

March 23, 2012

**Via E-Filing**

Hon. Jaclyn A. Brillling  
Secretary  
New York Public Service Commission  
3 Empire Plaza  
Albany, NY 12223

Re: Complaint of Sprint Communications Company L.P. against  
Verizon New York Inc.; Case 08-C-0673

Secretary Brillling:

Attached please find the Public Version of the Discovery Appendix to the Phase I Reply Brief of Sprint Communications Company that was submitted on March 8, 2012 in the above-referenced proceeding. The discovery included in the Appendix was produced by Verizon and cited by Sprint in the Phase I Reply Brief. Materials already filed with the Discovery Appendix to the Initial Phase I Brief have not been included in the attached.

The Attorneys' Eyes Only Version of the Discovery Appendix contains material deemed Protected Information pursuant to the Revised Protective Order adopted in this proceeding. As such, the Attorneys' Eyes Only Version of the Discovery Appendix is protected from disclosure and was provided solely to Judge Epstein, Commission counsel (for distribution to Commission staff, as appropriate), and Verizon counsel. The Public Version of the Discovery Appendix excludes Attorneys' Eyes Only and Confidential Information, as indicated on the Index to the Discovery Appendix.

Respectfully submitted,

*Andrew M. Klein*

Digitally signed by Andrew M. Klein  
DN: cn=Andrew M. Klein, o=Klein Law  
Group, PLLC, ou,  
email=AKlein@KleinLawpllc.com, c=US  
Date: 2012.03.23 15:37:16 -04'00'

Andrew M. Klein  
Allen C. Zoracki  
*Counsel for Sprint Communications  
Company, L.P.*

cc: Hon. Rafael A. Epstein, *New York Department of Public Service*  
Maureen McCauley, Esq., *New York Department of Public Service*  
Joseph A. Post, Esq., *Verizon-NY*  
Kenneth A. Schiffman, Esq., Diane C. Browning, Esq., and Janette W. Luehring, Esq.,  
*Sprint Nextel Corporation*

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

Complaint of Sprint Communications Company  
L.P. against Verizon New York Inc. for  
Modification of Verizon New York Tariff PSC  
NY No. 8 to Establish Just and Reasonable  
Terms for Transit Record Processing Charges  
and for Refund of Charges Improperly Collected

Case No. 08-C-0673

**DISCOVERY APPENDIX TO PHASE I REPLY BRIEF OF  
SPRINT COMMUNICATIONS COMPANY**

**DISCOVERY APPENDIX**INDEX

The discovery listed below, and attached, was produced by Verizon and cited by Sprint in the Phase I Reply Brief submitted on March 8, 2012.

Following the convention established in the Discovery Index to the Initial Brief, the discovery is presented in reverse chronological order and is organized as follows:

1. Numbered sections reference the title of the Verizon discovery production, and date of production.
  - (a) Lettered items reference the specific Verizon response within the discovery production.
    - Bulleted items reference certain attachments included as part of the discovery response.

Materials already filed with the Discovery Appendix to the Initial Brief have not been repeated here.

\* \* \*

Interconnection Agreement Between New York Telephone Company d/b/a Bell Atlantic – New York and Sprint Communications Company L.P.

- *Part V, Interconnection, § 4.2, Tandem Transit Traffic Service.*
- *Attachment 1, Definitions, § 1.0.*

Verizon Tariffs

- *New York Telephone P.S.C. Tariff No. 914, §4.1.2(B)(2) (revisions eff. July 21, 1998).*
- *Verizon Tariff PSC NY No. 8 § 6.3.3(B) (revisions eff. Jan. 3, 2011).*

1. Verizon Fourth Supplemental Response to Sprint's Fifth Set of Interrogatories, dated February 27, 2012

- (a) Verizon Further Supplemental Response to Interrogatories 65 and 66.
  - *Verizon further supplemental statement of RPC charges billed and related settlement concerning [Redacted]. [Confidential Attachment Redacted]*

2. Verizon Second Supplemental Response to Sprint's Fifth Set of Interrogatories, dated February 14 and 17, 2012

- (a) Verizon Response to Interrogatories 65 and 66, dated February 14, 2012.
  - *Verizon statement of RPC charges billed and related settlements concerning [Redacted]. [Confidential Attachment Redacted]*
- (b) Verizon Supplemental Response to Interrogatories 65 and 66, dated February 17, 2012.
  - *Verizon statement of RPC charges billed and related settlement concerning [Redacted]. [Confidential Attachment Redacted]*

3. Verizon Supplemental Responses to Sprint's Fifth Set of Interrogatories, dated February 3, 2012
  - (a) Verizon Supplemental Response to Interrogatory 52.
    - *Verizon Sample RPC Records* [Confidential Attachment Redacted].
  - (b) Verizon Supplemental Response to Interrogatory 59.
4. Verizon Response to Sprint's Fifth Set of Interrogatories, dated January 27, 2012
  - (a) Verizon Response to Interrogatory 50.
  - (b) Verizon Response to Interrogatory 51.
    - *Access Record Description.* [Confidential Attachment Redacted]
  - (c) Verizon Response to Interrogatory 59.
5. Letter from Joseph A. Post, Verizon, to Andrew M. Klein, Counsel for Sprint, dated January 12, 2012
6. Verizon Petition for Clarification or, in the Alternative, for Reconsideration, FCC WC Docket No. 10-90, et al., dated December 29, 2011
7. Verizon Further Supplemental Response to Sprint's First Set of Discovery Requests, dated December 19, 2011
  - (a) Verizon Further Supplemental Response to Document Request No. 5.<sup>1</sup>
    - *Corrections to supplemental statement of RPC charges billed and related settlements concerning* [Redacted]. [Confidential Attachment Redacted]
8. Verizon Response to Sprint's Fourth Set of Discovery Requests, dated October 24, 2011
  - (a) Verizon Response to Interrogatory 48.
9. Verizon Additional Supplemental Responses to Sprint's Discovery Requests, dated September 27, 2011
  - (a) Verizon Supplemental Response to Document Request No. 14.
    - *Verizon Global Wholesale Informational Notification.*
10. Verizon Response to Sprint's June 27, 2011 Discovery Requests, dated July 7, 2011 and Supplemental Responses to Previous Requests<sup>2</sup>
  - (a) Verizon Response to Interrogatory 35.
11. Industry Letter sent by New York Access Billing, LLC on behalf of Verizon New York Inc., produced by Verizon in response to Document Request No. 5 in undated format (believed to have been sent in mid-2004)

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<sup>1</sup> Verizon provided several settlement agreements as attachments to the Declaration of Ann Marie Kowalczyk, Appendix 2 to Verizon's Reply Brief. As a result, those settlement agreements are not reproduced here.

<sup>2</sup> Sprint's Phase I Reply Brief, at footnote 53, inadvertently referenced this Verizon response as two separate responses dated June 27, 2011 and July 7, 2011.

Case No 08-C-0673

Discovery Appendix

Interconnection Agreement Between New York Telephone  
Company d/b/a Bell Atlantic – New York and Sprint  
Communications Company L.P.

# **AGREEMENT**

between

New York Telephone Company  
d/b/a  
Bell Atlantic – New York

and

**SPRINT Communications Company L.P.**

bill and collect the information services provider charges as defined in the existing New York PSC No. 900 Tariff, as may be amended from time to time. BA will bill SPRINT for such charges less the Information Services Billing and Collection fee set forth in Part IV.

SPRINT shall pay BA in full regardless of uncollectible charges to its own Customers. BA may request recorded call information from SPRINT, to be delivered in unrated EMR format via electronic file transfer or other medium mutually agreeable to the two Parties, at the customer usage detail charges specified in Part IV. This arrangement shall apply regardless of whether SPRINT serves its Customer from switching facilities not provided by BA, or from a BA unbundled Switching Element.

4.1.4 For calls to variable rated information services (e.g., NXX 550, 540, 976, 970, 940 as applicable), SPRINT shall bill and collect information services provider charges from its Customers. The Parties shall exchange call detail information and handle adjustments, according to the terms selected by SPRINT contained in Schedule 4.1.4. BA shall charge SPRINT customer usage detail rates as specified in Part IV. Prior to establishing interconnection for Information Services Traffic, SPRINT may be required to complete acceptance testing of its billing arrangement with BA.

4.1.5 If under Schedule 4.1.4, BA agrees to accept adjustments from SPRINT for calls originated by SPRINT Customers to information services platform(s) connected to BA's network, SPRINT shall follow the same policy in allowing adjustments to its Customers as BA follows with its own Customers. SPRINT shall provide to BA sufficient information regarding uncollectibles and Customer adjustments to allow BA to pass through the adjustments to the information services provider, and BA shall pass through such adjustments. However, if the information services provider disputes such adjustments and refuses to accept such adjustments, SPRINT shall reimburse BA for all such disputed adjustments. Final resolution regarding all disputed adjustments shall be solely between SPRINT and the information services provider.

4.1.6 The Information Services Traffic addressed herein does not include 555 traffic or similar traffic with AIN service interfaces, which traffic shall be subject to separate arrangements between the Parties.

4.1.7 Unless SPRINT chooses one of two separate billing arrangements, as set forth in Schedule 4.1.4, Information Services Traffic originating from SPRINT's Customers will be blocked.

## **4.2 Tandem Transit Traffic Service ("Transit Service")**

4.2.1 Transit Service provides SPRINT with the transport of Tandem Transit Traffic as provided below. Neither the originating nor terminating Customer is a Customer of BA.

4.2.2 Tandem Transit Traffic ("Transit Traffic") may be routed over the Traffic Exchange Trunks described in Sections 1 and 2 above. SPRINT shall deliver

each Transit Traffic call to BA with CCS and the appropriate Transactional Capabilities Application Part (“TCAP”) message to facilitate full interoperability of those CLASS Features supported by BA and billing functions. In all cases, each Party shall follow the Exchange Message Interface (“EMI”) standard and exchange records between the Parties.

4.2.3 SPRINT shall exercise its best efforts to enter into a reciprocal Telephone Exchange Service traffic arrangement (either via written agreement or mutual tariffs) with any CLEC, ITC, CMRS carrier, or other LEC, to which it terminates Telephone Exchange Service traffic that transits BA’s Tandem Office. If SPRINT does not enter into and provide notice to BA of the above referenced arrangement with 180 days of the initial traffic exchange with relevant third party carriers, then BA may, at its sole discretion, terminate Transit Service at any time upon thirty (30) days written notice to SPRINT.

4.2.4 SPRINT shall pay BA for Transit Service that SPRINT originates at the rate specified in Part IV, plus any additional charges or costs the terminating CLEC, ITC, CMRS carrier, or other LEC, imposes or levies on BA for the delivery or termination of such traffic, including any Switched Exchange Access Service charges.

4.2.5 BA will not provide Tandem Transit Traffic Service for Tandem Transit Traffic that exceeds one (1) DS1 level volume of calls.

4.2.6 If or when a third party carrier’s Central Office subtends a SPRINT Central Office, then SPRINT shall offer to BA a service arrangement equivalent or the same as Transit Service provided by BA to SPRINT as defined in this Section 4.2 such that BA may terminate calls to a Central Office of another CLEC, ITC, CMRS carrier, or other LEC, that subtends a SPRINT Central Office (“Reciprocal Transit Service”). SPRINT shall offer such Reciprocal Transit Service arrangements under terms and conditions no less favorable than those provided in this Section 4.2.

4.2.7 Neither Party shall take any actions to prevent the other Party from entering into a direct and reciprocal traffic exchange agreement with any carrier to which it originates, or from which it terminates, traffic.

### **4.3 911/E911 Arrangements**

4.3.1 SPRINT may, at its option, interconnect to the BA 911/E911 selective router or 911 Tandem Offices, as appropriate, that serve the areas in which SPRINT provides exchange services, for the provision of 911/E911 services and for access to all sub-tending Public Safety Answering Points (“PSAP”). In such situations, BA will provide SPRINT with the appropriate CLLI codes and specifications of the Tandem Office serving area. In areas where E911 is not available, SPRINT and BA will negotiate arrangements to connect SPRINT to the 911 service.



Compensation pursuant to the terms of this Agreement and prevailing Commission or FCC rules that may exist. Reciprocal Compensation Traffic does not include Internet Traffic. The Parties disagree as to the jurisdictional nature of Internet Traffic and neither Party waives its rights with respect to any position it may take in any forum concerning the jurisdictional nature of, or compensation applicable to, such traffic.

“Service Control Point” or “SCP” means the node in the Common Channel Signaling network to which informational requests for service handling, such as routing, are directed and processed. The SCP is a real time database system that, based on a query from a service switching point (“SSP”) and via a Signaling Transfer Point, performs subscriber or application-specific service logic, and then sends instructions back to the SSP on how to continue call processing.

“Signaling Transfer Point” or “STP” means a specialized switch that provides SS& network access and performs SS7 message routing and screening.

“Switched Exchange Access Service” means the offering of transmission and switching services to Telecommunications Carriers for the purpose of the origination or termination of Telephone Toll Service. Switched Exchange Access Services include but may not be limited to: Feature Group A, Feature Group B, Feature Group D, 700 access, 800 access, 888 access and 900 access.

“Switching Element” is the unbundled Network Element that provides a CLEC the ability to use switching functionality in a BA End Office Switch, including all vertical services that are available on that switch, to provide Telephone Exchange Service to its end user Customer(s). The Switching Element is provisioned with a Port Element, which provides line side access to the Switching Element.

“Synchronous Optical Network” or “SONET” means an optical interface standard that allows different digital signals to be transported using a base transmission rate of 51.84 Mbps per second (OC-1 (Optical Carrier)/STS-1(Synchronous Transport Signal)). Higher rates are direct multiples of the base OC-1 rate.

“Tandem Transit Traffic” or “Transit Traffic” means Telephone Exchange Service traffic that originates on SPRINT’s network, and is transported through a BA Tandem to the Central Office of a CLEC, ITC, Commercial Mobile Radio Service (“CMRS”) carrier, or other LEC, that subtends the relevant BA Tandem to which SPRINT delivers such traffic. Pursuant to Section 4 of Part V, Transit Traffic may also mean Telephone Exchange Service Traffic that originates on BA’s network, and is transported through a SPRINT Tandem to the Central Office of a CLEC, ITC, CMRS carrier, or other LEC, that subtends the relevant SPRINT Tandem to which BA delivers such traffic. Subtending Central Offices shall be determined in accordance with and as identified in the Local

Exchange Routing Guide (“LERG”). Switched Exchange Access Service traffic is not Tandem Transit Traffic.

“Tariff” means any applicable federal or state Tariff of a Party, or standard agreement or other document that sets forth the generally available terms and conditions, each as may be amended by the Party from time to time, under which a Party offers a particular service, facility, or arrangement. A Tariff shall not include BA’s “Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services” which has been approved or is pending approval by the Commission pursuant to Section 252(f) of the Communications Act of 1934, 47 U.S.C. § 252(f).

“Telecommunications” is As Defined in the Act.

“Telecommunications Carrier” is As Defined in the Act.

“Telecommunications Service” is As Defined in the Act.

“Telephone Exchange Service” is As Defined in the Act.

“Telephone Exchange Service Call” or “Telephone Exchange Service Traffic” means a call completed between two Telephone Exchange Service Customers of the Parties located in the same LATA in the State of New York, originated on one Party’s network (including SPRINT’s use of unbundled switching) and terminated on the other Party’s facilities-based network where such call was not carried by a third party as either a presubscribed call (1+) or a casual dialed (10XXX or 101XXXX) call.

“Telephone Relay” means a service provided to speech and/or hearing-impaired callers that enables such callers to type a message into a telephone set equipped with a keypad and message screen and to have a live operator read the message to a recipient and to type recipient’s response message to the speech or hearing-impaired caller.

“Telephone Toll Service” or “Toll Traffic” means traffic that is originated by a Customer of one Party on that Party’s network and terminates to a Customer of the other Party on that Party’s network and is not Reciprocal Compensation Traffic or Ancillary Traffic. Toll Traffic may be either “IntraLATA Toll Traffic” or “InterLATA Toll Traffic”, depending on whether the originating and terminating points are within the same LATA.

Case No 08-C-0673

Discovery Appendix

VERIZON TARIFFS

New York Telephone Company

Section 4  
4th Revised Page 3  
Superseding 3rd Revised Page 3

NETWORK INTERCONNECTION SERVICES

4. CLEC NET-I Services (Cont'd)

4.1 CLEC Switched Service (Cont'd)

4.1.2 Types of Interconnection (Cont'd)

(B) Access Tandem Meet Point (Meet Point B) Arrangement (Cont'd)

(2) Transient Tandem Service (TTS)

Transient Tandem Service provides for the exchange of POTS traffic between two CLECs where the two CLECs purchase a Meet Point B Arrangement under this tariff for the same Telephone Company access tandem switch. TTS also provides for the exchange of POTS traffic between a CLEC and an ITC where the CLEC purchases a Meet Point B Arrangement under this tariff and the ITC is also connected to the same Telephone Company access tandem switch. A TTS rate for switching of local traffic between CLECs will apply as set forth in Sections 10.4.1(B)(3) and 10.4.2(B)(3) following. TTS rates are based upon the Meet Point B Minutes of Use Option selected by the two CLECs's exchanging POTS traffic at the same Telephone Company access tandem switch (i.e., Usage Sensitive Port Option or Dedicated Port Option).

- When both CLECs have selected the Usage Sensitive Port Option, the Usage Sensitive Ports Option TTS rates as set forth in Section 10.4.1(B)(3)(a)(i) following will apply.
- When one CLEC has selected the Usage Sensitive Port Option and the other CLEC has the Dedicated Port Option, the One Usage Sensitive Port and One Dedicated Port Option TTS rates as set forth in Section 10.4.1(B)(3)(a)(ii) following will apply.
- When both CLECs have selected the Dedicated Port Option, the Dedicated Ports Option TTS rates as set forth in Section 10.4.1(B)(3)(a)(iii) following will apply.

