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March 27, 2014

VIA E-FILING AND HAND DELIVERY

Catrice C. Williams, Secretary

Department of Telecommunications & Cable

1000 Washington Street, 8th Floor, Suite 820

Boston, MA 02118-6500

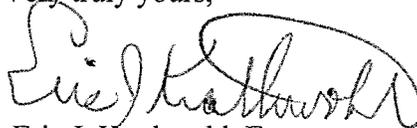
Re: *Investigation by the Department on its Own Motion to Determine whether an Agreement entered into by Verizon New England Inc. , d/b/a Verizon Massachusetts is an Interconnection Agreement under 47 U.S.C. § 251 Requiring the Agreement to be filed with the Department/or Approval in Accordance with 47 U.S.C. § 252, Dkt. No. D.T.C 13-6*

Dear Ms. Williams:

Enclosed on behalf of XO Communication Services, LLC ("XO"), please find one original and five copies of XO's responses to the First Set of Information Requests of Verizon MA.

Any questions on this matter should be directed to the undersigned.

Very truly yours,



Eric J. Krathwohl, Esq.

Encl.

cc: Michael Scott, Esq., Hearing Officer
Service List

Information Requests

VZ-I 1-1 to VZ-I 1-3

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 13-6

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached document upon all parties of record in this proceeding.

Dated at Boston, Massachusetts this 27th day of March, 2014.



Eric J. Krathwohl, Esq.
Counsel

Of Counsel for
XO Communications Services LLC

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Investigation by the Department on its Own Motion)	
to Determine whether an Agreement entered into by)	
Verizon New England Inc., d/b/a Verizon)	
Massachusetts is an Interconnection Agreement)	DTC 13-6
under 47 U.S.C. § 251 Requiring the Agreement to)	
be filed with the Department for Approval in)	
Accordance with 47 U.S.C. § 252)	
)	

**XO COMMUNICATIONS SERVICES, LLC’S RESPONSES TO VERIZON-MA’S
FIRST SET OF INFORMATION REQUESTS**

In accordance with 220 C.M.R. § 1.06(6)(c)2, XO Communications Services, LLC (“XO”) submits the following responses to the Verizon’s First Set of Information Requests:

General Objections

1. XO objects to each Information Request to the extent that it seeks production of information that is protected from disclosure by the attorney work product privilege, attorney-client communication privilege, or other applicable privilege.

2. XO objects to each Information Request to the extent that it seeks production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. XO objects to each Information Request to the extent that it is ambiguous, vague, overly broad, or contains language or undefined terms susceptible to multiple meanings.

4. XO objects to each Information Request to the extent that it seeks production of information that is in the public domain, for example, documents that have been filed with a government agency.
5. XO objects to each Information Request to the extent that it seeks production of information that is in the possession, custody, or control of Verizon.
6. XO objects to each Information Request to the extent that it seeks disclosure of confidential or proprietary information that is not relevant to this proceeding.
7. XO objects to each Information Request that seeks information not limited in scope to the time period at issue in this proceeding.
8. XO objects to each Information Request to the extent that it is unduly burdensome, expensive, or oppressive to respond to as presently written, particularly where an Information Request seeks information regarding “all” instances or examples.
9. XO objects to each Information Request to the extent that it is argumentative or calls for a legal conclusion.

As discovery is ongoing in this matter, XO reserves the right to supplement and update these responses.

XO COMMUNICATIONS SERVICES, LLC RESPONSES TO
FIRST SET OF INFORMATION REQUESTS OF
VERIZON MA
D.T.C. 13-6

VZ-I 1-1 Please identify, by title, effective date and the names of all parties, each agreement that each you have entered into with a service provider other than an affiliate concerning, providing for or governing the exchange in IP format of voice traffic going from you to the other party as well as voice traffic coming from the other party to you.

OBJECTIONS: XO specifically objects to this request on the ground that it is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, XO objects on the grounds that the request is not germane to the legal question under investigation which is whether the Verizon/Comcast agreements submitted to the Department are interconnection agreements under 47 U.S.C. § 251 and must be filed for review under § 252. In particular, and without limiting the generality of the foregoing, evidence of agreements between the XO and non-ILECs (including non-ILEC affiliates of ILECs) is not relevant to the legal issue before the Department nor would disclosure of such information be reasonably likely to lead to the discovery of admissible evidence.

In addition, XO objects to providing any information that is confidential, proprietary, or a trade secret.

RESPONSE: Subject to and without waiving these objections, XO states that it has not entered any agreement “concerning, providing for, or governing the exchange in IP format of voice traffic” with an incumbent local exchange carrier (ILEC) in Massachusetts.

XO COMMUNICATIONS SERVICES, LLC RESPONSES TO
FIRST SET OF INFORMATION REQUESTS OF
VERIZON MA
D.T.C. 13-6

VZ-I 1-2 Please produce all agreements identified in response to VZ-I 1-1,
including all attachments, exhibits and schedules.

OBJECTION: XO incorporates by reference its objections to VZ-I 1-1 above.

RESPONSE: XO incorporates by reference its response to VZ-I 1-1 above.

XO COMMUNICATIONS SERVICES, LLC RESPONSES TO
FIRST SET OF INFORMATION REQUESTS OF
VERIZON MA
D.T.C. 13-6

VZ-I 1-3 What percentage of XO's retail customers subscribes to VOIP service from XO? Please answer separately for each of your affiliates that has retail customers.

OBJECTION: XO specifically objects to this request on the ground that it is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, XO objects on the grounds that the request is not germane to the legal question under investigation which is whether the Verizon/Comcast agreements submitted to the Department are interconnection agreements under 47 U.S.C. § 251 and must be filed for review under § 252.

In addition, XO objects to providing any information that is confidential, proprietary, or a trade secret. Further, and without limiting the generality of the incorporated objections, the percentage of XO's retail customers that subscribe to VoIP service is not relevant to the legal issue before the Department nor would disclosure of such information be reasonably likely to lead to the discovery of admissible evidence. XO also objects on the basis that XO does not keep track of this information and does not have it in the format requested. The request is unduly burdensome because, in order to generate this information, XO would have to engage personnel in a special time-consuming project.

RESPONSE: Subject to and without waiving these objections, XO states that it sells VOIP products to both wholesale and retail customers in Massachusetts and does not track the number of retail customers that subscribe to VOIP services.