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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Petition of WWC )  
Holding Co., Inc. for Arbitration of an ) Docket No. 03-2403-02  
Interconnection Agreement )

**RESPONSE TO WESTERN WIRELESS' DISCOVERY REQUESTS 1-25**

Emery Telephone, Carbon/Emery Telcom, Inc. and Hanksville Telcom, Inc. (hereinafter "Emery"), by and through their attorneys of record, hereby respond to WWC Holding Co., Inc.'s ("Western Wireless"), Discovery Requests 1-25 as follows:

**GENERAL OBJECTIONS**

Emery objects to the discovery requests to the extent that they request documents or information protected by the work product or the attorney-client privilege. Emery also objects to the instructions and definitions inasmuch as they impose a burden to respond on Emery which is beyond that required by the Utah Rules of Civil Procedure. Furthermore, Emery will make the documents in its possession or under its control available for inspection and photocopying at the offices of Emery's counsel at a mutually convenient date and time or will provide such documents as may be available electronically upon entry of a protective order governing confidentiality in this docket. Pursuant to Rule 34 of the Utah Rules of Civil Procedure, Emery will produce documents as they are kept in the usual course of business.

**DISCOVERY RESPONSES**

1. For each switch within each Utah ILEC's network, provide the following information in the electronic spreadsheet

format provided in Exhibit 1:

- a) End Office Name
- b) CLLI Code
- c) V&H Coordinates
- d) NPA-NXX(s)
- e) Switch Manufacturer and Model
- f) Switch Function/Type (tandem, end office, host, remote)
- g) Switches that subtend
- h) Installed Switch Capacity (trunks and lines in DS0 equivalents)
- i) In Use Switch Capacity (trunks and lines in DS0 equivalents)
- j) Access Tandem
- k) Qwest meet point (V & H Coordinate)
- l) Route miles from switch to meet point

**Response:** Emery objects to this Request on the grounds that some of the information sought is irrelevant to this proceeding. Nevertheless, without waiving this objection, Emery will provide such available information in its possession by electronic means upon entry of a protective order governing confidentiality in this docket.

2. For each switch within each Utah ILEC's network, provide 2002 minute of use data, stating whether the reported data are measured or estimated, and identifying the records that support the responses. Provide your response in the electronic spreadsheet format provided in Exhibit 2. Include the following information:

- a) End Office Name
- b) CLLI Code
- c) Intra-exchange landline voice usage
- d) Inter-exchange local and EAS usage
- e) Terminating CMRS usage

- f) Originating CMRS usage
- g) Dial-up ISP usage
- h) Intrastate Toll usage
- i) Interstate Toll usage
- j) Total usage

**Response:** Emery objects to this request on the grounds that it is vague, ambiguous, overbroad and burdensome.

Nevertheless, without waiving this objection, Emery will provide available information responsive to the above request in its possession by electronic means upon entry of a protective order.

3. For each switch or meet point, provide the following interoffice circuit information for each Utah ILEC's network. Provide your response in DS1 equivalents. Provide your response in the electronic format provided in Exhibit 3.

- a) End Office Name ('A' Location)
- b) CLLI Code
- c) 'Z' Location
- d) For each 'A' and 'Z' Location Combination
- e) Host-Remote circuits
- f) Feature Group C circuits
- g) Feature Group B&D circuits
- h) OS/DA/911 circuits
- i) Local or EAS circuits
- j) Special Access & Other circuits

**Response:** Emery objects to this Request on the grounds that it is overbroad and burdensome and that some of the information sought is irrelevant to this proceeding. Nevertheless, without waiving this objection, Emery will provide such information as available and in its possession, by electronic means upon entry of a protective order.

4. For each rate center or switch within each Utah ILEC's network, provide the local and EAS calling information.

Provide your response in the electronic format provided in Exhibit 4.

- a) Rate Center
- b) Switch Name
- c) CLLI Code
- d) IntraCompany Local Calling
- e) InterCompany Local Calling

**Response:** Emery objects to this request on the grounds that it is overbroad and burdensome. Nevertheless, without waiving this objection, Emery will provide such available information as it maintains in the regular course of business in electronic format upon entry of a protective order.

5. What is the actual weighted cost of each Utah ILEC's outstanding long-term debt as of year-end 2002, including all federal funding such as RUS?