When minutes of use cannot be measured, the flat rate schedule as set forth in Section 10.4.2(B)(3) following will apply.

Where such calls are terminated to the NXX of another CLEC or an ITC, the Telephone Company will record and transmit call details to the terminating CLEC or ITC and will provide tandem switching and transport on these calls at rates as set forth in Sections 10.4.1(B)(3)(d) and 10.4.2(B)(3) following. Payment of terminating access charges and associated record processing charges for TTS calls will be the responsibility of the originating CLEC. The Telephone Company and the terminating CLEC or ITC will each bill their appropriate charges to the originating CLEC.

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Issued in compliance with Order of the Public Service Commission dated June 12, 1998 in Case Nos. 95-C-0657, 94-C-0095 and 91-C-1174.  
See PREFACE ITEM 3 for Statement of Company's Reservation of Objections.  
Issued: July 20, 1998 Effective: July 21, 1998

By Sandra DiIorio Thorn, General Counsel  
1095 Avenue of the Americas, New York, N.Y. 10036

## Network Interconnection Services

6. CLEC Switched Service  
6.3 Meet Point B (MPB)

<b>6.3.2 Interim MPB Arrangements</b>	
B.4. (Continued)	
b.	Tandem Location 2-E38
C.	A CLEC must establish interconnection to each access tandem in the LATA under the following circumstances. <ol style="list-style-type: none"> <li>1. When it activates an NXX code(s) in a geographic serving area other than the NPA for which interim MPB arrangements have been established; or</li> <li>2. When traffic terminated to the Telephone Company end offices subtending access tandems for which interim MPB arrangements have not been established exceeds one DS1 level of capacity in that trunk group or 180,000 minutes of use per month.</li> </ol>
D.	The exchange of any intraLATA POTS traffic between two or more CLECs and a CLEC and any ITC at the Telephone Company provided MPB arrangement is provided under TTS (refer to Section 6.3.3).

<b>6.3.3 Tandem Transit Service (TTS)</b>	
A.	TTS provides for the exchange of intraLATA traffic between two CLECs where the two CLECs purchase a MPB arrangement for the same Telephone Company access tandem switch. TTS also provides for the delivery of intraLATA traffic between an originating CLEC and a terminating ITC or a wireless provider where the CLEC purchases a MPB arrangement under this tariff and the ITC or wireless provider is also connected to the same Telephone Company access tandem switch. TTS is not offered for 500, 700, 900, N11, operator and directory assistance traffic. (C)
B.	Where such calls are terminated to the NXX of another CLEC, or an ITC or wireless provider, the Telephone Company will record and transmit call details to the terminating CLEC, or ITC or wireless provider, and will provide tandem switching and transport on these calls. (C)
C.	Except as otherwise specified in Section 6.3.3D, payment of terminating access charges and associated record processing charges for TTS calls will be the responsibility of the originating CLEC. The Telephone Company and the terminating CLEC, or ITC or wireless, provider will each bill their appropriate charges to the originating CLEC. (C)
D.	The Telephone Company will carry intraLATA local traffic between the Telephone Company's meet point with an ITC and the Telephone Company's point of interconnection with a CLEC (Shared Transport — Independent/CLEC (STIC)). These calls will be carried, using shared transport, only when the total monthly call volume does not exceed one DS1 level of capacity on that trunk group or 180,000 minutes of use per month. The CLEC will be charged for completing these calls (refer to PSC No. 918, Section 30.6.1(B)(1), (2) and (3)).

Issued in compliance with Order of the Public Service Commission, dated January 28, 2002 in Case No. 98-C-1357.

See Section 1.1.21 for Statement of Company's Reservation of Objections.

Issued: November 1, 2010

Effective: January 3, 2011

By Keefe B. Clemons—General Counsel  
140 West Street, NY, NY 10007

Case No 08-C-0673

Discovery Appendix

PART 1

140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126  
joseph.a.post@verizon.com

**Joseph A. Post**  
Deputy General Counsel — New York



February 27, 2012

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

**Re: Case 08-C-0673**

Dear Mr. Klein:

Attached please find Verizon's fourth supplemental response to Sprint's Fifth Set of Interrogatories. The attachment is confidential and is being produced pursuant to the Revised Protective Order in this proceeding.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post".

cc (without confidential attachment)

Hon. Rafael A. Epstein  
Maureen McCauley, Esq.  
Elise Hiller, Esq.  
Kenneth Schifman, Esq.  
Allen C. Zoracki, Esq.  
Janette Luehring, Esq.  
Diane C. Browning, Esq.  
Brian Fitzgerald, Esq.

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications  
Company L.P. Against Verizon New  
York Inc. for Modification of Verizon  
New York Tariff PSC No. 8 to Establish  
Just and Reasonable Terms for Transit  
Record Processing Charges and for  
Refund of Charges Improperly Collected**

**Case 08-C-0673**

**FOURTH SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC.  
TO SPRINT'S FIFTH SET OF INTERROGATORIES**

**JOSEPH A. POST  
140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126**

**Counsel for Verizon New York Inc.**

**February 27, 2012**



STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

**Complaint of Sprint Communications Company L.P. Against Verizon New York Inc. for Modification of Verizon New York Tariff PSC No. 8 to Establish Just and Reasonable Terms for Transit Record Processing Charges and for Refund of Charges Improperly Collected**

Case 08-C-0673

**FOURTH SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC.  
TO SPRINT'S FIFTH SET OF INTERROGATORIES**

Verizon New York Inc. ("Verizon") submits the following fourth supplemental responses to the fifth set of interrogatories of Sprint Communications Company L.P. ("Sprint"). These responses are subject to the caveats set forth in the Introductory Statement to Verizon's December 14, 2009 response to Sprint's initial set of discovery requests.

**The confidential attachment is being produced pursuant to the Revised Protective Order in this proceeding and the supplemental confidentiality agreement between XO and Sprint.**

**INTERROGATORY 65**

**As to each carrier with whom Verizon-NY has entered into any form of settlement, specify the total amount claimed by Verizon-NY to have been owed for Record Processing Charges, and separately any related late payment charges or similar such fees, for the period covered by each such settlement.**

**RESPONSE:**

See **confidential** file Interrogatories\_65\_66\_SUPP\_2 (CONF).pdf.

**INTERROGATORY 66**

**As to each carrier with whom Verizon-NY has entered into any form of settlement, specify the total net amount paid by each such carrier to Verizon-NY for Record**

**Processing Charges, and separately any related late payment charges or similar such fees, for the period covered by each such settlement.**

**RESPONSE:**

See **confidential** file Interrogatories\_65\_66\_SUPP\_2 (CONF).pdf.

Case No 08-C-0673

Discovery Appendix

PART 2

140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
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joseph.a.post@verizon.com

**Joseph A. Post**  
Deputy General Counsel — New York



February 14, 2012

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

***Re: Case 08-C-0673***

Dear Mr. Klein:

Attached please find Verizon's second supplemental response to Sprint's Fifth Set of Interrogatories. Documents that are identified as confidential are produced pursuant to the Revised Protective Order in this proceeding.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post".

cc (without confidential attachment)

Hon. Rafael A. Epstein  
Maureen McCauley, Esq.  
Elise Hiller, Esq.  
Kenneth Schifman, Esq.  
Allen C. Zoracki, Esq.  
Janette Luehring, Esq.  
Diane C. Browning, Esq.  
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Refund of Charges Improperly Collected**

**Case 08-C-0673**

**SECOND SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC.  
TO SPRINT'S FIFTH SET OF INTERROGATORIES**

**JOSEPH A. POST  
140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126**

**Counsel for Verizon New York Inc.**

**February 14, 2012**

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications Company L.P. Against Verizon New York Inc. for Modification of Verizon New York Tariff PSC No. 8 to Establish Just and Reasonable Terms for Transit Record Processing Charges and for Refund of Charges Improperly Collected**

**Case 08-C-0673**

**SECOND SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC.  
TO SPRINT'S FIFTH SET OF INTERROGATORIES**

Verizon New York Inc. ("Verizon") submits the following second supplemental responses to the fifth set of interrogatories of Sprint Communications Company L.P. ("Sprint"). These responses are subject to the caveats set forth in the Introductory Statement to Verizon's December 14, 2009 response to Sprint's initial set of discovery requests.

For purposes of the following responses, Verizon interprets Sprint's term "Record Processing Charge product" to refer to the records that are processed in the course of providing Verizon's Tandem Transit Service ("TTS"), and that are provided on request to carriers to which TTS calls are transited.

**Documents identified as "confidential" are produced pursuant to the Revised Protective Order in this proceeding.**

**INTERROGATORY 65**

**As to each carrier with whom Verizon-NY has entered into any form of settlement, specify the total amount claimed by Verizon-NY to have been owed for Record Processing Charges, and separately any related late payment charges or similar such fees, for the period covered by each such settlement.**

**RESPONSE:**

See **confidential** file Interrogatories\_65\_66.pdf.

**INTERROGATORY 66**

**As to each carrier with whom Verizon-NY has entered into any form of settlement, specify the total net amount paid by each such carrier to Verizon-NY for Record Processing Charges, and separately any related late payment charges or similar such fees, for the period covered by each such settlement.**

**RESPONSE:**

See **confidential** file Interrogatories\_65\_66.pdf.

140 West Street — 27<sup>th</sup> Floor  
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**Joseph A. Post**  
Deputy General Counsel — New York



February 17, 2012

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

***Re: Case 08-C-0673***

Dear Mr. Klein:

Attached please find Verizon's third supplemental response to Sprint's Fifth Set of Interrogatories. The attachment is confidential and is being produced pursuant to the Revised Protective Order in this proceeding and the supplemental confidentiality agreement between XO and Sprint.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post". The signature is written in a cursive, slightly slanted style.

cc (without confidential attachment)

Hon. Rafael A. Epstein  
Maureen McCauley, Esq.  
Elise Hiller, Esq.  
Kenneth Schifman, Esq.  
Allen C. Zoracki, Esq.  
Janette Luehring, Esq.  
Diane C. Browning, Esq.  
Brian Fitzgerald, Esq.



**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

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Just and Reasonable Terms for Transit  
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Refund of Charges Improperly Collected**

**Case 08-C-0673**

**THIRD SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC.  
TO SPRINT'S FIFTH SET OF INTERROGATORIES**

**JOSEPH A. POST  
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(212) 321-8126**

**Counsel for Verizon New York Inc.**

**February 17, 2012**

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

**Complaint of Sprint Communications Company L.P. Against Verizon New York Inc. for Modification of Verizon New York Tariff PSC No. 8 to Establish Just and Reasonable Terms for Transit Record Processing Charges and for Refund of Charges Improperly Collected**

Case 08-C-0673

**THIRD SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC.  
TO SPRINT'S FIFTH SET OF INTERROGATORIES**

Verizon New York Inc. ("Verizon") submits the following third supplemental responses to the fifth set of interrogatories of Sprint Communications Company L.P. ("Sprint"). These responses are subject to the caveats set forth in the Introductory Statement to Verizon's December 14, 2009 response to Sprint's initial set of discovery requests.

**The confidential attachment is being produced pursuant to the Revised Protective Order in this proceeding and the supplemental confidentiality agreement between XO and Sprint.**

**INTERROGATORY 65**

**As to each carrier with whom Verizon-NY has entered into any form of settlement, specify the total amount claimed by Verizon-NY to have been owed for Record Processing Charges, and separately any related late payment charges or similar such fees, for the period covered by each such settlement.**

**RESPONSE:**

See **confidential** file Interrogatories\_65\_66\_SUPP (CONF).pdf.

**INTERROGATORY 66**

**As to each carrier with whom Verizon-NY has entered into any form of settlement, specify the total net amount paid by each such carrier to Verizon-NY for Record**

**Processing Charges, and separately any related late payment charges or similar such fees, for the period covered by each such settlement.**

**RESPONSE:**

See **confidential** file Interrogatories\_65\_66\_SUPP (CONF).pdf.

Case No 08-C-0673

Discovery Appendix

PART 3

140 West Street — 27<sup>th</sup> Floor  
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joseph.a.post@verizon.com

**Joseph A. Post**  
Deputy General Counsel — New York



February 3, 2012

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

***Re: Case 08-C-0673***

Dear Mr. Klein:

Attached please find Verizon's Supplemental Response to Sprint's Fifth Set of Interrogatories. Documents that are identified as confidential are produced pursuant to the Revised Protective Order in this proceeding.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post".

cc Hon. Rafael A. Epstein  
Maureen McCauley, Esq.  
Elise Hiller, Esq.  
Kenneth Schiffman, Esq.  
Allen C. Zoracki, Esq.  
Janette Luehring, Esq.  
Diane C. Browning, Esq.  
Brian Fitzgerald, Esq.

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications  
Company L.P. Against Verizon New  
York Inc. for Modification of Verizon  
New York Tariff PSC No. 8 to Establish  
Just and Reasonable Terms for Transit  
Record Processing Charges and for  
Refund of Charges Improperly Collected**

**Case 08-C-0673**

**SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC. TO  
SPRINT'S FIFTH SET OF INTERROGATORIES**

**JOSEPH A. POST  
140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126**

**Counsel for Verizon New York Inc.**

**February 3, 2012**

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications Company L.P. Against Verizon New York Inc. for Modification of Verizon New York Tariff PSC No. 8 to Establish Just and Reasonable Terms for Transit Record Processing Charges and for Refund of Charges Improperly Collected**

**Case 08-C-0673**

**SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC. TO  
SPRINT'S FIFTH SET OF INTERROGATORIES**

Verizon New York Inc. ("Verizon") submits the following supplemental responses to the fifth set of interrogatories of Sprint Communications Company L.P. ("Sprint"). These responses are subject to the caveats set forth in the Introductory Statement to Verizon's December 14, 2009 response to Sprint's initial set of discovery requests.

For purposes of the following responses, Verizon interprets Sprint's term "Record Processing Charge product" to refer to the records that are processed in the course of providing Verizon's Tandem Transit Service ("TTS"), and that are provided on request to carriers to which TTS calls are transited.

**Documents identified as "confidential" are produced pursuant to the Revised Protective Order in this proceeding.**

**INTERROGATORY 52**

**In instances where Verizon-NY provides an RPC record to a terminating carrier as part of the Record Processing Charge product, identify and describe in detail the information and data that Verizon-NY provides. As part of the response to this Interrogatory:**

- (a) Identify each and every piece of data that is provided to each terminating carrier;**

- (b) **Produce a comprehensive set of records representing each various category of record (i.e., records containing varying pieces of data) provided by Verizon-NY to a terminating carrier for a call originated by Sprint, and**
- (c) **To the extent that the records provided vary depending on the switch, the type of call or any other reason, describe all such differences and produce examples of each different variation of a record provided to a terminating carrier.**

**ORIGINAL RESPONSE:**

*See* responses to Interrogatories 50 and 51. Pursuant to Commission Rule 5.3(d), Verizon states that it expects to be able to provide to Sprint, by Friday, February 3, a file containing a sample of recent TTS records for calls originated by Sprint.

**SUPPLEMENTAL RESPONSE:**

A sample of the Tandem Transit Service records for the two-day period January 24-25, 2012 that identified themselves as having been delivered to a Verizon tandem over either of two specific Sprint trunk groups are provided in the **confidential** file Interrogatory\_52\_(CONF).xls.

**INTERROGATORY 59**

**Verizon’s response to Interrogatory No. 42 states that the following products “provide— or may in some applications provide—usage records to terminating carriers”: Tandem Subtending Arrangements (offered under Verizon Tariff PSC No. 8, §§ 7.1.7 and 35.7.2), Daily Usage Feeds (provided as described in Verizon Tariff P.S.C. No. 10, §§ 5.6.1.5, 5.6.1.7(I)), Billing and Collection Recording Service (offered under Verizon Tariff PSC No. 11, §§ 8.1 and 30.8.1) and 800 Call Record Processing (offered under Tariff PSC No. 8, §§ 9 and 35.9.1).**

**Identify and describe the “usage records” provided by each of these products, including without limitation as to each product the specific data that is recorded and provided.**

**ORIGINAL RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of



admissible evidence. Subject to such objection, and without waiving it, Verizon states that it expects to be able to provide responsive information to Sprint by February 3.

**SUPPLEMENTAL RESPONSE:**

***Tandem Subtending Arrangement.*** There are currently no customers who purchase tandem subtending arrangements in New York, and to the best of our knowledge there have not been any such customers in recent years. If a customer were to purchase this product, the record that would be produced would be an EMI Category 11-01-20 or 11-01-25 record. (Category 11-01-25 records are generated for 800 database service.) Information regarding both record types has previously been provided in response to Document Request No. 1 and Interrogatories Nos. 50 and 51.

***Daily Usage Feeds.*** The usage records provided for Daily Usage Feeds are the following ATIS EMI standard Category 01, Category 10 and Category 11 records, depending upon the type of service for which the feeds are being provided:

- 01-01-25 (800 Service)
- 10-01-01 (Message Telephone Service Charge)
- 10-01-19 (Class Features)
- 10-01-31 (Local or Message Unit Charge)
- 10-01-32 (Directory Assistance Charge)
- 10-01-33 (Mobile Channel Usage Charge)
- 10-01-35 (Verification Service Charge)
- 10-01-37 (Interrupt Service Charge)
- 11-01-01 (Message Telephone Service)
- 11-01-16 (Information Provider Service)

- 11-01-20 (Feature Group D — Terminating Access)
- 11-01-25( Originating 800 Data Base Service)
- 11-01-32 (Directory Assistance)
- 11-02-01 (Message Telephone Service).

Detailed information concerning the Category 10 records is provided in the **confidential** file Interrogatory\_59(A)\_(CONF).pdf. Information concerning the Category 11 records is provided in the ATIS document provided in response to document Request No. 1. Information concerning the 01-01-25 records is provided in **confidential** file Interrogatory\_59(B)\_(CONF).pdf.

