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Embarq
Mailstop: NCWKFR0313
14111 Capital Boulevard
Wake Forest, NC 27587-5900
embarq.com

April 2, 2008

filed electronically in docket office 4/2/2008

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

Re: United Telephone Southeast LLC's ("Embarq") First 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 First 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: Tennessee Attorney General & Reporter
Office of the Tennessee Attorney General

Edward Phillips
ATTORNEY
Voice: (919) 554-7870
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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'S ("EMBARQ") FIRST 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, 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 UTSE 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) Explain in full why the Consumer Advocate did not intervene and/or object to the tariff filing in Tennessee Regulatory Authority (“Authority”) Docket No. 06-00232 that allowed BellSouth to lower its local directory assistance (“DA”) monthly allowances from three to one?

RESPONSE:

- 2) Did the Consumer Advocate have any discussions with BellSouth Telecommunications, Inc. concerning Docket No. 06-00232 or the local DA allowances reduction included in the docket prior to the Authority’s final decision in that docket?

RESPONSE:

- 3) The Authority’s April 17, 2007 Order in Docket No. 06-00232 at pages 5-6 includes the rationale set forth below that supports BellSouth’s reduction of its local DA monthly allowances from three to one. Explain in full (a) whether the Consumer Advocate takes exception to any part of this rationale as applied to BellSouth Telecommunications, Inc. (now AT&T Tennessee) and (b) why this rationale is not equally applicable to Embarq.

“Initially, the TRA approved a six DA call allowance in 1997 due to the fact that many telephone numbers were not published in the printed directory. Some numbers had been excluded in the printed directory at a subscriber’s request (i.e., a non-published listing), and some were inaccurate or did not appear because new numbers were obtained after the directory was printed (e.g., a new customer or customer move). Accordingly, it was necessary that customers call DA in order to obtain telephone numbers for those subscribers whose numbers did not appear in the printed directory but were still available via directory assistance.

“While some telephone numbers are not available in the printed directory today, the evolving dynamics of the communications environment enables many, if not most, consumers to obtain subscribers’ telephone numbers, not available in the printed directory, by alternative modes. For example, many telephone numbers are available through various internet search engines. Additionally, ever expanding bases of consumers have cellular telephones and electronic mail addresses (e-mail) by which they can be contacted in the event of a change to their landline telephone number. These expanding avenues of communication facilitate the acquisition of landline telephone numbers, and reduce dependency on DA for the procurement of telephone numbers that are not in the printed directory.

“Further, the majority of BellSouth’s competitors have no restrictions on the DA services they offer, including the number of call allowances. In fact, most competing local exchange company’s (“CLECs”) do not have call allowances and charge for every DA request. BellSouth’s consumers are permitted one free DA call per month. Given the variety of existing methods from which to acquire telephone numbers in today’s environment, the Authority finds the tariff reasonable and not adverse to the public interest. BellSouth will continue to provide its DA service at no charge to physically and visually disabled customers, and to customers sixty-five years or older who request an exemption.”

RESPONSE:

- 4) Will the Consumer Advocate stipulate that the tariff of Charter Communications presently on file with the Authority, includes no monthly allowances for local DA (not including exemptions for disabilities)?

RESPONSE:

- 5) In its brief filed January 31, 2008 the Consumer Advocate stated at page 5 that the “churn” rate in Embarq’s territory was relevant to the issue of local DA allowances. Please provide any studies the Consumer Advocate has performed or has in its possession that show the churn rate of telecommunication carriers in Tennessee.

RESPONSE:

- 6) The Consumer Advocate also stated in its brief filed January 31, 2008 at page 5 that issues surrounding DA service for disabled consumers and those over age 65 and older require discovery. Will the Consumer Advocate stipulate that Embarq’s tariff filing reducing the number of allowances from three to one does not affect the local DA exemptions Embarq currently provides for disabled and elderly customers?

RESPONSE:

- 7) The Consumer Advocate stated in its brief filed January 31, 2008 at page 9 that:

“Embarq, AT&T and Citizens Telecom – Tennessee are very different companies in terms of service area and number of customers. In this regard, they are far from similarly situated. In setting D.A. public policy, the agency may take into consideration the vast differences between the companies in coming to a decision that services the public interest.”

Please explain the factors the Consumer Advocate believes makes these companies so vastly different and also articulate the nexus between those differences and a policy of establishing different standards for local DA calling allowances among these incumbent carriers.

RESPONSE:

- 8) Please explain how the public interest is advanced by enforcing different standards for local DA calling allowances between incumbents and competitive local exchange carriers that serve similarly situated customers in the same geographic areas.

RESPONSE:

- 9) The Consumer Advocate stated in its Response filed March 10, 2008 at page 16 that there should be a relationship between the rate for local DA and the number of DA allowances required. If in fact a higher charge makes the number of allowances that much more important, then please explain in full why AT&T is allowed to offer only one allowance and charge \$1.35 per inquiry while Embarq's current rate for local DA is \$.95 per inquiry and the Consumer Advocate is attempting to keep Embarq's DA allowances at three per billing cycle.

RESPONSE:

- 10) Please provide any and all documents in the Consumer Advocate's possession or identify such documents the Consumer Advocate has knowledge of concerning DA call allowances for other incumbent local exchange carriers and competitive local exchange carriers operating in Tennessee.

RESPONSE:

Respectfully submitted this 2nd day of April, 2008.



Edward Phillips

Attorney

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TN B.P.R. No. 016850

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing First 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 2nd day of April, 2008.

Robert E. Cooper, Jr.
Tennessee Attorney General & Reporter
Office of the Tennessee Attorney General
P. O. Box 20207
Nashville, TN 37202-0207

Ryan L. McGehee
Assistant Attorney General
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Edward Phillips
United Telephone Southeast LLC