**Response:** Emery objects to this question, as historical cost of debt is not relevant to this proceeding.

6. Provide the names of all carriers with which each Utah ILEC currently exchanges any traffic on a bill and keep basis and describe the terms of the arrangement, the traffic subject to such an agreement, and how such traffic is routed and rated.

**Response:** No such arrangements or agreements exist.

7. Identify the applicable interstate and intrastate switched access rates for each Utah ILEC, and identify the portion of the network related to each rate element that makes up those rates. Identify each rate element that would apply to the delivery of CMRS traffic originating in a different MTA and delivered via Qwest transit facilities.

**Response:** Emery objects to this request on the grounds that it is overbroad and burdensome. Nevertheless, without waiving this objection, tariff information is available to Western Wireless in published tariffs. In the event that Western Wireless cannot obtain tariffed rates, Emery will provide these rates upon request.

8. For each switch purchased by each Utah ILEC on or after January 1, 2000, identify the switch purchase date, the gross switch purchase price, and any switch discount.

**Response:** Emery objects to this question because it is not relevant to this proceeding. Furthermore, it has not made any discrete purchases of a switch in the time period identified. It has acquired exchanges formerly owned by Qwest which included switches, but the price of the switches was not separately allocated. Emery has provided financial data in response to other discovery requests.

9. Provide copies of all interconnection agreements and traffic exchange agreements between each Utah ILEC and any ILEC, CLEC, or CMRS provider.

**Response:** Emery currently has no written interconnection contracts in place.

10. Provide copies of audited financial statements for each Utah ILEC for 2000, 2001, and 2002.

**Response:** Emery objects to this question on the grounds that the request is burdensome and oppressive. The audited financial statements include proprietary information that is not released to competitors or the general public. Moreover, the financial statements are not relevant to this transport and termination proceeding. Emery has provided financial information regarding 2002 in response to other discovery requests. It objects to the release of any data for 2000 and 2001 on the grounds of relevance and asserts that such request is designed to be burdensome and oppressive in that such historical data is not relevant to a forward looking cost model.

11. Provide a copy of any cost study used by each Utah ILEC to support its proposed rates in the Interconnection Agreement.

**Response:** Emery is still completing its cost study. Such cost study will be provided to Western Wireless in electronic format upon completion but not later than September 5, 2003. Nevertheless, it will provide such information as it presently has available by electronic means upon entry of a protective order.

12. Identify how the proposed rates in the cost study meet the forward-looking costs obligations of Section 252(d)(2) (A) of the Act which provides that: “... a State commission shall not consider the terms and conditions for reciprocal compensation to be just a reasonable unless (i) such terms and conditions provide for the mutual and

reciprocal recovery by each carrier of costs associated with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier, and (ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls." (emphasis added).

**Response:** The cost study to be provided by Emery follows current FCC implementation rules and policies.

13. Provide a copy of any cost study, prepared by each of the Utah ILEC's in the past five years, and each Utah ILEC's most recent interstate and intrastate access rate cost study.

**Response:** Emery objects to this question, as it is not relevant to the development of forward-looking costs as required by the FCC. Any data necessary to determine the actual costs of the company can be determined through the financial information provided in response to other discovery requests.

14. Provide copies of all documentation, including work papers, notes, purchase contracts, planning documents, and the like, used or referred to in determining all inputs to any cost model or study offered in response to request 10.

**Response:** There are no documents prepared in connection with the response to Request No. 10. If Western Wireless means Request No. 11, Emery objects to the request on the grounds of work product privilege. Nevertheless, without waiving this objection, Emery will produce documentation necessary to support its cost study.

15. Provide any switch purchase contracts entered into by each Utah ILEC since January 1, 2000, including line item detail for switch components.

**Response:** Emery objects to this request on the grounds that it is not relevant to this proceeding. Nevertheless, without waiving this objection, Emery states there have been no such contracts.

16. Provide any contracts or purchase order reflecting each Utah ILEC's purchase of transmission equipment since January 1, 2000, including line detail for equipment components.

**Response:** Emery objects to this request on the grounds that it is extremely burdensome, would require significant expenditures of time and effort to retrieve such information, and furthermore on the grounds that such information is not relevant to this proceeding. Emery will provide financial and other data from which the costs of transport and

termination can be determined.

17. Provide a copy of the 2000, 2001 and 2002 financial statements and/or annual report for each Utah ILEC's affiliated entities.

**Response:** Emery objects to this question, as the financial statements of affiliated entities are not relevant to this proceeding and include proprietary and confidential information that is not released to competitors or the general public. See also Response to Request No. 10, which objection is incorporated herein by reference.