***Billing and Collection Service.*** Category 01-01-XX, 31-01-01, 42-50-XX or 81-01-XX records are used for Billing and Collection Services. The details regarding the information included in these records is provided in the **confidential** files Interrogatory\_59(B)\_(CONF).pdf for Category 01-01-XX records, Interrogatory\_59(C)\_(CONF).pdf for Category 81-01-01 records, Interrogatory\_59(D)\_(CONF).pdf for Category 42-50-XX records, and Interrogatory\_59(E)\_(CONF).pdf for Category 31-01-01 records.

***800 Call Record Processing.*** ATIS EMI standard Category 11-50-85 and 11-50-86 records are used to bill for queries to the 800 Database. The 11-50-85 records are 800 SCP Usage records where the service provider is identified and 11-50-86 are 800 SCP Usage records where the service provider is not identified. The details regarding the information included in these records are contained in the ATIS documentation provided in Verizon's December 14, 2009 response to Document Request No. 1.

**INTERROGATORY 60**

**For each of the following Verizon-NY products, specify any discrepancies or differences in the data recorded by each product versus the data recorded by the Verizon-NY Record Processing Charge product:**

- (a) Tandem Subtending Arrangements (offered under Verizon Tariff PSC No. 8, §§ 7.1.7 and 35.7.2),**
- (b) Daily Usage Feeds (provided as described in Verizon Tariff P.S.C. No. 10, §§ 5.6.1.5, 5.6.1.7(I)),**
- (c) Billing and Collection Recording Service (offered under Verizon Tariff PSC No. 11, §§ 8.1 and 30.8.1), and**
- (d) 800 Call Record Processing (offered under Tariff PSC No. 8, §§ 9 and 35.9.1).**

**ORIGINAL RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to such objection, and without waiving it, Verizon states that it expects to be able to provide responsive information to Sprint by February 3.

**SUPPLEMENTAL RESPONSE:**

*See Responses to Interrogatories 50, 51, and 59.*

**INTERROGATORY 61**

**For each of the following Verizon-NY products, specify any discrepancies or differences in the data provided by each product versus the data provided by the Verizon-NY Record Processing Charge product:**

- (a) Tandem Subtending Arrangements (offered under Verizon Tariff PSC No. 8, §§ 7.1.7 and 35.7.2),**
- (b) Daily Usage Feeds (provided as described in Verizon Tariff P.S.C. No. 10, §§ 5.6.1.5, 5.6.1.7(I)),**
- (c) Billing and Collection Recording Service (offered under Verizon Tariff PSC No. 11, §§ 8.1 and 30.8.1), and**
- (d) 800 Call Record Processing (offered under Tariff PSC No. 8, §§ 9 and 35.9.1).**

**ORIGINAL RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to such objection, and without waiving it, Verizon states that it expects to be able to provide responsive information to Sprint by February 3.

**SUPPLEMENTAL RESPONSE:**

*See Responses to Interrogatories 50, 51, and 59.*

**INTERROGATORY 62**

**For the time period October 1, 2002 to present, identify the total amount of Record Processing Charges billed by Verizon-NY to Sprint on an annual basis for calls where Verizon- NY provided the terminating carrier with usage records created using each of the following:**

- (a) Tandem Subtending Arrangements (offered under Verizon Tariff PSC No. 8, §§ 7.1.7 and 35.7.2),**
- (b) Daily Usage Feeds (provided as described in Verizon Tariff P.S.C. No. 10, §§ 5.6.1.5, 5.6.1.7(I)),**
- (c) Billing and Collection Recording Service (offered under Verizon Tariff PSC No. 11, §§ 8.1 and 30.8.1),**
- (d) 800 Call Record Processing (offered under Tariff PSC No. 8, §§ 9 and 35.9.1), and/or**
- (e) SS7 call signaling information received from Sprint.**

**ORIGINAL RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Further, Verizon is not able to determine at this point whether a response would require an unduly burdensome special study, in violation of Commission Rule 5.8(c), and accordingly Verizon reserves its right to object further on that ground. Subject to such

objections, and without waiving them, Verizon states that it will provide responsive information by February 3 if it is reasonably feasible to do so.

**SUPPLEMENTAL RESPONSE:**

(a) Verizon does not currently have any customers for tandem subtending arrangements, and to the best of our knowledge that has been the case for several years (although we cannot definitively confirm that this has been the case back to 2002). Additionally, tandem subtending arrangements traffic would route on different trunk groups than those that carry tandem transit traffic. Accordingly, there would be no overlap between records provided pursuant to the two services, and the relevant RPC billings would therefore be \$0.

(b) DUF records are provided or have been provided to customers of UNE-P and UNE-P replacement services, and resale customers. Tandem Transit Service provides for delivery of traffic from the switch of one facilities-based carrier to the switch or another such carrier, through a Verizon tandem. Hence, there should be no overlap between the calls on which the two types of records are provided, and the relevant RPC billings would therefore be \$0.

(c) The Billing and Collection Recording service described in Verizon Tariff No. 11, § 8, is a service provided in association with certain switched access services. To the extent the service is provided for calls originating on Verizon's network, such calls by definition could not be Tandem Transit Service calls. Moreover, even switched access service calls terminating to a Verizon customer would not qualify as Tandem Transit Service calls. Accordingly, the relevant RPC billings would be \$0.

(d) The 800 call record processing service described in Tariff No. 8, § 9 is provided for calls originated by Verizon's end-user customers and handed off by Verizon to a CLEC.

Tandem Transit Service would not apply to this type of call flow, and accordingly the relevant RPC billings would be \$0.

(e) As discussed in previous responses, SS7 signaling information may be missing or inaccurate for particular calls for a variety of reasons. With that qualification, signaling information may be available to a terminating carrier on any Tandem Transit Service call. Verizon's RPC billings to Sprint for Tandem Transit Service calls are known to Sprint, and information on such billings has in any event been previously provided to Sprint.

**INTERROGATORY 64**

**Specify the "gateway services" provided by Verizon referred to in response to Interrogatory No. 42, and specify any discrepancies or differences in the data provided by that service as compared to the data provided by the Verizon-NY Record Processing Charge product.**

**ORIGINAL RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to such objection, and without waiving it, Verizon states that it expects to be able to provide responsive information to Sprint by February 3.

**SUPPLEMENTAL RESPONSE:**

As used in Verizon's response to Interrogatory No. 42, "gateway services" refer to a type of interconnection between a customer's service and the Verizon Business network that is primarily used for international service. This traffic is received as Session Initiation Protocol (SIP), converted to TDM and terminated as TDM. The records associated with this service are provided in wholesale long distance call record format as described in file Interrogatory\_64(A).pdf. The format for these records was updated in late 2011. The format was used prior to that time, beginning in 2008, is described in file Interrogatory\_64(B).pdf.

Case No 08-C-0673

Discovery Appendix

PART 4

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**Joseph A. Post**  
Deputy General Counsel — New York



January 27, 2012

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

***Re: Case 08-C-0673***

Dear Mr. Klein:

Attached please find Verizon's responses to Sprint's Fifth Set of Interrogatories. Documents that are identified as confidential are produced pursuant to the Revised Protective Order in this proceeding.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post".

cc Hon. Rafael A. Epstein  
Maureen McCauley, Esq.  
Elise Hiller, Esq.  
Kenneth Schiffman, Esq.  
Allen C. Zoracki, Esq.  
Janette Luehring, Esq.  
Diane C. Browning, Esq.  
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**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications  
Company L.P. Against Verizon New  
York Inc. for Modification of Verizon  
New York Tariff PSC No. 8 to Establish  
Just and Reasonable Terms for Transit  
Record Processing Charges and for  
Refund of Charges Improperly Collected**

**Case 08-C-0673**

**RESPONSE OF VERIZON NEW YORK INC. TO  
SPRINT'S FIFTH SET OF INTERROGATORIES**

**JOSEPH A. POST  
140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126**

**Counsel for Verizon New York Inc.**

**January 27, 2012**

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications Company L.P. Against Verizon New York Inc. for Modification of Verizon New York Tariff PSC No. 8 to Establish Just and Reasonable Terms for Transit Record Processing Charges and for Refund of Charges Improperly Collected**

**Case 08-C-0673**

**RESPONSE OF VERIZON NEW YORK INC. TO  
SPRINT'S FIFTH SET OF INTERROGATORIES**

Verizon New York Inc. ("Verizon") submits the following responses to the fifth set of interrogatories of Sprint Communications Company L.P. ("Sprint"). These responses are subject to the caveats set forth in the Introductory Statement to Verizon's December 14, 2009 response to Sprint's initial set of discovery requests.

For purposes of the following responses, Verizon interprets Sprint's term "Record Processing Charge product" to refer to the records that are processed in the course of providing Verizon's Tandem Transit Service ("TTS"), and that are provided on request to carriers to which TTS calls are transited.

**Documents identified as "confidential" are produced pursuant to the Revised Protective Order in this proceeding.**

**INTERROGATORY 50**

**Verizon-NY's response to Interrogatory 48 stated that "[t]he precise content and format of transit records and the precise systems used to create them differ from switch to switch (and may differ depending upon the type of call)[.]"**

**For each Verizon-NY switch that has at any time been in operation as or functioned as a tandem switch since October 1, 2002, identify and describe in detail each specific piece of data that such switch, as configured, is or was capable of recording and producing as part of the Record Processing Charge product.**

**RESPONSE:**

Verizon objects to the time frame of this request as unduly burdensome, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to such objection, and without waiving it, Verizon responds as follows:

In its December 14, 2009 response to Sprint Document Request No. 1, Verizon produced extracts from Alliance for Telecommunications Industry Solutions (“ATIS”) Exchange Message Interface (“EMI”) industry standard for the exchange of usage records between companies. Included in that material was a detailed template showing each data field that is included within TTS records (Record Category 11, Group 01, Type 20). Additional **confidential** descriptions of these data fields are provided in the file Interrogatory\_50\_(CONFIDENTIAL).pdf. Some of the details of the record format may have changed since 2002, although Verizon believes that the format has not changed materially in that period.

Some of the fields are relevant to — and populated for — some types of calls but not to others. An example of this is the “Overflow Digits” fields, which is utilized only when a calling telephone number has more than the usual number of digits (*e.g.*, an internationally-originated call). Fields that are generally not used by Verizon for TTS calls are identified in the file provided as part of Verizon’s response to Interrogatory 51, below.

In order to populate some of the remaining fields, the tandem<sup>1</sup> relies on data derived from an external source, such as the incoming SS7 signaling stream, and if the information is not provided, the field can not be populated. This is not a function of the data-capture or recording

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<sup>1</sup> As noted in the Declaration of Peter D’Amico included with Verizon’s initial Phase I brief, in some cases the record is created by support systems associated with but external to the tandem switch itself.

capabilities of the tandem switch itself, but of the content of the incoming SS7 data stream (which may in turn be affected by technical limitations of the *originating* switch).

Subject to those qualifications, each Verizon tandem switch in New York and its associated support systems are technically capable of populating all of the relevant data fields in a TTS record.

**INTERROGATORY 51**

**For each Verizon-NY switch that has at any time been in operation as or functioned as a tandem switch since October 1, 2002, describe in detail how each specific piece of data identified in response to Interrogatory 50 is or was recorded by the switch. As part of the response, describe the “precise systems” of each Verizon-NY switch in sufficient detail as to explain the precise differences among such systems from switch to switch.**

**RESPONSE:**

The statement in Verizon’s response to Interrogatory 48 that there might be differences in the “precise systems” used to create TTS was intended to recognize the fact that the Agilent system, which is an external system associated with the tandem, is used by Verizon to create TTS records where a carrier is interconnected with the tandem via two-way trunks. (*See D’Amico Declaration ¶ 4.*) In general, TTS records are populated by capturing information from three different sources and copying that information into an appropriately formatted AMA record. The three sources are:

(a) Information that is “known” to the switch itself. For example, a tandem has a built-in ability to identify the trunk over which a particular call is delivered to it, and to check a data table to determine the owner-of-record of that trunk and certain information concerning the owner.

(b) Information that is delivered to the tandem through SS7 signaling, over common channel signaling facilities such as signaling links and Signal Transfer Points.

(c) Information that is derived from the information in categories (a) and (b) above (supplemented, in some, cases by references to stored data) by the “mediation systems” that convert AMA-formatted records into the industry-standard “EMI” format for exchange of information between carriers. To take a trivial example, mediation systems can determine the length of the “calling number” field by analyzing the calling number itself (as provided in the SS7 signaling stream), and thus populate the “From Number Length” field (bytes 13 and 14) in the TTS record.

Accompanying this response is a table listing the source of each of the fields in the transit record. (File Interrogatory\_51\_(CONFIDENTIAL).pdf.) The fields are identified by the position numbers used in the ATIS template that was originally provided in Verizon’s initial response to Sprint Document Request No. 1, and that is copied in the file accompanying this response.

#### **INTERROGATORY 52**

**In instances where Verizon-NY provides an RPC record to a terminating carrier as part of the Record Processing Charge product, identify and describe in detail the information and data that Verizon-NY provides. As part of the response to this Interrogatory:**

- (a) Identify each and every piece of data that is provided to each terminating carrier;**
- (b) Produce a comprehensive set of records representing each various category of record (i.e., records containing varying pieces of data) provided by Verizon-NY to a terminating carrier for a call originated by Sprint, and**
- (c) To the extent that the records provided vary depending on the switch, the type of call or any other reason, describe all such differences and produce examples of each different variation of a record provided to a terminating carrier.**

**RESPONSE:**

*See* responses to Interrogatories 50 and 51. Pursuant to Commission Rule 5.3(d), Verizon states that it expects to be able to provide to Sprint, by Friday, February 3, a file containing a sample of recent TTS records for calls originated by Sprint.

**INTERROGATORY 53**

**Does Verizon-NY contend that the information identified in each variation of a record identified in response to Interrogatory 52 provides a sufficient basis for each terminating carrier to (a) identify and bill intercarrier compensation to each originating carrier and (b) identify the jurisdiction of each call for purposes of intercarrier compensation.**

**RESPONSE:**

(a) Subject to possible machine failures that would prevent billing of transit charges as well as the generation of a terminating record, TTS records should always provide information that identifies the party who would be billed for intercarrier compensation by the terminating carrier, as well as the length of the call, and similar information that is relevant to billing. *See* Responses to Interrogatories 48 through 51. What additional information a terminating carrier may require to bill an originating carrier would depend upon the specific billing arrangement that has been agreed to by the two carriers. In general, the terminating carrier may utilize information supplied in the terminating record, and/or it may utilize jurisdictional factors provided by the billed carrier.

(b) One possible — if not infallible — way to determine call jurisdiction for billing purposes is to rely upon calling and called number information. As noted in previous discovery responses and in Verizon's initial Phase I filing, in some cases the relevant fields in the incoming signaling stream may be vacant or may contain incorrect information. This can have a number of causes, such as technical limitations at the originating switch (*see, e.g.*, 47 C.F.R. § 64.1601(d),

(e)), but is not due to any technical limitation in the tandem switch. Bills can also be “jurisdictionalized” through the use of billing factors, as specified in numerous tariffs and interconnection agreements. Indeed, this is one of the most common methods of billing for different types of jurisdictionally-mixed traffic flows. In view of this, there is no reason why the absence of certain signaling information in a terminating record, or any inaccuracies in such information, should prevent jurisdictionalized billing by the terminating carrier.

**INTERROGATORY 54**

**If your answer to Interrogatory 53 is anything other than an unqualified “no”, describe how each terminating carrier is able to identify and bill each originating carrier based upon each variation of a record identified in response to Interrogatory 52.**

**RESPONSE:**

*See response to Interrogatories 50 through 53.*

**INTERROGATORY 55**

**Has each and every Verizon-NY switch that has at any time been in operation as or functioned as a tandem switch since October 1, 2002 at all times during such operation or function actually recorded all of the information identified in response to Interrogatory 50 for each call delivered to the switch?**

**RESPONSE:**

*See responses to Interrogatories 48 through 54.*

**INTERROGATORY 56**

**If your answer to Interrogatory 55 is anything other than an unqualified “no”:**

- (a) Identify the Verizon-NY switches that did not actually record all of the information identified in response to Interrogatory 50 for each call delivered to the switch;**
- (b) For each tandem switch identified in response to subpart (a):**
  - 1. identify which information such tandem switch did not record (the “Missing Information”);**

2. **describe why such tandem switch did not record the Missing Information;**
3. **describe any measures taken by Verizon-NY to add to or change the capability or functionality of such tandem switch so that it would record the Missing Information;**
4. **produce examples of records created by the tandem switch during the time periods in which such tandem switch did not record the Missing Information;**
5. **identify all time periods during which such tandem switch did not record the Missing Information;**

**RESPONSE:**

Verizon objects to this Interrogatory under Commission Rule 5.8(c), on the ground that it would require an unduly burdensome special study to review all of TTS records that its tandem switches have generated — records that in any event are stored in readily-accessible form only for a limited period of time — in order to determine which fields in which records generated by which switches at which times may have been unpopulated because the relevant data was not provided in the incoming signaling stream.

Subject to that objection, and without waiving it, Verizon refers Sprint to its responses to Interrogatories 50 through 55, and states that Sprint will be able to analyze the sample of records produced pursuant to Interrogatory 53 in order to determine the percentage of records in the sample that lack fields derived from signaling information.

Further, with respect to part (3) of the Interrogatory, which asks about “any measures taken by Verizon-NY to add to or change the capability or functionality of such tandem switch so that it would record the Missing Information,” Verizon states that any such modification would be pointless, in view of the fact that the inability of a tandem switch to create a record of information



that is not delivered to it by an originating switch is not due to any technical limitation in the tandem switch itself.

