunications environment and alternative regulatory approaches.

RESPONSE:



Respectfully submitted this 8<sup>th</sup> day of July, 2008.



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Edward Phillips

Attorney

United Telephone Southeast LLC d/b/a Embarq

14111 Capital Boulevard

Mailstop: NCWKFR0313

Wake Forest, NC 27587

Telephone: 919-554-7870

Fax: 919-554-7913

Email: [edward.phillips@embarq.com](mailto:edward.phillips@embarq.com)

TN B.P.R. No. 016850

## CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Second Set of Interrogatories and Requests for Production of Documents of United Telephone Southeast LLC d/b/a Embarq ("Embarq") to the Consumer Advocate and Protection Division by depositing a copy in the United States Mail, first-class postage prepaid.

This 8<sup>th</sup> day of July, 2008.

Ryan L. McGehee  
Assistant Attorney General  
Office of the Tennessee Attorney General  
Consumer Advocate and Protection Division  
P. O. Box 20207  
Nashville, TN 37202-0207

  
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Edward Phillips  
United Telephone Southeast LLC