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OFFICE OF THE  
EXECUTIVE SECRETARY

April 12, 2002

Mr. David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re: *Docket No. 97-00409: All Telephone Companies Tariff Filings  
Regarding Reclassification of Pay Telephone Service.  
UTSE Discovery to TPOA- 2<sup>nd</sup> Set*

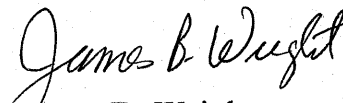
Dear Mr. Waddell:

Enclosed for filing are an original and thirteen copies of United Telephone-Southeast, Inc.'s Second Set of Discovery to the Tennessee Payphone Owners Association (non-proprietary version).

This discovery contains proprietary information. The proprietary information has been removed from the thirteen copies. A separate copy of the discovery containing the proprietary information is enclosed in accordance with the Protective Order entered in this case. Copies are being served on counsel of record.

Please contact me if you have any questions.

Sincerely,

  
James B. Wright

cc: Parties of Record (with enclosure)  
Laura Sykora  
Kaye Odum

CERTIFICATE OF SERVICE; DOCKET 97-00409  
(Tariffs regarding Reclassification of Pay Telephone Service)

The undersigned hereby certifies that a copy of United's Second Set of Discovery was served upon the following parties of record by fax or by depositing a copy thereof in the U.S mail addressed as follows:

Henry Walker  
Boult, Cummings  
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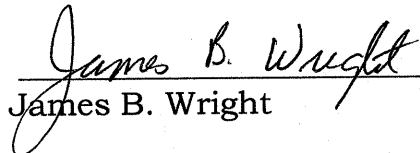
Guilford R. Thornton, Jr. Esq.  
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Nashville, TN 37219-1777

April 12, 2002

  
James B. Wright

**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

IN RE: All Telephone Companies Tariff Filings Regarding Reclassification of  
Pay Telephone Service as Required by FCC Docket 96-128

DOCKET NO. 97-00409

**SECOND SET OF DISCOVERY REQUESTS OF  
UNITED TELEPHONE-SOUTHEAST TO TPOA**

Comes now United Telephone-Southeast, Inc, ("United" or "Sprint") and propounds this Second Set of Discovery Requests to the Tennessee Payphone Owners Association ("TPOA").

Please respond to the following interrogatories, requests for production of documents and request for admissions by April 18, 2002 in accordance with the discovery schedule established in the March 14, 2002 Order Setting Procedural Schedule issued in this case.

As United stated in its instructions to its First Set of Discovery, all interrogatories and requests for production of documents are continuing in nature and require supplemental responses should information later become known or available. United asks the TPOA to review its previous responses to United's First Set and supplement as necessary.

**INTERROGATORIES**

1) The Supplemental Response of Tennessee Payphone Owners Association to Discovery Requests of United Telephone- Southeast, Inc. dated April 9, 2002 ( "TPOA April 9, 2002 filing") includes a file entitled "TN Payphone Cost\_smart\_DRcomp-TPOA results1.xls" where a smart payphone loop cost of **[Proprietary]** is provided at line one under the heading "Smart Payphone Non-Traffic Sensitive Rate". In support of its **[Proprietary]** figure,

the TPOA references another file "TNPayphonecost\_grid\_smartdumb\_DRcomp" and points to cell O-9. However, the TPOA's filing does not include such a file. No other back-up materials detailing how the **[Proprietary]** figure was calculated was included in the TPOA's filing. Sprint's April 1, 2002 filing includes a "TNPayphonecost\_grid\_smartdumb\_DRcomp" file and calculates at cell O-9 a smart payphone loop cost of **[Proprietary]**.

a) Please provide the "TNPayphonecost\_grid\_smartdumb\_DRcomp" file cited as support for the TPOA's **[Proprietary]** figure.

b) Please provide any and all workpapers that otherwise support the TPOA's **[Proprietary]** figure.

c) If no such file or workpapers exist, then please provide in a form substantially similar to "TNPayphonecost\_grid\_smartdumb\_DRcomp" the difference(s) between the TPOA's **[Proprietary]** and Sprint's **[Proprietary]** smart payphone loop cost. In addition, explain the manner in which the **[Proprietary]** cost figure is calculated in sufficient detail to enable a comparison or reconciliation between Sprint's **[Proprietary]** and the TPOA's **[Proprietary]**.

d) In any event, please provide in narrative form an explanation of the difference(s) between the TPOA's **[Proprietary]** and Sprint's **[Proprietary]** smart payphone loop cost.