**INTERROGATORY 57**

**For the time period from October 1, 2002 to present, identify the total amount billed by Verizon-NY to Sprint on an annual basis for Record Processing Charges for each type of record (i.e., record containing categorical information distinct from another record), specifying which charges were associated with records delivered to terminating carriers.**

**RESPONSE:**

*See response to Interrogatory 56.*

**INTERROGATORY 58**

**Identify each trunk group, over which traffic is delivered to a Verizon switch that has at any time been in operation as or functioned as a tandem switch, that has at any time contained traffic originated by more than one carrier.**

**RESPONSE:**

In each case there is a single “owner of record” for a trunk delivering traffic to a Verizon tandem, and that is the party that Verizon bills for TTS and that a terminating carrier would bill for intercarrier compensation. If the owner of record uses the trunk group for traffic originated by other carriers as well as by itself, it is not required to inform Verizon of that fact. Accordingly, Verizon is not able to provide the requested information.

**INTERROGATORY 59**

**Verizon’s response to Interrogatory No. 42 states that the following products “provide— or may in some applications provide—usage records to terminating carriers”: Tandem Subtending Arrangements (offered under Verizon Tariff PSC No. 8, §§ 7.1.7 and 35.7.2), Daily Usage Feeds (provided as described in Verizon Tariff P.S.C. No. 10, §§ 5.6.1.5, 5.6.1.7(I)), Billing and Collection Recording Service (offered under Verizon Tariff PSC No. 11, §§ 8.1 and 30.8.1) and 800 Call Record Processing (offered under Tariff PSC No. 8, §§ 9 and 35.9.1).**

**Identify and describe the “usage records” provided by each of these products, including without limitation as to each product the specific data that is recorded and provided.**

**RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to such objection, and without waiving it, Verizon states that it expects to be able to provide responsive information to Sprint by February 3.

**INTERROGATORY 60**

**For each of the following Verizon-NY products, specify any discrepancies or differences in the data recorded by each product versus the data recorded by the Verizon-NY Record Processing Charge product:**

- (a) Tandem Subtending Arrangements (offered under Verizon Tariff PSC No. 8, §§ 7.1.7 and 35.7.2),**
- (b) Daily Usage Feeds (provided as described in Verizon Tariff P.S.C. No. 10, §§ 5.6.1.5, 5.6.1.7(I)),**
- (c) Billing and Collection Recording Service (offered under Verizon Tariff PSC No. 11, §§ 8.1 and 30.8.1), and**
- (d) 800 Call Record Processing (offered under Tariff PSC No. 8, §§ 9 and 35.9.1).**

**RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to such objection, and without waiving it, Verizon states that it expects to be able to provide responsive information to Sprint by February 3.

**INTERROGATORY 61**

**For each of the following Verizon-NY products, specify any discrepancies or differences in the data provided by each product versus the data provided by the Verizon-NY Record Processing Charge product:**

- (a) **Tandem Subtending Arrangements (offered under Verizon Tariff PSC No. 8, §§ 7.1.7 and 35.7.2),**
- (b) **Daily Usage Feeds (provided as described in Verizon Tariff P.S.C. No. 10, §§ 5.6.1.5, 5.6.1.7(I)),**
- (c) **Billing and Collection Recording Service (offered under Verizon Tariff PSC No. 11, §§ 8.1 and 30.8.1), and**
- (d) **800 Call Record Processing (offered under Tariff PSC No. 8, §§ 9 and 35.9.1).**

**RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to such objection, and without waiving it, Verizon states that it expects to be able to provide responsive information to Sprint by February 3.

**INTERROGATORY 62**

**For the time period October 1, 2002 to present, identify the total amount of Record Processing Charges billed by Verizon-NY to Sprint on an annual basis for calls where Verizon- NY provided the terminating carrier with usage records created using each of the following:**

- (a) **Tandem Subtending Arrangements (offered under Verizon Tariff PSC No. 8, §§ 7.1.7 and 35.7.2),**
- (b) **Daily Usage Feeds (provided as described in Verizon Tariff P.S.C. No. 10, §§ 5.6.1.5, 5.6.1.7(I)),**
- (c) **Billing and Collection Recording Service (offered under Verizon Tariff PSC No. 11, §§ 8.1 and 30.8.1),**
- (d) **800 Call Record Processing (offered under Tariff PSC No. 8, §§ 9 and 35.9.1), and/or**
- (e) **SS7 call signaling information received from Sprint.**

**RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of

admissible evidence. Further, Verizon is not able to determine at this point whether a response would require an unduly burdensome special study, in violation of Commission Rule 5.8(c), and accordingly Verizon reserves its right to object further on that ground. Subject to such objections, and without waiving them, Verizon states that it will provide responsive information by February 3 if it is reasonably feasible to do so.

**INTERROGATORY 63**

**Identify and produce all documents relating to the content of the Verizon-NY Record Processing Charge product.**

**RESPONSE:**

Verizon objects to this interrogatory to the extent that it seeks documents filed in this proceeding, since such documents are readily available to Sprint. Verizon further objects to the extent that it seeks drafts of such filings or internal notes relating to the issues in this case, since such notes are manifestly protected by the attorney-client privilege, the work product rule, and rules relating to documents produced for or in anticipation of litigation. Verizon further states that its responses to Document Request 1, Interrogatory 35, and Interrogatory 50 provide industry-standard descriptions of the content of Tandem Transit Service records. Although the content of transit records may be mentioned incidentally in other documents generated for various purposes, there is no reasonable way of identifying, locating, and collecting “all [such] documents” without undue burden.

**INTERROGATORY 64**

**Specify the “gateway services” provided by Verizon referred to in response to Interrogatory No. 42, and specify any discrepancies or differences in the data provided by that service as compared to the data provided by the Verizon-NY Record Processing Charge product.**

**RESPONSE:**

Verizon objects to this interrogatory on the grounds that it is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to such objection, and without waiving it, Verizon states that it expects to be able to provide responsive information to Sprint by February 3.

**INTERROGATORY 65**

**As to each carrier with whom Verizon-NY has entered into any form of settlement, specify the total amount claimed by Verizon-NY to have been owed for Record Processing Charges, and separately any related late payment charges or similar such fees, for the period covered by each such settlement.**

**RESPONSE:**

Under the procedures set forth in the Revised Protective Order, Verizon will notify the relevant carriers of Sprint's request for this additional information. In each case, Verizon will provide the information: (a) if no objection is received, when the notice period expires; or (b) when the objection is resolved, if an objection is received.

**INTERROGATORY 66**

**As to each carrier with whom Verizon-NY has entered into any form of settlement, specify the total net amount paid by each such carrier to Verizon-NY for Record Processing Charges, and separately any related late payment charges or similar such fees, for the period covered by each such settlement.**

**RESPONSE:**

*See* response to Interrogatory 65. Please note that in some of these cases it will not be possible to identify "the total net amount paid" pursuant to the settlement in respect of Record Processing Charges, since the settlements did not necessarily allocate portions of the amount paid by the settling Verizon customer to each particular claim (RPC-related or non-RPC-related) that was settled.

Case No 08-C-0673

Discovery Appendix

PART 5

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**Joseph A. Post**  
Deputy General Counsel — New York



January 12, 2012

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

***Re: Case 08-C-0673***

Dear Mr. Klein:

On Tuesday you called me concerning a number of discovery items. The following are my responses to the questions that you raised.

1. You noted that our response to Sprint Interrogatory 48 stated that:

The precise content and format of transit records and the precise systems used to create them differ from switch to switch (and may differ depending upon the type of call); however, all Verizon tandem switches have the capability to create records of tandem transit calls that, among other information, identify the owner of the trunk group on which the call originates. [Footnote omitted]

You questioned whether that answer was consistent with a statement made in the December 29, 2011 “Petition for Clarification or, in the Alternative, for Reconsideration of Verizon,” which was filed in response to the FCC’s recent order on universal service and intercarrier compensation (WC Docket No. 10-90, *et al.*). I believe that the statement that you were referring to is the following, which appears on page 9 of the petition:

Andrew Klein, Esq.  
January 12, 2012

There are situations in which originating carriers or intermediate providers simply cannot pass calling party number and/or charge number in the call signaling stream because it is not technically possible to do so or network equipment was not designed with this functionality based on industry standards in place at the time.  
[Footnote omitted]

There is no inconsistency between that statement and our response to Interrogatory No. 48. As Verizon made clear in the response itself (and in our Phase I filing), transit records identify the originating carrier on the basis of the trunk group on which the call originates. The ability to capture that information and include it in transit records is present in all of Verizon's tandem switches. The quoted statement from the Verizon petition refers to certain *call signaling* information — which is different information that is delivered and captured through a different technology. At issue in the petition was: (a) information concerning the originating calling party number and/or charge number (not the originating trunk group), (b) that is transmitted “out of band” from one switch to another through signaling links and Signal Transfer Points, utilizing the SS7 signaling protocol. The distinction between signaling information and the originating trunk group information that is included in transit records was made clear in our filing. The capture of originating trunk group information in tandem switches is unaffected by the signaling limitations referred to in the petition. Those limitations may affect some of the contents of transit records (and as our interrogatory response specifically noted the precise contents of transit records may vary), but they do not affect the ability to create the record (the subject of the interrogatory), or the inclusion originating-carrier identification information in that record.

2. You stated that we had not produced a certain document related to Verizon's dispute with Northland. (Because of its confidential nature, I will not describe the document



Andrew Klein, Esq.  
January 12, 2012

more specifically here.) In fact, that document was transmitted to you by e-mail on September 28, 2012, as an attachment to Verizon's supplemental discovery response of that date.

3. In its September 27, 2011 supplemental response to Document Request No. 1, Verizon stated that we were "investigating the availability of information responsive to this interrogatory." You asked me whether we had found any information. The answer is yes; we provided that information in the September 28, 2011 supplemental response referred to in Item 2, above.

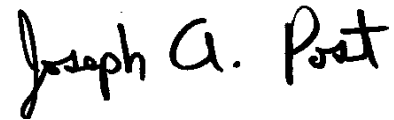
4. We discussed Verizon's response to Sprint Document Request No. 14. We responded to that request on July 7, 2011, raising a number of objections, but agreed, notwithstanding those objections, to produce copies of all tariff filings that introduced new language to or changed existing language in the tariff sections cited in your interrogatory. Subsequently, you and I discussed a number of Verizon discovery responses that you believed were inadequate. With respect to this particular request, I undertook to see if there were any additional responsive documents that could be produced without the sort of burdensome and non-productive search that was the basis for our original objection. As a result of that supplemental review, we produced some additional documents in our September 27, 2011 supplemental response. To the best of my recollection, I heard nothing further from you concerning this document request, and our response to it, until your call earlier this week — over three months later, after the parties had already defined their positions in their initial briefs, and shortly before the current due date for reply briefs.

Under the circumstances, I am inclined to say that this unreasonable delay by itself should preclude you from raising the issue at this late date. However, in the interests of cooperation, I

Andrew Klein, Esq.  
January 12, 2012

reviewed our original and supplemental responses, and I continue to believe that our original objection was fair, reasonable, and consistent with the applicable discovery rules.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post". The signature is written in a cursive, slightly slanted style.

Joseph A. Post

Case No 08-C-0673

Discovery Appendix

PART 6

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

Connect America Fund	)	WC Docket No. 10-90
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Establishing Just and Reasonable Rates for Local Exchange Carriers	)	WC Docket No. 07-135
	)	
High-Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Developing a Unified Intercarrier Compensation Regime	)	CC Docket No. 01-92
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link Up	)	WC Docket No. 03-109
	)	
Universal Service Reform -- Mobility Fund	)	WT Docket No. 10-208

**PETITION FOR CLARIFICATION OR, IN THE  
ALTERNATIVE, FOR RECONSIDERATION OF VERIZON**

Michael E. Glover, *Of Counsel*

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December 29, 2011

Attorneys for Verizon  
and Verizon Wireless

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

Connect America Fund	)	WC Docket No. 10-90
	)	
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Establishing Just and Reasonable Rates for Local Exchange Carriers	)	WC Docket No. 07-135
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High-Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Developing a Unified Intercarrier Compensation Regime	)	CC Docket No. 01-92
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link Up	)	WC Docket No. 03-109
	)	
Universal Service Reform -- Mobility Fund	)	WT Docket No. 10-208

**PETITION FOR CLARIFICATION OR, IN THE ALTERNATIVE, FOR  
RECONSIDERATION OF VERIZON<sup>1</sup>**

**I. INTRODUCTION AND SUMMARY.**

Two discrete aspects of the *USF-ICC Transformation Order* require further action.<sup>2</sup>

First, the Commission should clarify, or in the alternative reconsider, the interplay between the industry-wide phase-down of competitive eligible telecommunications carrier (“CETC”) support in the order and the company-specific phase-down of wireless CETC support that Verizon committed to in connection with the Alltel merger. Second, the Commission should reconsider

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<sup>1</sup> The Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc., and Verizon Wireless (“Verizon”).

<sup>2</sup> *Connect America Fund, et al.*, WC Docket Nos. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 at ¶ 520 (rel. Nov. 18, 2011) (“*USF-ICC Transformation Order*”). This Petition is filed pursuant to 47 U.S.C. § 405(a) and 47 C.F.R. § 1.429.

its decision not to allow for technical feasibility or industry standards exceptions to the new “phantom traffic” rules, or at a minimum delay the effective date of those rules.

The Commission briefly addressed what will happen to Verizon’s remaining wireless CETC funding in the *USF-ICC Transformation Order*.<sup>3</sup> Based on the explicit terms of the *Alltel Order* and Verizon’s 2008 voluntary merger commitment to eliminate its CETC support, the Commission’s new rule phasing out legacy support to all CETCs over the next five years must apply equally to Verizon.<sup>4</sup> This means that under the *USF-ICC Transformation Order* Verizon’s CETC support must be “frozen” at the 2011 level (which, by operation of the merger condition, is 40 percent of what Verizon otherwise would have received) and that remaining amount should be eliminated over a five-year period like all other CETC support. Any other approach would be untenable and would unlawfully disadvantage Verizon in a unique way. The Commission should clarify that it intends to implement Verizon’s merger condition as adopted in the *Alltel Order*. If the Commission intended any other outcome in the *USF-ICC Transformation Order*, this must

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<sup>3</sup> *Id.*; *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC for Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements and Petition for Declaratory Ruling That the Transaction Is Consistent With Section 310(b)(4) of the Communications Act*, WT Docket No. 08-95, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 17444 (2008) (“*Alltel Order*”). The Commission provided guidance on the implementation of the *Alltel Order* in *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service; Request for Review of a Decision of Universal Service Administrator by Corr Wireless Communications, LLC*, WC Docket No. 05-337, Order and Notice of Proposed Rulemaking, 25 FCC Rcd 12854 (2010) (“*Corr I*”) and *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service*, WC Docket No. 05-337, Order, 25 FCC Rcd 18146 (2010).

<sup>4</sup> *See Alltel Order*, 23 FCC Rcd at 17531-32 ¶ 196 (addressing Verizon’s merger commitment and finding that “[i]f the Commission adopts a different transition mechanism or a successor mechanism to the currently capped equal support rule in a rulemaking of general applicability, then that rule of general applicability would apply instead”), *citing* Letter from John T. Scott, III, V.P. and Dep. Gen. Counsel of Regulatory Law, Verizon Wireless, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 08-95), at 1-2 (filed Nov. 3, 2008) (“Verizon Wireless Merger Commitment Letter”).

be reconsidered, as it would impermissibly change the terms of the *Alltel Order* and Verizon's merger commitment.

In addition, unlike virtually every proposal on the record over the last several years, the Commission's new "phantom traffic" rules (requiring carriers generally to transmit calling party number and/or charge number information in the call signaling stream) have no exception for technical feasibility or adherence to industry standards.<sup>5</sup> The Commission provided no explanation in the *USF-ICC Transformation Order* for departing from these necessary limitations with its new signaling rules except to say that exceptions have the potential to undermine the rules, and if compliance is a problem then carriers should seek a waiver. It is not even possible for carriers to analyze their myriad call flow scenarios to determine where signaling of calling party number and/or charge number information cannot be done by the effective date of the new rules (*i.e.*, today), if ever, due to technical or practical constraints. The Commission also needs time to review and act on any waiver petitions. For large carriers there are thousands, or more, call patterns to review. The Commission should reconsider the lack of technical feasibility and industry standards exceptions to the new rules. At a minimum, the Commission should delay the effective date of the new rules to give carriers a reasonable amount of time to identify those instances where a waiver may be required.

**II. THE COMMISSION SHOULD CLARIFY OR RECONSIDER HOW VERIZON'S REMAINING WIRELESS CETC SUPPORT WILL BE ADDRESSED IN THE NEW USF REGIME.**

**A. The New General CETC Support Rule Must Apply Instead of Verizon's Merger-Specific Phase-Down.**

In connection with its acquisition of Alltel in 2008, Verizon committed to "a phase-down of the [CETC] high-cost support, for any properties which Verizon Wireless retains and controls,

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<sup>5</sup> *USF-ICC Transformation Order* at ¶¶ 721-23.



over a five-year period following closing of the transaction.”<sup>6</sup> A key element of the merger commitment was the provision that, “[i]f the Commission adopts a different transition mechanism or a successor mechanism to the currently capped equal support rule in a rulemaking of general applicability, then that rule of general applicability would apply instead.”<sup>7</sup> In the *Alltel Order*, the Commission recited the merger commitment, including the provision regarding the impact of any later-adopted industry-wide phase-down, and “condition[ed] [its] approval of the proposed transaction on Verizon Wireless’ commitment to phase down its [CETC] high cost support over five years, *as discussed herein*.”<sup>8</sup> The only discussion of the phase-down commitment “therein” in the *Alltel Order* is the sentence stating that a later-adopted rule of general applicability will apply “instead” of Verizon’s phase-down.<sup>9</sup>

With respect to Verizon’s remaining wireless CETC support, paragraph 520 of the *USF-ICC Transformation Order* first states that Verizon’s merger-specific phase-down “will be applied to the revised rules of general applicability we adopt today,”<sup>10</sup> perhaps suggesting that perhaps somehow *both* of the phase-downs would be applied simultaneously. It goes on to state, however, that Verizon in 2012 would “have an 80 percent reduction applied to the support it

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<sup>6</sup> Verizon Wireless Merger Commitment Letter at 1.