18. Provide a copy of each Utah ILEC's 2000, 2001 and 2002 RUS Annual Report.

**Response:** Emery objects to the production of historical data for 2000 and 2001. See Objection to Request No. 10 incorporated herein by reference. As to 2002, there is no RUS Annual Report.

19. Provide a complete copy of each Utah ILEC's investments for 2000, 2001 and 2002, by USOA code, at the most discrete level of detail available consistent with 47 CFR Part 32 definitions. For example, Account 2230 should be separated into Accounts 2231 (Radio Systems), and 2232 (Circuit Equipment). Further, Account 2232 should be broken down into sub-accounts 2232.1 (electronic) and 2232.2 (optical) in accordance with 47 CFR Part 32.32.2232).

**Response:** Emery objects to the provision of data for 2000 and 2001 on the grounds of relevance. See Objection to Request No. 10 incorporated herein by reference. Emery will produce a trial balance for 2002 by electronic means in the account detail maintained by the company, as required by the FCC, upon entry of a protective order.

20. Provide a complete copy of each Utah ILEC's investments for 2000, 2001 and 2002, by field reporting code ("FRC") at the most discrete level of detail available, including sub-codes.

**Response:** Emery objects to this question as to 2000 and 2001 on the grounds of relevance as set forth in Objection to Request No. 10, incorporated herein by reference. Emery further objects to this request as burdensome and oppressive, as the company does not maintain plant records by field reporting code. Nevertheless, without waiving this objection Emery will provide investment detail for 2002 in its electronic submissions upon entry of a protective order.

21. Provide a complete copy of each Utah ILEC's expenses for 2000, 2001 and 2002, by USOA code, at the most

discrete level of detail available consistent with 47 CFR Part 32 definitions. For example, Account 2230 should be separated into Accounts 2231 (Radio Systems), and 2232 (Circuit Equipment). Further, Account 2232 should be broken down into sub-accounts 2232.1 (electronic) and 2232.2 (optical) in accordance with 47 CFR Part 32.32.2232).

**Response:** Emery objects to the provision of data for 2000 and 2001 on the grounds of relevance. See Objection to Request No. 10 incorporated herein by reference. Emery will produce a trial balance of expenses for 2002 by electronic means in the account detail maintained by the company, as required by the FCC, upon entry of a protective order.

22. Provide a complete copy of each Utah ILEC's expenses for 2000, 2001 and 2002, by field reporting code ("FRC") at the most discrete level of detail available, including sub-codes.

**Response:** Emery objects to this question as to 2000 and 2001 on the grounds of relevance as set forth in Objection to Request No. 10, incorporated herein by reference. Emery further objects to this request as burdensome and oppressive, as the company does not maintain accounting records by field reporting code.

23. Provide a complete copy of each Utah ILEC's revenues for 2000, 2001 and 2002, by USOA code, at the most discrete level of detail available consistent with 47 CFR Part 32 definitions.

**Response:** Emery objects to this question as it not relevant to this transport and termination proceeding, is overbroad, oppressive and is designed to harass and includes proprietary and confidential information that is not released to competitors or the general public.

24. Provide a map of each Utah ILEC's network configuration including a map depicting interoffice facility links and distances to connect the central offices.

**Response:** Emery will produce a map of its network configuration kept in the ordinary course of business, by electronic means upon entry of a protective order.

25. Please identify the quantity and type of each circuit that delivers CMRS terminating traffic from each Qwest tandem to each Utah ILEC's end office. Please state whether these circuits are or are not included in the circuit counts provided in response to request 4.

Response Emery objects to this Request on the grounds of relevancy. Nevertheless, without waiving this objection, traffic that is routed to Emery from the Qwest tandem is provided over common trunks. Because Qwest does not separately identify CMRS traffic or route CMRS traffic over specific common trunks, Emery is unable to accurately determine the quantity of common trunks that deliver CMRS traffic. However, it is Emery's understanding that CMRS traffic can be routed over any of these common trunks. As to Western Wireless traffic, this information is more readily available to Western Wireless than to Emery.

DATED this \_\_\_\_\_ day of August, 2003.

Carbon/Emery Telcom, Inc., Emery Telephone  
and Hanksville Telcom, Inc.

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OBJECTIONS DATED August, 2003.

BLACKBURN & STOLL, L.C.

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Jerry D. Fenn  
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