2) The TPOA's April 9, 2002 filing includes a narrative entitled "TPOA-Sprint Mutually Agreed-Upon Cost Methodology". Under the "Methodology" heading at items 2 through 5, general reference is made to "the Service". Please explain how the TPOA is using this term.

3) The TPOA's April 9, 2002 filing states that it "believes that the network investments used by Sprint in its March and May 2001 cost studies are based on the most reliable material prices that would be charged in an arms-length transaction."

a) What is the TPOA's basis for this assertion? Explain why the TPOA believes the March and May network investments are considered more reliable and provide all documents that the TPOA believes support its assertion.

b) What leads the TPOA to believe that the material prices included in Sprint's October 2001 cost study would not be charged in an arms length transaction? State all factors the TPOA is relying upon to support its belief.

4.) What material prices provided in Sprint's response to Question 1 of the

TPOA's 4th set of data requests does the TPOA believe unreliable? If any part is unreliable, provide all documentation and analyses supporting that belief. Provide all documentation related to the cost of cable, serving area interface, NGDLC, drop terminals, and the cost of labor the TPOA used to make the determination.

5.) The TPOA's April 9, 2002 filing further states "Sprint believes that the characteristics of all voice grade loops should be studied, while TPOA advocates the use of only PTAS characteristics".

a) Does the TPOA know of any regulatory, legal or engineering barriers that would prohibit its members from placing a payphone anywhere within Sprint's local service area in Tennessee? If so, describe those barriers and provide specific examples of where and when this has occurred.

b) How often do the TPOA's members assess the locations of their payphones in Sprint's local service area in Tennessee?

c) Have any TPOA members actively solicited new payphone locations in the past twelve months in Sprint's local service area in Tennessee? If so, please quantify the number of new payphone locations actually established.

d) Have any TPOA members decommissioned a payphone location in the past twelve months in Sprint's local service area in Tennessee? If so, please quantify.

e) For each TPOA member payphone location in Sprint's local service area in Tennessee, please provide information regarding the length of time that payphone service has been established at that location.

6) Does the TPOA propose in its April 9, 2002 filing or is it otherwise the TPOA's position that the price for dumb payphones should be the same as that for smart payphones? If not, what rate for dumb phones does the TPOA propose? Please provide all supporting documentation and all workpapers supporting that rate.

7.) Provide the model and manufacturer of each payphone any TPOA member has in Sprint's Tennessee local service area and of those, identify the payphones which the TPOA considers to be smart payphones.

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

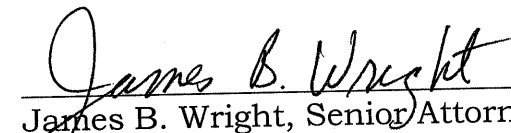
1) Please provide copies on any documents you used or relied upon in responding to any interrogatory or request for admission.

## REQUEST FOR ADMISSION

1) Admit or deny that the FCC's Wisconsin Order (*In the Matter of Wisconsin Public Service Commission: Order Directing Filings, CCB/CPD No. 00-01, Memorandum Opinion and Order released January 31, 2002*) ruled that 47 USC 276 and its new services test requirement only applies to payphone line services provided by RBOCs by stating at paragraph 42:

"It is important to note that we require only BOCs, and not LECs generally, to provide payphone lines at cost-based rates. Because section 276(a) and (b)(1)(c) apply only to BOCs, we do not find that Congress has expressed with the requisite clarity its intention that the commission exercise jurisdiction over the intrastate payphone prices on non-BOC LECs. Since there are statutory provisions that empower us to apply the new services test to payphone line rates and grant us that authority only over BOCs, we do not have a Congressional grant of jurisdiction over non-BOC LEC line rates".

Submitted this 12<sup>th</sup> day of April, 2002.

  
James B. Wright, Senior Attorney  
United Telephone-Southeast, Inc.  
14111 Capital Boulevard  
Wake Forest, North Carolina 27587-5900