<sup>7</sup> *Alltel Order*, 23 FCC Rcd at 17531-32 ¶ 196. *See also* Verizon Wireless Merger Commitment Letter at 1-2.

<sup>8</sup> *Alltel Order*, 23 FCC Rcd at 17532 ¶ 197 (emphasis added).

<sup>9</sup> *See also* Reply of Corr Wireless Comms. LLC, WC Docket No. 05-337 at 2 (filed May 22, 2009) (“the ‘as discussed herein’ language modified only the phase-down commitment and nothing else,” and Verizon’s “understanding” only relevant in that the FCC “accepted Verizon’s voluntary commitment but said nothing about the disposition of the money”).

<sup>10</sup> *USF-ICC Transformation Order* at ¶ 520.

would otherwise receive,”<sup>11</sup> suggesting that the merger-specific phase-down alone would apply.<sup>12</sup> Finally, the paragraph states that, “[i]n 2013, neither [Verizon nor Sprint] will receive phase down support, *consistent with the commitments*”<sup>13</sup> – yet under the merger commitment Verizon would, in light of the revised rules, receive support until 2016 like all other CETCs.<sup>14</sup>

Because the Commission adopted a new “rule of general applicability” in the *USF-ICC Transformation Order* governing distribution of CETC support and a five-year phase-down of legacy funding to all CETCs, pursuant to the explicit terms of the *Alltel Order* and Verizon’s voluntary merger commitment the only permissible approach is to now apply that new rule to Verizon. Specifically, Verizon’s baseline should be established – like that of other CETCs – at its 2011 support level (which, under the merger condition, amounts to 40 percent of the amount of high-cost support to which it would otherwise be entitled).<sup>15</sup> That 2011 baseline amount should then be phased out in five equal steps between 2012 and 2016 – again, consistent with the rule of general applicability that applies to all CETCs.<sup>16</sup>

The element of the merger condition regarding later rules of general applicability recognized that, at the time that Verizon offered the commitment and the Commission accepted it, the Commission plainly was on a path to adopting an industry-wide phase-out of CETC

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.* Under the merger commitment and *Corr I*, absent a subsequent rule of general applicability, Verizon Wireless would receive 20 percent of the support to which it was otherwise entitled in 2012 and no support in 2013. *Corr I*, 25 FCC Rcd at 12861 ¶ 17.

<sup>13</sup> *USF-ICC Transformation Order* at ¶ 520 (emphasis added).

<sup>14</sup> As discussed below, under the merger commitment, any rule of general applicability applies “instead” of the merger timetable. *See infra*.

<sup>15</sup> *USF-ICC Transformation Order* at ¶ 515.

<sup>16</sup> *Id.* at ¶ 519.

support. Indeed, the Commission very nearly did so shortly after it adopted the *Alltel Order*, but ultimately released a detailed further notice of proposed rulemaking instead.<sup>17</sup> Though it took longer than either Verizon or the Commission expected, the Commission’s industry-wide phase-down was fully contemplated by both entities when Verizon offered the commitment and the Commission accepted it. Thus a plan for addressing Verizon’s participation in the industry-wide phase-down was incorporated explicitly into the merger commitment.

**B. The *USF-ICC Transformation Order* Did Not Validly Modify the Verizon-Alltel Merger Condition.**

As explained above, the Verizon-Alltel merger condition as adopted included the provision that any later-adopted rule of general applicability would apply to Verizon “instead” of the merger-specific phase-down.<sup>18</sup> To reach any other result, the *USF-ICC Transformation Order* would have had to modify the merger condition. It did not validly do so.

The Commission never provided notice under the Administrative Procedure Act that it intended to modify the Verizon merger condition in the current proceeding or in any other proceeding.<sup>19</sup> In fact, in 2010 the Commission sought comment on how “reductions in legacy high-cost support for all competitive ETCs [should] *be coordinated with* implementation of Verizon Wireless’s and Sprint’s voluntary commitments to phase-out legacy high-cost support over a five year period.”<sup>20</sup> This question does not propose to modify Verizon’s commitment;

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<sup>17</sup> See *High Cost Universal Service Support, et al.*, WC Docket Nos. 05-337 *et al.*, Order on Remand and Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6475 (2008).

<sup>18</sup> See *supra* Section I.

<sup>19</sup> 5 U.S.C. §§ 553(b)-(c) (Administrative Procedures Act notice and comment requirements).

<sup>20</sup> *Connect America Fund, et al.*, WC Docket No. 10-90, Notice of Inquiry and Notice of Proposed Rulemaking, 25 FCC Rcd 6657, 6682 ¶ 61 (2010) (emphasis added).

rather, it suggests just the opposite.<sup>21</sup> Under these circumstances, it cannot be said that a change to the merger commitment would be a “logical outgrowth” of the proposal such that Verizon “should have anticipated” it.<sup>22</sup>

Moreover, even if the Commission had provided adequate notice of an intention to modify Verizon’s merger condition, it still would have had to “articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.”<sup>23</sup> Instead, however, the *USF-ICC Transformation Order* states that “Verizon Wireless and Sprint will continue to be subject to the phase-down commitments they made in the November 2008 merger Orders.”<sup>24</sup> It is difficult to explain an agency’s change in course in situations where an agency does not even acknowledge that a change has occurred. But, as the courts have held, “[a]n agency acts arbitrarily and capriciously when it abruptly departs from a position it previously held without satisfactorily explaining its reason for doing so.”<sup>25</sup> The *USF-*

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<sup>21</sup> The Commission later characterized this question as seeking comment “on a proposal to transition all legacy competitive ETC high-cost support for voice-grade service to new universal service programs for broadband and the impact of such a proposal on the Verizon Wireless and Sprint Nextel merger commitments.” *Corr I*, 25 FCC Rcd at 12862 n.44. This footnote appeared in the Order section of *Corr I*, and did not purport to provide independent notice of, or seek comment on, anything.

<sup>22</sup> *See, e.g., Covad Communs. Co. v. FCC*, 450 F.3d 528, 548 (D.C. Cir. 2006) (“Whether the ‘logical outgrowth’ test is satisfied depends on whether the affected party ‘should have anticipated’ the agency’s final course in light of the initial notice.”).

<sup>23</sup> *Motor Vehicle Mfrs. Ass’n, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 57 (1983) (internal quotation omitted); *see also Verizon Tel. Cos. v. FCC*, 570 F.3d 294, 301 (D.C. Cir. 2009). *See also* 5 U.S.C. § 553(c) (agencies must provide “a concise general statement of [the] basis and purpose” of conclusions reached in rulemaking proceedings).

<sup>24</sup> *USF-ICC Transformation Order* at ¶ 520.

<sup>25</sup> *Wisconsin Valley Improvement Co. v. FERC*, 236 F.3d 738, 748 (D.C. Cir. 2001). *See also FCC v. Fox Television Stations, Inc.*, 129 S. Ct. 1800, 1810-11 (2009) (noting that “the requirement that an agency provide reasoned explanation for its action would ordinarily demand that it display awareness that it *is* changing position”) (emphasis in original); *CBS Corp. v. FCC*,

*ICC Transformation Order* provides no explanation as to why any such departure from the *Alltel Order* and the Verizon Wireless Merger Commitment Letter would be justified. As discussed above, Verizon’s participation in any later-adopted industry-wide phase-down was an integral part of the commitment that it made and that the Commission accepted.

**III. THE COMMISSION SHOULD RECONSIDER ITS OMISSION OF TECHNICAL FEASIBILITY AND INDUSTRY STANDARDS EXCEPTIONS TO THE PHANTOM TRAFFIC RULES.**

Concerns regarding so-called “phantom traffic” issues have been before the Commission for years, and this debate has frequently included proposals for new call signaling procedures permitting LECs to better identify which companies to bill intercarrier compensation charges for traffic they receive. Virtually all such proposals have included important technical feasibility and industry standards limitations on proposed requirements that carriers pass calling party number and/or charge number information in the signaling stream. The heavily negotiated consensus phantom traffic proposal filed by USTelecom in 2008, for example, included these exceptions.<sup>26</sup> Even the Missoula Plan’s flawed phantom traffic proposal acknowledged that carriers cannot be required to deploy new technology or modify networks to comply with call signaling rules. The Missoula Plan provided several examples of existing call flows in which transmission of telephone number information is not technically feasible with currently-deployed

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No. 06-3575, *slip op.* at 68 (3d Cir. 2011) (available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-310822A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-310822A1.pdf)) (FCC’s failure to acknowledge change in policy precludes compliance with *State Farm*).

<sup>26</sup> Letter from Glenn Reynolds, V.P. of Policy, USTelecom, to Marlene Dortch, Secretary, FCC, CC Docket No. 01-92 (Feb. 12, 2008).

equipment, such as operator-assisted dialed traffic for which the provider uses an operator service platform.<sup>27</sup>

As Verizon and many other commenters pointed out in refreshing the record on this issue in early 2011, the need for technical feasibility and industry standards exceptions to any new signaling rules has only increased as new technologies have emerged and the number of possible call flow routes has exploded. There are situations in which originating carriers or intermediate providers simply cannot pass calling party number and/or charge number in the call signaling stream because it is not technically possible to do so or network equipment was not designed with this functionality based on industry standards in place at the time.<sup>28</sup>

In some cases these limitations include significant call volumes. For example, switches deployed by many traditional wireline companies were not designed to populate a charge number field in the signaling stream on intraLATA calls, consistent with industry standards. Moreover, there are many situations where carriers have never before had arrangements to populate these fields because the data are not needed. “On network” Verizon calls, for instance, often do not include this information. Verizon also has negotiated business-to-business arrangements with other carriers to modify or remove charge number information – not for any deceptive purpose but so that the receiving carrier’s switch will be technically capable of accepting the traffic. It is also now possible in the IP space to originate calls that terminate on the PSTN from a unique

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<sup>27</sup> See Letter from Tony Clark, Commissioner and Chair, NARUC Committee on Telecommunications, Ray Baum, Commissioner and Chair, NARUC Task Force on Intercarrier Compensation, and Larry Landis, Commissioner and Vice-Chair, NARUC Task Force on Intercarrier Compensation, to Kevin Martin, Chairman, FCC, CC Docket No. 01-92, Attachment at 57-58 (July 24, 2006) (attaching the Missoula Plan).

<sup>28</sup> See, e.g., Verizon Comments at 50-54 (Apr. 1, 2011); PAETEC Comments at 8 (Apr. 1, 2011); Earthlink Comments at 22 (Apr. 1, 2011); Comcast Comments at 9-10 (Apr. 1, 2011); Sprint Comments at 26 (Apr. 1, 2011); AT&T Comments at 22 (Apr. 1, 2011); and Alliance for Telecommunications Industry Solutions (ATIS) Comments at 4 (Apr. 1, 2011).

electronic identifier other than a traditional calling party number that is not useful for intercarrier compensation billing purposes, even if this identifier could be passed in the call signaling stream.

The *USF-ICC Transformation Order*, however, stripped the industry phantom traffic proposals of any exceptions for technical feasibility and industry standards and provided no analysis as to how the industry can comply with these new rules without either of these exceptions.<sup>29</sup> Instead, the Commission held in a few short sentences that “exceptions would have the potential to undermine the rules,”<sup>30</sup> and thus the Commission declined to include these exceptions in its final rules requiring carriers to pass calling party number and/or charge number information in the call signaling stream. While Verizon understands the Commission’s concern, it does not change the fundamental problem that many providers simply will not be able to comply with the rule. It therefore should be reconsidered.

It is especially inappropriate for the Commission to expect carriers to make significant changes to call signaling practices for intercarrier billing purposes where any investment in the technology and equipment necessary to do so would be wasted after just a few years. The Commission’s larger intercarrier compensation goal throughout the *USF-ICC Transformation Order* is to transition to a bill-and-keep regime in which intercarrier compensation payments are eliminated entirely. At that point all data in the call signaling stream used for intercarrier billing purposes will be unnecessary and useless.

The *USF-ICC Transformation Order* also fails to address the fact that carriers have developed adequate work-arounds for gaps in call signaling information. Many carriers file jurisdiction-based usage factors for traffic without call signaling information. And many tariffs

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<sup>29</sup> *USF-ICC Transformation Order* at ¶¶ 721-23.

<sup>30</sup> *Id.*

and interconnection agreements include so-called “incentive arrangements” – *e.g.*, rating traffic without calling party number data at intrastate rates to encourage carriers to populate this field in the call signaling stream where it is technically feasible and cost-effective to do so. If it is not feasible to include this information on a particular call, and if an intermediate carrier is already paying an incentive rate for that call so that the terminating LEC is more than adequately compensated, there is nothing to be gained from strict signaling rules that do not provide exceptions for technical feasibility or compliance with industry standards.

The Commission’s only concession to the significant challenges wrought by the new rules – an acknowledgement that carriers unable to comply are at liberty to seek waivers<sup>31</sup> – is insufficient to save the faulty rules. As the above discussion illustrates, the potential situations in which carriers may be unable to comply with the new rule are myriad, as are the reasons for them. “The very essence of waiver is the assumed validity of the general rule.”<sup>32</sup> The Commission may not avoid its obligation to provide a reasonable explanation as to how compliance with the new phantom traffic rules is possible (without significant, expensive changes to longstanding practices and deployment of new equipment and software) by including a passing reference to the general waiver process. While the availability of a waiver process can constitute “a ‘sign of reasonableness . . . under appropriate circumstances,’”<sup>33</sup> the Commission nevertheless “cannot save an irrational rule by tacking on a waiver procedure.”<sup>34</sup>

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<sup>31</sup> *Id.* at ¶ 723.

<sup>32</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1158 (D.C. Cir. 1969).

<sup>33</sup> *Vt. Pub. Serv. Bd. v. FCC*, 661 F.3d 54 (D.C. Cir. 2011) (quoting *NRDC v. EPA*, 822 F.2d 104, 120 (D.C. Cir. 1987)).

<sup>34</sup> *ALLTEL Corp. v. FCC*, 838 F.2d 551, 561 (D.C. Cir. 1988).



Moreover, as a practical matter it is not even possible for Verizon and other carriers to analyze the myriad call flows and determine where a waiver of the rules may be necessary – and on what grounds – by the effective date of the new phantom traffic rules. The rules take effect today, less than six weeks after the text of the *USF-ICC Transformation Order* was released and the Commission disclosed, for the first time, that no part of the new signaling rules allows for technical feasibility or industry standards exceptions. Collectively, Verizon employees alone have already spent hundreds of hours attempting to identify those situations in which a waiver may be required. Further analysis necessary to meet the Commission’s standard for a waiver in 47 C.F.R. § 1.3, if it is determined that such a request is necessary, will take time and will require a significant investment of additional resources. And once waiver petitions, if necessary, are filed, it will likely take the Commission significant additional time to act on them.

#### IV. CONCLUSION.

The Commission should clarify, or in the alternative reconsider, the interplay between the industry-wide phase-down of CETC support in the *USF-ICC Transformation Order* and the company-specific phase-down of wireless CETC support that Verizon committed to in the Alltel merger. The Commission should also reconsider its decision not to allow for technical feasibility or industry standards exceptions to the new phantom traffic rules or, at a minimum, delay the effective date of those rules.

Respectfully submitted,

By: /s/ Christopher M. Miller

Michael E. Glover, *Of Counsel*

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Arlington, VA 22201-2909  
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December 29, 2011

Attorneys for Verizon  
and Verizon Wireless

Case No 08-C-0673

Discovery Appendix

PART 7

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**Joseph A. Post**  
Deputy General Counsel — New York



December 19, 2011

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

***Re: Case 08-C-0673***

Dear Mr. Klein:

Attached please find a Further Supplemental Response of Verizon New York Inc. to Sprint's First Set of Discovery Requests. The attachments are being produced pursuant to the Protective Order in this case.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post".

Joseph A. Post

cc: (without attachments)  
Elise Hiller, Esq.  
Allen C. Zoracki, Esq.  
Kenneth A. Schifman, Esq.  
Janette Luehring, Esq.  
Diane C. Browning, Esq..  
Brian Fitzgerald, Esq.  
  
Hon. Rafael A. Epstein  
Maureen McCauley, Esq.

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications  
Company L.P. Against Verizon New  
York Inc. for Modification of Verizon  
New York Tariff PSC No. 8 to Establish  
Just and Reasonable Terms for Transit  
Record Processing Charges and for  
Refund of Charges Improperly Collected**

**Case 08-C-0673**

**FURTHER SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC.  
TO SPRINT'S FIRST SET OF DISCOVERY REQUESTS**

**JOSEPH A. POST  
140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126**

**Counsel for Verizon New York Inc.**

**December 19, 2011**

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications  
Company L.P. Against Verizon New  
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Just and Reasonable Terms for Transit  
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Refund of Charges Improperly Collected**

**Case 08-C-0673**

**FURTHER SUPPLEMENTAL RESPONSE OF VERIZON NEW YORK INC.  
TO SPRINT'S FIRST SET OF DISCOVERY REQUESTS**

Verizon New York Inc. ("Verizon") submits the following further supplemental response to Sprint's first set of discovery requests. This response incorporates by reference the "Introductory Statement" to Verizon's December 14, 2009 responses to Sprint's first set of discovery requests.

**REQUEST NO. 5**

**Please identify and produce all Documents containing, describing, or relating to Carrier complaints and/or disputes relating to Verizon-NY's provision of and/or billing for Tandem Records Service.**

**FURTHER SUPPLEMENTAL RESPONSE:**

- (a) Two additional documents responsive to this request are attached.
- (b) Also attached is a corrected attachment to Verizon's October 12, 2011 supplemental response to this interrogatory.
- (c) These documents are being provided pursuant to the Protective Order in this proceeding.

Case No 08-C-0673

Discovery Appendix

PART 8

140 West Street — 27<sup>th</sup> Floor  
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**Joseph A. Post**  
Deputy General Counsel — New York



October 24, 2011

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

**Re: Case 08-C-0673**

Dear Mr. Klein:

Attached please find Verizon's responses to Sprint's fourth set of discovery requests.

Also, I take this opportunity to memorialize my understanding, reached during the discussions that led to Verizon's September 27 supplemental discovery response, that Verizon will not be required to further supplement its response to Sprint's DR-5 by providing updated information concerning RPC disputes.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post". The signature is written in a cursive, slightly slanted style.

cc Hon. Rafael A. Epstein  
Maureen McCauley, Esq.  
Elise Hiller, Esq.  
Kenneth Schifman, Esq.  
Allen C. Zoracki, Esq.  
Janette Luehring, Esq.  
Brian Fitzgerald, Esq.



**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications  
Company L.P. Against Verizon New York  
Inc. for Modification of Verizon New York  
Tariff PSC No. 8 to Establish Just and  
Reasonable Terms for Transit Record  
Processing Charges and for Refund of  
Charges Improperly Collected**

**Case 08-C-0673**

**RESPONSE OF VERIZON NEW YORK INC. TO  
SPRINT'S FOURTH SET OF DISCOVERY REQUESTS**

**JOSEPH A. POST  
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**Counsel for Verizon New York Inc.**

**October 24, 2011**

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

**Complaint of Sprint Communications  
Company L.P. Against Verizon New York  
Inc. for Modification of Verizon New York  
Tariff PSC No. 8 to Establish Just and  
Reasonable Terms for Transit Record  
Processing Charges and for Refund of  
Charges Improperly Collected**

**Case 08-C-0673**

**RESPONSE OF VERIZON NEW YORK INC. TO  
SPRINT'S FOURTH SET OF DISCOVERY REQUESTS**

Verizon New York Inc. ("Verizon") submits the following responses to the fourth set of discovery requests of Sprint Communications Company L.P. ("Sprint"). These responses are subject to the caveats set forth in the Introductory Statement to Verizon's December 14, 2009 response to Sprint's initial set of discovery requests.

**INTERROGATORY NO. 48**

**Identify each Verizon switch that lacked the functionality to create tandem transit records for any type of traffic at any point during the period January 1, 2000 to the present, setting forth as to each switch:**

- (a) The time period(s) during which such functionality was lacking,**
- (b) The specific types or categories of traffic for which the switch was unable to create records,**
- (c) Any measures taken by Verizon to add the functionality to create tandem transit records, and**
- (d) Whether Sprint was billed the Records Processing Charge for traffic that transited the switch during the time period that such functionality was lacking.**

**RESPONSE:**

The precise content and format of transit records and the precise systems used to create them differ from switch to switch (and may differ depending upon the type of call<sup>1</sup>); however, all Verizon tandem switches have the capability to create records of tandem transit calls that, among other information, identify the owner of the trunk group on which the call originates.

**INTERROGATORY NO. 49**

**Identify each Verizon switch that was unable to create tandem transit records, despite possessing the functionality to do so, for any type of traffic during the period January 1, 2000 to the present, setting forth as to each**

- (a) The time period(s) during which the switch was unable to create such records,**
- (b) The specific types or categories of traffic for which the switch was unable to create records,**
- (c) The reason for the inability to create such records,**
- (d) Any measures taken by Verizon to remediate such inability, and**
- (e) Whether Sprint was billed the Records Processing Charge for traffic that transited the switch during the time period that the switch was unable to create such records.**

**RESPONSE:**

Following reasonable inquiry we have been unable to identify any specific situation in which a Verizon tandem switch was rendered unable to create transit records. Nevertheless, like all electronic systems, tandem switches and their associated support systems can fail or be affected by external events such as power failures, floods, etc., so we cannot rule out the possibility that some such failure has occurred somewhere, at some time.

---

<sup>1</sup> For example, records for calls delivered to the tandem over two-way trunks are initially generated by a separate system, known as Agilent, that is external to the switch. Like records initially generated within the switch, however, such records are used both for internal billing purposes and for delivery to the terminating carrier.

On infrequent occasions, network problems may temporarily prevent the “polling” of transit records from tandem switches and their delivery to downstream systems. In such cases, the records are generated and simply remain within the switch, and thus can be polled once the problem is resolved.

As noted in a previous discovery response, the records that are delivered on request to terminating carriers are copied from transit records generated for internal billing use by Verizon. Thus, if for any reason a switch was temporarily unable to generate transit records, such a problem would prevent the billing of TTS charges (including the RPC) to the originating carrier as well as the delivery of records to the terminating carrier.

**REQUEST TO ADMIT NO. [7]**

**One or more Verizon switches lacked the functionality to create tandem transit records during the period January 1, 2000 to December 31, 2007.**

**RESPONSE:**

Denied.

**REQUEST TO ADMIT NO. [8]**

**One or more Verizon switches lacked the functionality to create tandem transit records during the period January 1, 2008 to the present.**

**RESPONSE:**

Denied.

**REQUEST TO ADMIT NO. [9]**

**One or more Verizon switches was unable to create tandem transit records, despite possessing the functionality to do so, during the period January 1, 2000 to December 31, 2007.**

**RESPONSE:**

See response to Interrogatory No. 49.

**REQUEST TO ADMIT NO. [10]**

**One or more Verizon switches was unable to create tandem transit records, despite possessing the functionality to do so, during the period January 1, 2008 to the present.**

**RESPONSE:**

See response to Interrogatory No. 49.

Case No 08-C-0673

Discovery Appendix

PART 9

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**Joseph A. Post**  
Deputy General Counsel — New York



September 27, 2011

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

**Re: Case 08-C-0673**

Dear Mr. Klein:

Attached please find Additional Supplemental Responses of Verizon New York Inc. to Sprint's Discovery Requests. We are sending to you separately, by overnight mail, a CD-ROM containing all of the documents that Verizon is producing as part of this Response. A copy of the CD will be provided to Judge Epstein and to Staff on request.

Some of the documents are being provided pursuant to the Protective Order attached to Judge Epstein's November 27, 2009 "Ruling on Confidential Materials." Those documents are in a separate folder on the CD, labeled "CONFIDENTIAL."

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph A. Post".

cc: Hon. Rafael A. Epstein  
Maureen McCauley, Esq.  
Elise Hiller, Esq.  
Kenneth Schifman, Esq.  
Allen C. Zoracki, Esq.  
Janette Luehring, Esq.  
Brian Fitzgerald, Esq.

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications  
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Tariff PSC No. 8 to Establish Just and  
Reasonable Terms for Transit Record  
Processing Charges and for Refund of  
Charges Improperly Collected**

**Case 08-C-0673**

**ADDITIONAL SUPPLEMENTAL RESPONSES OF  
VERIZON NEW YORK INC. TO SPRINT'S DISCOVERY REQUESTS**

**JOSEPH A. POST  
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**Counsel for the Verizon New York Inc.**

**September 27, 2011**



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STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

**Complaint of Sprint Communications  
Company L.P. Against Verizon New York  
Inc. for Modification of Verizon New York  
Tariff PSC No. 8 to Establish Just and  
Reasonable Terms for Transit Record  
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**Case 08-C-0673**

**ADDITIONAL SUPPLEMENTAL RESPONSES OF  
VERIZON NEW YORK INC. TO SPRINT'S DISCOVERY REQUESTS**

Verizon New York Inc. ("Verizon") submits the following additional supplemental responses to the document production requests and interrogatories of Sprint Communications Company L.P. ("Sprint").

These supplemental responses are subject to the caveats set forth in the Introductory Statement to Verizon's December 14, 2009 response to Sprint's initial set of discovery requests.

**I. SUPPLEMENTAL RESPONSES TO SPRINT'S FIRST SET OF DISCOVERY REQUESTS**

**DOCUMENT REQUEST NO. 1**

**Please produce all Documents that set forth, describe, relate or otherwise refer to the processes and procedures used or followed by Verizon-NY to provide Tandem Records Service.**

Part (d) of Verizon's original (December 14, 2009) response to this request stated that

The terminating carrier indicates its preferences concerning the records generated by Tandem Records Service on a customer profile form which it fills out — through standard wholesale interfaces — in order to establish an account with Verizon. The profile identifies the mode of delivery desired (electronic or on physical media) and delivery details (*e.g.*, address and frequency of delivery) for "Category 11" records, which include Tandem Transit Service records. Information derived from the profiles is used to populate tables in the Message Customer Record Information System ("MCRIS"), which generates the records. Customer profile information that is requested by Verizon is shown in the file Profile.pdf that is included in the non-confidential folder of the CD.

Verizon's July 21, 2011 supplement response to this request stated that:

It is possible that in some cases carrier's instructions concerning records have changed from time to time. Our analyses of carriers receiving and not receiving records are based on the instructions most recently reflected in MCRIS, as listed in the response to Interrogatory 10.

In some cases carriers may indicate — or modify — their preferences with respect to Category 11 records other than through formal submission of a profile (for example, through a separate request). In general, wireless carriers receive records (if and when they want them) solely through separate requests.

Sprint has orally asked Verizon to supplement its original responses by providing documentation of the changes in carrier record-delivery preferences over time.

**SUPPLEMENTAL RESPONSE:**

Verizon is investigating the availability of information responsive to this interrogatory.

**DOCUMENT REQUEST NO. 5**

**Please identify and produce all Documents containing, describing, or relating to Carrier complaints and/or disputes relating to Verizon-NY's provision of and/or billing for Tandem Records Service.**

**SUPPLEMENTAL RESPONSE:**

1. On September 12, 2011, Verizon sent an e-mail to Sprint providing unredacted copies of documents relating to disputes with XO that Verizon had previously produced in redacted form. We take this occasion to formally memorialize that production.
2. Documents from a pending complaint proceeding against two Verizon affiliates in the State of Pennsylvania are included in the NON-CONFIDENTIAL folder of the accompanying CD.
3. Sprint has advised Verizon that it is negotiating with TVC over terms and conditions for the production of documents and information related to TVC's disputes with Verizon. Verizon will provide the documents and information if authorized to do so by TVC or by a ruling of the Administrative Law Judge.
4. Documents related to disputes with Westelcom are provided in the CONFIDENTIAL folder of the CD.

5. Documents related to disputes with Level 3 and its affiliates are included in the CONFIDENTIAL folder of the CD.

6. Sprint has requested data on the current status of Verizon's disputes with Peerless, Broadview, Level 3, and Northland. By "current status," Sprint has indicated that it wishes to know (a) whether Verizon is still billing these carriers in full for applicable Record Processing Charges; (b) whether the carriers are paying those charges; and (c) the current disputed amounts. Consistent with the manner in which similar requests have been handled for other carriers, Verizon will notify these carriers of Sprint's request, provide them with Verizon's proposed response, and give them an opportunity to object to the production or to seek additional protective measures. If no objection is received by the dates specified in the notice, Verizon will provide the requested information to Sprint. It is Verizon's understanding that this is the last time that Sprint will request an update of the status of these disputes.

## II. SUPPLEMENTAL RESPONSES TO SPRINT'S THIRD SET OF DISCOVERY REQUESTS

### DOCUMENT REQUEST NO. 12

**Please produce all documents concerning or related to the subject matter of this case provided to, received from, or shown to New York Public Service Commission or Department of Public Service personnel.**

Verizon's original (May 20, 2011) response to this request stated:

Verizon objects to this request to the extent that it seeks documents that: (a) were filed with the Commission in this proceeding and served on Sprint, (b) were otherwise copied to Sprint at the time they were sent or received, or (c) are available on the Commission's web page for this case,<sup>1</sup> on the grounds that producing copies of such documents would be unduly burdensome and unnecessary. Subject to that objection, and without waiving it, Verizon states as follows:

The documents that are responsive to this request that Verizon was able to locate through a good faith search, and that have not been provided in response to other discovery requests, are included in the Non-Confidential folder of the CD. Documents that are described in the first paragraph of this response have not been

<sup>1</sup> <http://documents.dps.state.ny.us/public/MatterManagement/CaseMaster.aspx?MatterSeq=26336>.

included. It should also be noted that it was impractical to individually review the thousands of emails that have been sent or received by Verizon personnel during the relevant period, and accordingly responsive e-mails were identified primarily through key-word searches in subject, author, and recipient fields of e-mail archives.

*See also* the documents provided in Verizon's May 20, 2011 response to Document Request No. 11, and in its response to Document Request No. 13, below.

Sprint has orally requested additional information on the search methodology that Verizon utilized to identify these documents.

**SUPPLEMENTAL RESPONSE:**

Through preliminary inquiries, Verizon identified a small group of people in the company's Legal and Regulatory Affairs groups who might have communicated with Staff concerning this proceeding. These individuals were asked to search their files going back to the filing of the complaint in 2008. Each of the involved individuals organizes his or her work tools differently, so the details of the search differed, but the basic approach was the same for each. Where there were a relatively small number of written communications with Staff, documents sent to or received from the dps.state.ny.us domain could be reviewed manually. Where there were a large numbers of such communications, attempts were made to isolate relevant documents by keyword searches under such terms as "tandem transit," "record processing charge," and "complaints." Calendar entries were also reviewed where it was deemed likely that such a search would identify additional responsive documents.

**DOCUMENT REQUEST NO. 14**

**Produce all documents related to Verizon PSC No. 914 tariff sections 4.1.2(B)(1) and (2), and 10.4.1(B)(3), and PSC NY No. 8 tariff sections 6.3.3 and 35.6.2, including prior tariff versions.**

**SUPPLEMENTAL RESPONSE:**

As a result of a further review, Verizon has identified a small number of additional documents. These are provided on the NON-CONFIDENTIAL folder of the CD.

**INTERROGATORY NO. 29**

**Identify on a month-to-month basis each carrier utilizing Verizon-NY tandem transit service that is not billed the RPC.**

**RESPONSE:**

Verizon's original response to this Interrogatory stated:

*See* file Interrogatory 29.xls in the Confidential folder of the CD. Data is available only for the period December 2008 through April 2011.

Sprint has orally requested an explanation of the December 2008 date referred to in this response.

**SUPPLEMENTAL RESPONSE:**

Carriers that have *not* been billed for the RPC include independent telephone companies ("ITCs"), which were billed through the Access Pool prior to December 2008. As a result, Verizon could not provide a complete monthly list of carriers that were not billed the RPC for any time prior to that date. However, based on subsequent investigation, Verizon has concluded that it would be reasonable to assume that the available data can be extended backwards based on the assumption that the ITCs that are *currently* not being billed for the RPC also have not been billed for the charge in the past. This has enabled Verizon to extend its response to this Interrogatory back to the date of the general take-over of RPC billing from the Pool in 2006. A revised version of the spreadsheet previously produced by Verizon in response to this Interrogatory is provided in the CONFIDENTIAL folder of the CD.

**INTERROGATORY NO. 30**

**Identify on a month-to-month basis each carrier utilizing Verizon-NY tandem transit service that is billed the RPC.**

Verizon's original response to this Interrogatory stated:

*See* file Interrogatory 30.xls in the Confidential folder of the CD. Data is available only for the period August 2006 through April 2011.

Sprint has orally requested an explanation of the August 2006 date referred to in this response.

**SUPPLEMENTAL RESPONSE:**

The date is based on the date on which Verizon took over the RPC billing function from the Access Pool.

**INTERROGATORY NO. 35**

**Identify the specific functionalities, activities and/or services that comprise Verizon-NY's record processing service referred to as the RPC.**

Verizon's original response to this Interrogatory stated that:

The record processing functionality associated with Tandem Transit Service generally consists of the processing of Tandem Transit Service usage data (including the generation of records), and the delivery of those records to a terminating carrier where the terminating carrier has indicated that it wishes to receive them. Additional detail is provided in Verizon's response to Document Request No. 1.

Sprint has orally requested additional detail on the record processing function.

**SUPPLEMENTAL RESPONSE:**

Information concerning the identity of the originating carrier is recorded at the tandem based on the trunk group from which the call was delivered to the tandem. This information, together with a variety of additional information concerning the call (some of which is derived from the signaling information provided by the originating carrier), is used to generate an Automatic Message Accounting ("AMA") record for the call. AMA records are periodically harvested ("polled") from the tandem by the Equipment Billing Accuracy Control ("EBAC") system. EBAC edits the record and forwards it to the Usage Mediation process. Usage Mediation converts the AMA records into EMI format, which is the industry-standard format used for message exchange between carriers. The record is retained by Verizon for transit billing purposes.

The terminating carrier is identified through a lookup on the Local Number Portability ("LNP") database when a terminating Location Routing Number ("LRN") is present. In the absence of a terminating LRN, the terminating carrier is identified by looking up the called NPA NXX in the Local Exchange Routing Guide ("LERG"). If the MCRIS database indicates that the terminating carrier has

requested delivery of Category 11 records, then a copy of the record referred to above is transmitted to the carrier in the manner that it has requested (electronic transmission, CD, etc.).

Some details of the process may differ from region to region; the above description applies to the systems and processes utilized in New York.

**INTERROGATORY NO. 40**

**Explain why Verizon-NY revised the terms of its tariffs PSC No. 914 and PSC NY No. 8 relating to the subject matter of this case, including without limitation those revisions issued with each of the following effective dates:**

- [a] January 3, 2011**
- [b] March 1, 2002**
- [c] March 15, 2001**
- [d] March 7, 2001**
- [e] January 19, 2001**
- [f] July 21, 1998**
- [g] June 21, 1996**
- [h] October 20, 1995**

Verizon's original response to this interrogatory stated:

Copies of the referenced tariff filings have been provided with Verizon's response to Document Request No. 14. The general purpose of each of the filings is described in the cover letters for the filings.

Sprint has orally requested additional information.

**SUPPLEMENTAL RESPONSE:**

Verizon believes that the tariff amendments in question are self-explanatory, and that the background and purpose of each filing is adequately described in the cover letters already provided. Accordingly, Verizon has fully and adequately responded to this interrogatory.





## Verizon Global Wholesale (VGW) Informational Notification

<b>Notice Number:</b> B10-0115	<b>Notice Date:</b> 11/01/2010	<b>Date Effective:</b> 01/03/2011
<b>Region:</b> East	<b>Area Affected:</b> Local	<b>Process Affected:</b> Tariff Filing

### Details:

The following schedule, issued by Verizon New York Inc., is transmitted for filing in accordance with the requirements of the Public Service Commission, State of New York, to be effective January 03, 2011:

### PSC NY No. 8 COMMUNICATIONS

#### Section 2

2<sup>nd</sup> Revised Page 6

1<sup>st</sup> Revised Page 7

1<sup>st</sup> Revised Page 11

1<sup>st</sup> Revised Page 17

1<sup>st</sup> Revised Page 19

3<sup>rd</sup> Revised Page 20

1<sup>st</sup> Revised Page 21

#### Section 4

1<sup>st</sup> Revised Page 5

#### Section 6

1<sup>st</sup> Revised Page 2

4<sup>th</sup> Revised Page 5

1<sup>st</sup> Revised Page 8

2<sup>nd</sup> Revised Page 10

1<sup>st</sup> Revised Page 15

2<sup>nd</sup> Revised Page 20

2<sup>nd</sup> Revised Page 28

1<sup>st</sup> Revised Page 33

#### Section 7

1<sup>st</sup> Revised Page 1

1<sup>st</sup> Revised Page 3

#### Section 11

1<sup>st</sup> Revised Page 2

1<sup>st</sup> Revised Pages 6 and 7

#### Section 12

1<sup>st</sup> Revised Page 2

#### Section 14

1<sup>st</sup> Revised Page 1

1<sup>st</sup> Revised Page 7

Section 15

1<sup>st</sup> Revised Pages 15 and 16

2<sup>nd</sup> Revised Page 18

Section 16

1<sup>st</sup> Revised Page 7

1<sup>st</sup> Revised Page 10

Section 17

1<sup>st</sup> Revised Page 5

Section 22

2<sup>nd</sup> Revised Page 2

1<sup>st</sup> Revised Page 4

Section 24

2<sup>nd</sup> Revised Pages 1 and 2

The principal purpose of this filing is to modify the definition of Tandem Transit Service to include traffic that terminates to wireless carriers. The filing also makes a number of administrative changes (such as updating references to other tariffs and to industry standards documents).

Case No 08-C-0673

Discovery Appendix

PART 10

140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126  
joseph.a.post@verizon.com

**Joseph A. Post**  
Deputy General Counsel — New York



July 7, 2011

**BY E-MAIL**

Andrew M. Klein  
Klein Law Group PLLC  
1250 Connecticut Avenue NW, Suite 200  
Washington, DC 20036

**Re: Case 08-C-0673**

Dear Mr. Klein:

Attached please find the responses of Verizon New York Inc. to Sprint's June 27, 2011 discovery requests. Also included are supplemental responses to certain previous requests.

We are sending you by overnight mail a CD containing the documents referred to in these responses. There are two folders on the CD, labeled Confidential and Non-Confidential. The documents in the Confidential folder are provided pursuant to the November 27, 2009 Protective Order.

Copies of the CD are also being sent to Mr. Roland and Mr. Fitzgerald. At their request, those copies omit the Confidential folder. Complete copies of the CD will be provided to Staff and to Judge Epstein on request.

Very truly yours,

A handwritten signature in black ink that reads "Joseph A. Post".

Joseph A. Post

cc: Hon. Rafael A. Epstein  
Maureen McCauley, Esq.  
Kenneth A. Schiffman, Esq.  
Allen C. Zoracki, Esq.

Janette Luehring, Esq.  
Brian Fitzgerald, Esq.  
Keith Roland, Esq.

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications  
Company L.P. Against Verizon New  
York Inc. for Modification of Verizon  
New York Tariff PSC No. 8 to Establish  
Just and Reasonable Terms for Transit  
Record Processing Charges and for  
Refund of Charges Improperly Collected**

**Case 08-C-0673**

**RESPONSES OF VERIZON NEW YORK INC. TO  
SPRINT'S JUNE 27, 2011 DISCOVERY REQUESTS  
AND SUPPLEMENTAL RESPONSES TO PREVIOUS REQUESTS**

**JOSEPH A. POST  
140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126**

**Counsel for the Verizon New York Inc.**

**July 7, 2011**

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**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Complaint of Sprint Communications Company L.P. Against Verizon New York Inc. for Modification of Verizon New York Tariff PSC No. 8 to Establish Just and Reasonable Terms for Transit Record Processing Charges and for Refund of Charges Improperly Collected**

**Case 08-C-0673**

**RESPONSES OF VERIZON NEW YORK INC. TO  
SPRINT'S JUNE 27, 2011 DISCOVERY REQUESTS  
AND SUPPLEMENTAL RESPONSES TO PREVIOUS REQUESTS**

Verizon New York Inc. ("Verizon") submits the following responses to the document production requests, interrogatories, and requests to admit served by Sprint Communications Company L.P. ("Sprint") on June 27, 2011; together with additional supplemental responses to certain earlier discovery requests. These responses incorporate by reference the "Introductory Statement" to Verizon's December 14, 2009 responses to Sprint's first set of discovery requests.

**I. FIRST SET OF REQUESTS TO ADMIT**

**REQUEST TO ADMIT NO. 1**

**A carrier may not bill for a service it does not provide.**

**RESPONSE:**

Verizon objects to this Request on the grounds that Commission Rule 5.5(a) permits a party to serve requests for admissions only as to "the genuineness of a document, the accuracy or fairness of representation of photographs, drawings, or maps, or the truth of any *statement of fact.*" (Emphasis supplied.) However, this Request seeks admissions not as to "statement[s] of fact," but on questions of law, policy, and the interpretation of tariff or contractual obligations. Indeed, Sprint itself objected to certain Verizon discovery requests seeking Sprint's position on



issues relating to the interpretation of the interconnection agreement between the parties on the grounds that such requests “impermissibly seek[] legal conclusions, opinions and contentions, and material that is subject to privilege or protected attorney work-product, and thus or otherwise is not within the permissible scope of discovery.” Verizon also objects to the Request on the grounds that the term “provide” is ambiguous in this context, for reasons that are explained below.

Subject to these objections, and without waiving them, Verizon denies the statement set forth in this Request to the extent and for the reasons set forth below.

Whether the performance of a carrier’s obligations constitutes the “provision” of a service in a particular case depends upon the meaning that one chooses to assign to the term “provide.” In some cases, a carrier may fulfill its obligations to a customer by making specified capabilities available, even if the customer elects never to utilize those capabilities. For example, an access line makes a wide variety of capabilities available to a local exchange customer (such as receiving incoming calls, making local and toll calls, accessing an interexchange carrier’s or information provider’s services, etc.), and a carrier is entitled to charge for making those capabilities available even if the customer never actually utilizes any of them. In such cases, one may say either that a carrier need not “provide” the service in order to be entitled to bill for it, or else that the “provision” of the service would be deemed to occur whenever the relevant capabilities are made available, regardless of whether they are actually utilized by the customer. Regardless of which of these interpretations is adopted, however, a carrier is entitled to bill a customer, and the customer is obligated to pay, whenever the carrier fulfills its obligations with respect to the service at issue, whether or not the performance of those obligations is deemed to constitute the “provision” of a service.

**REQUEST TO ADMIT NO. 2**

**Verizon-NY will not provide a service unless ordered by a carrier or customer.**

**RESPONSE:**

Verizon objects to this Request on the grounds that it does not seek admissions as to any “statement of fact.” (See Verizon’s response to Request to Admit No. 1, above.) Verizon also objects to the Request on the grounds that the term “ordered” is ambiguous in this context, for reasons that are explained below.

Subject to these objections, and without waiving them, Verizon denies the statement set forth in this Request to the extent and for the reasons set forth below:

In some cases, a customer may utilize a service, and incur an obligation to pay for it, without submitting any written or oral request for the service. For example, a retail customer who has ordered an access line may utilize that line to make a local or toll call, and incur an obligation to pay the applicable usage charges, without submitting a written or oral “order” for that particular call. Similarly, a wholesale customer may order interconnection facilities from Verizon, and the customer may be permitted — under the relevant tariffs or interconnection agreements — to utilize those facilities to deliver or receive various types of traffic without submitting any further written or oral requests. Depending upon the manner in which the customer utilizes those facilities, it may then become liable for switched access charges, or Tandem Transit Service charges, or reciprocal compensation charges, or other types of charges related to the carriage of a specified type of traffic. In such cases, one may say that Verizon has provided the service, and that the customer is required to pay for it, despite the fact that the customer has not “ordered” the service. Alternatively, one might say that the submission of an order for the underlying interconnection facilities, or the use of those facilities to carry specific

types of traffic, or the two together, constitutes an “order” for Tandem Transit Service or some other service, even though that order is not evidenced by any separate oral or written request.

**REQUEST TO ADMIT NO. 3**

**Verizon-NY has no specific order from Sprint requesting that Verizon-NY record or provide tandem transit records to terminating carriers.**

**RESPONSE:**

Verizon objects to this Request on the grounds that the term “specific order” is ambiguous, for the reasons explained in Verizon’s response to Request to Admit No. 2, above. Subject to that objection, and without waiving it, Verizon denies the statement set forth in this Request, and states that Sprint can be considered to have “ordered” Verizon’s Tandem Transit Service, in the sense explained in the prior response, and that the provision of records to terminating carriers is an integral part of that service.

**REQUEST TO ADMIT NO. 4**

**Verizon-NY’s cost to provide the tandem record processing service billed as the RPC is consistent for any given call.**

**RESPONSE:**

Verizon objects to this Request on the grounds that it relates to issues that are beyond the scope of Phase I of this case. Subject to that objection, and without waiving it, Verizon states that it has not carried out any cost studies for the record processing function associated with Tandem Transit Service, and that it therefore lacks sufficient information either to admit or deny the statement.

**REQUEST TO ADMIT NO. 5**

**Verizon-NY provides Tandem Transit Service (TTS) to some carriers without charging the Record Processing Charge (RPC).**

**RESPONSE:**

Verizon admits the statement set forth in this Request. *See* Verizon's response to Document Request No. 7.

**REQUEST TO ADMIT NO. 6**

**Verizon-NY bills an equivalent rate for Tandem Transit Service (TTS) to Sprint and to carriers who are not billed the Record Processing Charge (RPC).**

**RESPONSE:**

Verizon denies the statement set forth in this Request.

**II. THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

**DOCUMENT REQUEST NO. 12**

**Please produce all documents concerning or related to the subject matter of this case provided to, received from, or shown to New York Public Service Commission or Department of Public Service personnel.**

**RESPONSE:**

Verizon objects to this request to the extent that it seeks documents that: (a) were filed with the Commission in this proceeding and served on Sprint, (b) were otherwise copied to Sprint at the time they were sent or received, or (c) are available on the Commission's web page for this case,<sup>1</sup> on the grounds that producing copies of such documents would be unduly burdensome and unnecessary. Subject to that objection, and without waiving it, Verizon states as follows:

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<sup>1</sup> <http://documents.dps.state.ny.us/public/MatterManagement/CaseMaster.aspx?MatterSeq=26336>.

The documents that are responsive to this request that Verizon was able to locate through a good faith search, and that have not been provided in response to other discovery requests, are included in the Non-Confidential folder of the CD. Documents that are described in the first paragraph of this response have not been included. It should also be noted that it was impractical to individually review the thousands of emails that have been sent or received by Verizon personnel during the relevant period, and accordingly responsive e-mails were identified primarily through key-word searches in subject, author, and recipient fields of e-mail archives.

*See also* the documents provided in Verizon's May 20, 2011 response to Document Request No. 11, and in its response to Document Request No. 13, below.

#### **DOCUMENT REQUEST NO. 13**

**Produce the May 6, 2010 filing by Verizon that the Commission has filed in this case, and all documents related to that filing.**

#### **RESPONSE:**

The data submitted by Verizon to Staff on May 6, 2010 pursuant to the confidentiality provisions of the Public Officers Law are included in the Confidential folder of the accompanying CD. The confidentiality request and other communications related to the submission are included in the Non-Confidential folder. The only other documents that we are aware of related to this filing (other than requests by Mr. Post to his secretary asking her to print out copies of emails) are communications between Verizon employees and its counsel related to Staff's request and/or to Verizon's response. Those communications, which are listed below, are subject to the attorney-client privilege, the work-product doctrine, and related doctrines, and Verizon accordingly objects to their production.

- May 4, 2010 email from Ann Kowalczyk to Joseph Post, Richard Bozsik, and Pete D'Amico transmitting information and seeking advice concerning request for information from Staff.

- May 5, 2010 email from Post to Kowalczyk seeking information relevant to response to Staff request.
- May 5, 2010 email from Kowalczyk to Post and D’Amico, seeking information to respond to Post’s request.
- May 5, 2010 email from D’Amico to Post and Kowalczyk, providing requested information.
- May 5, 2010 email from Kowalczyk to Post, cc to D’Amico and Bozsik, with information and request related to information being provided to Staff.

**DOCUMENT REQUEST NO. 14**

**Produce all documents related to Verizon PSC No. 914 tariff sections 4.1.2(B)(1) and (2), and 10.4.1(B)(3), and PSC NY No. 8 tariff sections 6.3.3 and 35.6.2, including prior tariff versions.**

**RESPONSE:**

Verizon objects to this request on the grounds that it is overly broad and unduly and unreasonably burdensome, in that it would require Verizon to conduct an extensive search for, and undertake the burden of reviewing and producing, a voluminous set of documents most of which would have little if any relevance to this proceeding. More specifically:

- The term “related to,” in the context of this Request, could be interpreted to include a wide variety of materials (such as bills and payments submitted pursuant to the referenced tariff sections), that have minimal or no relevance to this litigation.
- At least some of the tariff sections contain rates or other provisions that are not related in any way to the subject of this litigation. For example, § 35.6.2 of Verizon Tariff No. 8 contains a variety of rates for services other than Tandem Transit Service.
- The original versions of these tariffs, and later amendments, were filed over the course of many years, and some of the individual filings were developed or considered over the course of weeks or months, so potentially extensive searches of email archives and other resources would be required for a complete response. Such searches would be particularly burdensome in view of the large “background” volume of incoming and outgoing emails on other subjects.

- Technical or other aspects of Tandem Transit Service that are described in these tariff sections may have been referred to in documents (such as pleadings, testimony, briefs, discovery requests and responses, correspondence, notices, and orders) that were filed, submitted, or issued in any of the numerous Commission or FCC proceedings (other than this one) that have been conducted over the last fifteen years and that relate in some way or other to carrier-to-carrier services, including but not limited to § 252 arbitration proceedings and generic proceedings related to competition or to the implementation of the 1996 amendments to the federal Telecommunications Act. Verizon has no way of identifying all such documents or information with any reasonable amount of effort. To the extent that they can be identified through LEXIS searches, found on the Commission's web site, or identified through the use of similar resources, they are as readily available to Sprint as to Verizon.
- Many of the internal communications related to the tariff filings, other than the filings themselves, would relate to legal review of the filings and would thus be privileged. Moreover, the interpretation, application, and validity of many of these tariff provisions have been the subject of this proceeding, and of complaints or disputes submitted by other carriers. Accordingly, issues related to these provisions have been the subject of numerous communications between Verizon and its counsel that are manifestly privileged, and/or subject to the work-product rule, and/or subject to doctrines related to documents produced for or in anticipation of litigation. Accordingly, many or most of the documents "related to" these tariff provisions would be exempt from discovery, yet searching for them would require an extensive effort.

Subject to these objections, and without waiving them, Verizon states as follows:

Current and prior versions of the sections cited in this Request, and tariff filings that introduced new language to or changed existing language in those sections, are provided in the Non-Confidential folder of the CD. Pages of the filings that do not relate to provisions of PSC No. 8 or PSC No. 914 have been omitted. Numerous documents related to disputes arising under one or more of these sections have been provided in response to Sprint's Document Request No. 5.

**DOCUMENT REQUEST NO. 15**

**Identify and produce all documents that Verizon believes constitute an order from Sprint for Verizon to record or provide tandem transit records to terminating carriers.**

**RESPONSE:**

*See Verizon's response to Request to Admit No. 3.*

**DOCUMENT REQUEST NO. 16**

**Produce all documents related to Interrogatory 36, and Document Request No. 3.**

**RESPONSE:**

*See Verizon's response to Interrogatory No. 36.*

**III. THIRD SET OF INTERROGATORIES**

**INTERROGATORY NO. 27**

**Provide as to tw telecom of new york lp (referred to by Verizon-NY as "twtc") on a month-to-month basis the:**

- (a) number of tandem transit service calls handled by Verizon-NY,**
- (b) number of record processing charges billed,**
- (c) rate(s) at which such record processing charges were billed,**
- (d) total amount billed by Verizon-NY, and**
- (e) total amount paid by twtc.**

**RESPONSE:**

In response to part (c) of this Interrogatory, Verizon states that it bills Record Processing Charges to tw telecom at a rate of \$0.0102/record.

The remaining parts of this Interrogatory seek information that tw telecom may claim is Proprietary Information under § 28.4 of its interconnection agreement with Verizon. That section generally restricts the use or disclosure of Proprietary Information by Verizon. Although



§ 28.4.3(f) creates an exception for information that “is required to be made public by the receiving Party pursuant to Applicable Law,” Verizon is required under that section to make “commercially reasonable efforts to give adequate notice of the requirement to the disclosing Party in order to enable the disclosing Party to seek protective orders.” Although a Protective Order is already in force in this proceeding, tw telecom would presumably have the right under § 28.4.3(f) to seek protective arrangements different from or beyond those set forth in the order.

Accordingly, Verizon will provide notice to tw telecom of Sprint’s request and will advise it of the provisions of the Protective Order. Verizon will provide the requested information to Sprint upon: (a) receiving tw telecom’s consent, or (b) upon the final resolution of any request by tw telecom for other protective arrangements.

**INTERROGATORY NO. 28**

**Provide as to Time Warner Cable, on a month-to-month basis, the:**

- (a) number of tandem transit service calls handled by Verizon-NY**
- (b) number of record processing charges billed, and**
- (c) the rate(s) at which such record processing charges were billed.**

**RESPONSE:**

Verizon does not provide interconnection services directly to Time Warner Cable. Rather, Verizon has provided interconnection services to CLECs (such as Sprint) that in turn, upon information and belief, have used them to provide service to Time Warner Cable. *See also* Verizon’s supplemental response to Interrogatory No. 19, which provides information relating to Tandem Transit Service provided to ACNA VNH (Time Warner ResCom), which may have in turn provided service to Time Warner Cable.

**INTERROGATORY NO. 29**

**Identify on a month-to-month basis each carrier utilizing Verizon-NY tandem transit service that is not billed the RPC.**

**RESPONSE:**

*See* file Interrogatory 29.xls in the Confidential folder of the CD. Data is available only for the period December 2008 through April 2011.

**INTERROGATORY NO. 30**

**Identify on a month-to-month basis each carrier utilizing Verizon-NY tandem transit service that is billed the RPC.**

**RESPONSE:**

*See* file Interrogatory 30.xls in the Confidential folder of the CD. Data is available only for the period August 2006 through April 2011.

**INTERROGATORY NO. 31**

**As to each carrier specified in response to the prior interrogatory, identify each carrier billed at rate other than \$0.0102 after July 21, 1998.**

**RESPONSE:**

All carriers billed the RPC are billed at the rate of \$0.0102/record, except in the event of billing errors. *See* Verizon's initial and supplemental responses to Interrogatory No. 23, concerning RPC billing errors in 2006 and 2011. The specific carriers affected by these two billing errors are identified in the files Interrogatory 31a.xls (2011 error) and Interrogatory 31b.xls (2006 error), both of which are included in the Confidential folder of the CD.

**INTERROGATORY NO. 32**

**Identify those carriers who are billed the RPC and have remitted to Verizon-NY less than the total amount billed, specifying as to each the discrepancy and any reasons therefor.**

**RESPONSE:**

Verizon objects to this Interrogatory to the extent that it seeks information on carriers that have paid less than the total amounts billed by Verizon due to issues such as bankruptcy, going out of business, “global” settlements of outstanding debts, or other general causes not specifically related to the RPC, on the grounds that the Interrogatory is to that extent unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Information on RPC disputes is provided in Verizon’s responses to Document Requests Nos. 7 (part (d) of response) and Document Request No. 5. *See also* Verizon’s supplemental response to Document Request No. 7, below.

**INTERROGATORY NO. 33**

**Identify the specific functionalities, activities and/or services that comprise Verizon-NY’s TTS.**

**RESPONSE:**

Tandem Transit Service entails the switching and transport of eligible traffic from one carrier’s facilities to another carrier’s facilities through a Verizon tandem switch, and the processing of records related to such traffic, subject to the limitations, terms, and conditions that are set forth in Verizon’s tariffs or interconnection agreements, as applicable in each particular case.

**INTERROGATORY NO. 34**

**As to the specific functionalities, activities and/or services identified in response to the foregoing interrogatory, specify whether any are also part of another Verizon-NY service, function, network element or product. Indicate as to each such element,**

**function or service specified the cost-basis for such item, whether that cost-basis was established using TELRIC, and if set in a proceeding the case number and order date(s).**

**RESPONSE:**

Verizon objects to the second sentence of this Interrogatory on the grounds that it seeks information that is beyond the scope of Phase I of this proceeding, and on the grounds that it would be unduly burdensome to assemble the relevant information, for the reasons explained below. Subject to that objection, and without waiving it, Verizon states as follows:

- At a general level, as described in the preceding response, Tandem Transit Service involves switching, transport, and record-processing functionalities; and at the same level of generality, some or all of those functionalities are utilized to varying extents in a wide variety of other wholesale and retail products, services, and network elements, such as switched access, reciprocal compensation, and retail local and toll calling. However, the details of those functionalities, the specific manner in which they are provided, and the type and level of the hardware, software, and other resources used to provide them, may differ substantially from services to service, and those differences may well affect costs.
- The costs of wholesale and retail services that entail the use of one or more of these functionalities have been examined in numerous formal or informal Commission proceedings, and the records in some of the proceedings are quite extensive. Different costing methodologies have been used in those proceedings.

**INTERROGATORY NO. 35**

**Identify the specific functionalities, activities and/or services that comprise Verizon-NY's record processing service referred to as the RPC.**

**RESPONSE:**

The record processing functionality associated with Tandem Transit Service generally consists of the processing of Tandem Transit Service usage data (including the generation of records), and the delivery of those records to a terminating carrier where the terminating carrier has indicated that it wishes to receive them. Additional detail is provided in Verizon's response to Document Request No. 1.

**INTERROGATORY NO. 36**

**As to the specific functionalities, activities, and/or services identified in response to the prior interrogatory, specify whether any are also part of another Verizon-NY functionality, activity, service, network element or product. Indicate as to each such functionality, activity, and/or service specified the cost-basis for such item, whether that cost-basis was established using TELRIC, and if set in a proceeding the case number and order date(s). Specific reference is made to the response of Verizon-NY to Sprint Document Request No. 3, December 14, 2009.**

**RESPONSE:**

Verizon objects to the second sentence of this Interrogatory on the grounds that it seeks information that is beyond the scope of Phase I of this proceeding, and on the grounds that it would be unduly burdensome to assemble the relevant information, for the reasons explained below. Subject to that objection, and without waiving it, Verizon states as follows:

- At a general level, as described in the preceding response, the record processing functionality associated with Tandem Transit Service involves usage measurement, data processing, record generation, and (where requested) record delivery functionalities; and at the same level of generality, some or all of those functionalities are utilized in a wide variety of other wholesale and retail services, products, and network elements. However, the details of those functionalities, the specific manner in which they are provided, and the type and level of the hardware, software, and other resources used to provide them, may differ substantially from services to service, and those differences may well affect costs.
- The costs of wholesale and retail services that entail the use of one or more of these general functionalities have in all likelihood been examined in numerous Commission proceedings, utilizing varying costing methodologies.
- Verizon's response to Document Request No. 3, to which Sprint's request makes "specific reference," stated that "some of the functionalities or activities underlying Tandem Records Service may be related, similar, or identical to those utilized in connection with other services for which Verizon has performed cost studies." That response simply asserted the *possibility* that such relationships or similarities existed, at the general level described above, and did not intend to assert that there was any necessary relationship between the costs associated with the Tandem Transit Service record processing functionality and functionalities that might be used in connection with other services. Nor did it purport or offer to identify all such services.

*See also* Verizon's response to Interrogatory No. 42, below.

**INTERROGATORY NO. 37**

**Identify any meetings, telephonic or in person, with New York Public Service Commission or Department of Public Service personnel concerning or relating to the subject matter of this proceeding.**

**RESPONSE:**

A table listing meetings between Verizon and New York Public Service Commission or Department of Public Service personnel relating to the subject matter of this proceeding is provided in the Non-Confidential folder of the CD. The table represents our best efforts to identify such meetings based on recollections and on written records; it is possible, however, that other exchanges have occurred over the past three years.

**INTERROGATORY NO. 38**

**Identify the date Verizon-NY, New York Access Pool, or another entity acting on Verizon-NY's behalf, first billed the RPC to (a) Sprint, and (b) any other carrier.**

**RESPONSE:**

*See* file Backbill.pdf, previously provided in Verizon's initial response to Document Request No. 2. This letter was sent in or around March 2004, and RPC charges were first billed to Sprint and other carriers in their next bill after June 15, 2004 (in Sprint's case, in the July 4, 2004 bill). The post-June 15, 2004 bills included backbillings, as applicable, back to 2000.

**INTERROGATORY NO. 39**

**Identify which Verizon-NY charges to Sprint for TTS and RPC were assessed pursuant to interconnection agreement or tariff, and the basis therefor.**

**RESPONSE:**

All Verizon Tandem Transit Service charges, including the RPC, that were billed to Sprint on or after the effective date of its 2000 interconnection agreement with Verizon were billed

pursuant to that agreement, and pursuant to the tariff provisions referred to or incorporated therein.

**INTERROGATORY NO. 40**

**Explain why Verizon-NY revised the terms of its tariffs PSC No. 914 and PSC NY No. 8 relating to the subject matter of this case, including without limitation those revisions issued with each of the following effective dates:**

- [a] January 3, 2011**
- [b] March 1, 2002**
- [c] March 15, 2001**
- [d] March 7, 2001**
- [e] January 19, 2001**
- [f] July 21, 1998**
- [g] June 21, 1996**
- [h] October 20, 1995**

**RESPONSE:**

Copies of the referenced tariff filings have been provided with Verizon's response to Document Request No. 14. The general purpose of each of the filings is described in the cover letters for the filings.

**INTERROGATORY NO. 41**

**Verizon-NY PSC No. 914 and PSC NY No. 8 tariff pages containing terms and rates for TTS and RPC state that the pages were “[i]ssued in compliance with Order of the Public Service Commission” and reference various Orders. Provide the basis for each such statement/reference as it relates specifically to the subject matter of this case, including without limitation citation to specific holdings in the referenced Orders.**

**RESPONSE:**

Verizon objects to this Interrogatory on the grounds that a response would require Verizon to research and review the provisions of each of the relevant orders and to relate the requirements imposed in those orders to the matters addressed on specific tariff pages — a task that can be performed as easily by Sprint as by Verizon, with materials that are equally available to it. *See* Commission Rule 5.8(c).

Subject to such objection, and without waiving it, Verizon states that in general, such language is included in tariff filings pursuant to 16 NYCRR § 720-5.1, which provides that “[w]hen rates, charges, rules, or other tariff provisions are prescribed by Commission order, the changes shall be established by amendments to or reissue of the affected schedule or schedules. Each affected leaf shall bear the following notation: ‘Issued in compliance with order in C. (case number) dated (mm/dd/yyyy; date of order).’” In some cases the notation may refer to other pages of the relevant tariff filing, or may have been carried over from a prior version of the tariff page. (This appears to be the case, for example, for the January 2011 amendments to Tariff No. 8, Section 6, Page 5, as provided with Verizon’s response to Document Request No. 14.)

**INTERROGATORY NO. 42**

**Please state whether Verizon-NY or any affiliated entities provide to terminating carriers and/or charge terminating carriers for receipt of call records (such as, without limitation, call detail records, daily usage feeds, CABs records, or any similar information) that contain some, all or similar information to that contained within the records created as part of the Verizon-NY record processing service**



**referred to as the RPC. Please identify any overlap and explain such information and charges.**

**RESPONSE:**

Pursuant to Commission Rule 5.3(d), Verizon states that it will respond to this Interrogatory on or before July 14.

**INTERROGATORY NO. 43**

**Please explain why Verizon took over the billing function for Tandem Transit Service and the Record Processing Charge from the New York Access Pool.**

**RESPONSE:**

Verizon took over these billing functions because it concluded that it would be more efficient to do the billing itself (for example because it was already billing carriers for other products and services), and because it would facilitate responses to billing inquiries from its customers.

**INTERROGATORY NO. 44**

**Please identify the records Verizon considers to be “Category 11” records.**

**RESPONSE:**

*See* Verizon’s response to Document Request No. 1, particularly sections (d) and (e) of that response and accompanying files ATIS1.pdf and ATIS2.pdf. The ATIS document generally defines Category 11 records as records “used by the Exchange Carrier (EC) to bill access originating from or terminating to the local network. Carrier Access Usage records can be exchanged between the recording entity and the billing local exchange carrier. The EC is always the billing entity while the billed entity will be an Interexchange Carrier or another EC.” Although the Category definition was originally developed for records relating to switched carrier access and similar services, it later came to be used to describe records of services related to local

interconnection, such as Tandem Transit Service. Indeed, the ATIS document specifically recognizes this extension of the Category, stating that various record types “may also be used for interconnection (e.g. unbundled, local, wireless, etc.) services.”

**INTERROGATORY NO. 45**

**Please explain why, for traffic terminating to CMRS providers, the CLLI code provided is that of the Verizon tandem or end office.**

**RESPONSE:**

The CABS billing system is programmed to identify the usage in this manner. We have not been able to determine the original rationale for this feature of the system.

**INTERROGATORY NO. 46**

**Please explain why data on the RPC amounts paid by each Verizon affiliate is not available for the period prior to 2005.**

**RESPONSE:**

We have not been able to determine the reason why records are no longer available for this early period, although it may be related to the fact that RPC billing was at that point handled by the Access Pool, so that Verizon would have had billing records for that period only to the extent that they were provided to it by the Pool.

**INTERROGATORY NO. 47**

**Identify the Verizon personnel responsible for the content of the Verizon response to each interrogatory served by Sprint.**

**RESPONSE:**

No single person was wholly “responsible” for the response to any given interrogatory. As a general matter, responses were based on discussions with, records obtained from, or research conducted by, one or more knowledgeable individuals. In most cases the information was checked and reviewed by one or more other individuals; and questions arising from such

reviews may have led to additional discussions, research, and file review. Draft responses were prepared and were carefully reviewed for accuracy, responsiveness, and completeness; and were modified where appropriate after further discussions. Objections were prepared by counsel.

Joseph Post (Legal) and Ann Kowalczyk (State Government Relations) generally supervised and coordinated the process of developing the responses.

The principal individuals who were involved in preparing the responses are listed below.

The ones indicated with an asterisk are no longer employed by Verizon.

- William Cummings
- Victoria Lazar (\*)
- William Polding
- Wendy Howell
- Ann Dean
- Lisa Lamberth
- Thomas Mazziotti
- Amy Stern (\*)
- Annemarie Donahue Head (\*)
- Nyoka Parchment
- Priscilla Rodgers
- Gerald Eisenhart
- Kelly Forsythe
- Ann Lassen
- William Carnell
- Joseph Post
- Ann-Marie Kowalczyk

- Peter D’Amico
- Richard Lafferty
- Edwin Glorius
- Elaine Critides
- Samuel Caldwell
- Richard Bozsik
- Donna Russo
- Srinivasan Soundararajan
- Kathleen Robertson
- Lisa Peterson
- John Andrade

Pursuant to Commission Rule 5.3(b), Verizon designates Mr. Peter D’Amico as the individual who is “knowledgeable as to the content of” each of the responses submitted to date, and who can, if required under the procedures established by the ALJ, testify as to their truth and accuracy. However, any such testimony by Mr. D’Amico would be based in significant part on information obtained from other employees of Verizon and its affiliates, as described above.

#### **IV. SUPPLEMENTAL RESPONSES**

##### **DOCUMENT REQUEST NO. 5**

**Please identify and produce all Documents containing, describing, or relating to Carrier complaints and/or disputes relating to Verizon-NY's provision of and/or billing for Tandem Records Service.**

##### **SUPPLEMENTAL RESPONSE:**

Documents relating to an additional dispute are provided in the Confidential folder of the CD. In conformity with prior agreements with Sprint’s counsel, information relating to the specific amounts at issue in the disputes has been redacted from these documents.

**DOCUMENT REQUEST NO. 7**

**Please identify and produce all Documents, including without limitation agreements, contracts, settlements or understandings, pursuant to which Verizon-NY provides Tandem Transit Service to any Carrier but does not bill such Carrier the Tandem Records Charge.**

**SUPPLEMENTAL RESPONSE:**

Part (d) of Verizon's initial response to this Document Request referred to a credit given to Tech Valley Communications ("TVC"). Sprint has requested information on the amount of the credit. We are researching any confidentiality obligations that Verizon might have to TVC relating to the provision of that information to Sprint.

Sprint has asked us to supplement the response to this Document Request by indicating whether the RPC is billed on CLEC-to-ITC Tandem Transit Traffic. We confirm that the RPC is billed to the originating CLEC for such traffic.

**INTERROGATORY NO. 23**

**Identify each instance, on a month-by-month basis, in which there was a material discrepancy between the number of tandem transit calls transited by Verizon-NY for any carrier and the number of record processing charges billed to that carrier, identifying for each instance**

- (a) The number of calls transited,**
- (b) The number of record processing charges billed, and**
- (c) The cause of such discrepancy.**

**SUPPLEMENTAL RESPONSE:**

*See additional document included in the Non-Confidential folder of the CD.*

Case No 08-C-0673

Discovery Appendix

PART 11

Re: Tandem Transit Service Record Processing Charge

Dear Carrier:

As you are aware, Verizon New York Inc. ("Verizon") has for the past several years been utilizing New York Access Billing, LLC ("NYAB") to bill CLECs, on Verizon's behalf, for Tandem Transit Services Verizon provides in New York to CLECs (i.e., with respect to applicable traffic that originates with a CLEC and terminates to a second CLEC, a CMRS provider or an ILEC via a Verizon tandem within the state of New York).

This is to inform you that, on a going forward basis, beginning with June 15<sup>th</sup> invoices, NYAB will include charges for "Tandem Transit Service (TTS) - Record processing - Per record processed". The subject charge of \$0.0102 per record is being assessed in accordance with the Verizon Tariff P.S.C. No.8, sections 6.10.2(G) and 35.6.2, as filed with the New York State Public Service Commission, effective October 20, 1995. Verizon inadvertently omitted this charge from previous invoices. In addition, over the next several months, the NYAB will issue separate invoices to bill this record processing charge, as applicable, for previously invoiced usage dating back to January 1, 2000.

If you have any questions regarding this notice, please contact me at 100 State Street, Suite 650, Albany, New York 12207 or at (518) 443-2804.

Cordially yours,

Gregory Sichak  
Chief Financial Officer  
New York Access Billing, LLC