

AT&T is integral to Verizon MA's review and analysis of the HAI 5.2a-MA Model, Verizon MA is forced to file this Motion to Compel.¹

I. BACKGROUND

The primary purpose of this proceeding is to identify the costs of providing UNEs and combinations of UNEs in Massachusetts. In support of its direct case, AT&T sponsored the HAI 5.2a-MA Model to estimate the cost of providing UNEs.² In propounding information requests on the HAI 5.2a-MA Model, Verizon MA is attempting to obtain information that will enable it to analyze the model and evaluate the propriety of its platform methodologies, input values, and the accuracy of the cost estimates it produces. This analysis will form the basis of much of Verizon MA's rebuttal testimony and will provide the Department with a full and detailed record upon which the Department can determine the appropriateness of the HAI 5.2a-MA Model for computing the costs for UNEs.

Verizon MA served AT&T with information requests seeking the data and documentation necessary to evaluate the platform, inputs, methodologies, and assumptions contained in the HAI 5.2a-MA Model. Without this information, neither Verizon MA nor the Department can fully evaluate AT&T's cost model.

Rather than produce this essential information, AT&T has lodged inappropriate objections and, when it furnished responses, often provided answers that are incomplete

¹ Verizon MA has attempted to resolve discovery disputes informally with AT&T, and although some supplemental responses have been filed or are promised, the vast majority of disputes have not been satisfactorily resolved.

² The HAI 5.2a-MA Model is a later version of the Hatfield model previously reviewed and rejected by the Department in the *Consolidated Arbitrations*. D.P.U. 96-73/74, 96-75, 96-80/81, 96-83, 96-94 - Phase 4 (1996), at 20-26.

and/or not responsive to the questions posed. As a result, Verizon MA's attempts to analyze AT&T's model, and thus produce rebuttal testimony for consideration by the Department, have been severely hampered. Because this information is integral to Verizon MA's attempts to analyze thoroughly AT&T's calculations and the costs produced by the HAI 5.2a-MA Model, Verizon MA requests that the Department order AT&T to provide complete responses.³

AT&T's incomplete and nonresponsive replies to Verizon MA's First and Second Sets of Data Requests fall into four general categories: (1) AT&T fails to produce information regarding its own network; (2) AT&T fails to produce information regarding predecessor versions of the HAI Model; and (3) AT&T fails to provide complete responses to information requested by Verizon MA. Each of these categories are separately addressed below.

II. STANDARD OF REVIEW

It is well-settled that the Department will generally require discovery of relevant, non-privileged information:

Parties may obtain discovery responses regarding any matter, not privileged, that is relevant to the subject matter in the proceeding. M.R.C.P. Rule 26(b) (1). Under this Rule, relevancy does not mean that the discovered material must be admissible in evidence. So long as the material to be discovered may lead to admissible evidence, the relevancy requirements of Rule 26(b) (1) are met. See, *e.g.* *Louis v. United Airlines Transport Corp.*, 27 F. Supp. 946, 947 (D. Conn. 1939). Although we consider discovery a useful tool for narrowing and defining issues for adjudication, we are careful to guard against the use of

³ In the absence of meaningful responses to information requests, Verizon MA would request that the Department strike those portions of AT&T's testimony that refer to or rely on the HAI 5.2a-MA Model.

discovery as a fishing expedition for unnecessary information. We recognize that the establishment of limitations and restrictions may be necessary to protect parties from the abuses of unreasonable discovery.

New England Telephone and Telegraph Company, D.P.U. 91-63-A (1991), at 11.

The Department's procedural rule that governs discovery is 220 C.M.R.

§ 1.06(6)(c). This rule states in relevant part:

1. *Purpose* The purpose for discovery is to facilitate the hearing process by permitting the parties and the Department to gain access to all relevant information in an efficient and timely manner. Discovery is intended to reduce hearing time, narrow the scope of issues, protect the rights of parties, and ensure that a complete and accurate record is compiled.

2. *Rules Governing Discovery.* Because the Department's investigations involve matters with a wide range of issues, levels of complexity and statutory deadlines, the presiding officer shall establish discovery procedures in each case which take into account the legitimate rights of the parties in the context of the case at issue. In establishing discovery procedures, the presiding officer must exercise his or her discretion to balance the interests of the parties and ensure that the information necessary to complete the record is produced without unproductive delays. In exercising this discretion, the presiding officer shall be guided by the principles and procedures underlying the Massachusetts Rules of Civil Procedure, Rule 26 et seq. These rules, however, shall be instructive, rather than controlling.

Rule 26(b)(1) Massachusetts Rules of Civil Procedure, Rule 26(b)(1) states, in part:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

III. ARGUMENT

The ability to review and analyze AT&T's HAI 5.2a-MA Model in this proceeding is critical. AT&T's continued refusal to produce the requested information and documents is severely jeopardizing Verizon MA's ability to conduct a thorough review and analysis of AT&T's model and to provide the Department with rebuttal testimony addressing the HAI 5.2a-MA Model. In the absence of a Department order compelling AT&T to produce the information and documents requested by Verizon MA, the Verizon MA will be effectively denied its due-process rights to cross examine witnesses and present rebuttal testimony designed to present the Department with a thorough assessment of AT&T's HAI-5.2a-MA Model. G.L. c. 30A, § 11(3).

For the reasons noted below, AT&T's answer to the following discovery responses are incomplete and/or nonresponsive and should be supplemented immediately.

A. Information Regarding AT&T's Network and Operational Experience Is Relevant to the Issues Presented in this Proceeding.

In scores of information requests, AT&T fails to provide information regarding its own network, and in particular, its local exchange network.⁴ *See* responses to Information Requests VZ-ATT 1-38, 1-39, 1-70 through 1-79, 1-114 through 1-128, 1-131, 1-135, 2-1, 2-15 and 2-91. In these questions, Verizon MA seeks information about AT&T's engineering practices and costs, and, in many cases, their relation to the

⁴ Counsel for AT&T indicated in a letter dated July 3, 2001, that AT&T is "in the process of determining whether [it] can provide supplemental information to some or all of the requests..." included in this category of requests (July 3, 2001 Letter from Kenneth Salinger to Bruce Beausejour, at 2). Given the scheduled filing date for rebuttal testimony and the uncertain nature of the above-quoted statement, Verizon MA is compelled to include these responses in the motion so that the Department will have an opportunity to rule before the filing date.

assumptions included in the HAI 5.2a-MA Model. For example, Verizon MA requested information on AT&T's experience with network engineering and costs:

- ?? AT&T's "engineering guidelines (electronic and hard copy) and any other documents used by AT&T personnel to engineer AT&T's local loop and/or outside plant network" (Information Request VZ-ATT 1-38)
- ?? "engineering guidelines (electronic and hard copy) and any other documents used by AT&T personnel to engineer AT&T's long distance network" (Information Request VZ-ATT 1-39)
- ?? "engineering, furnishing, and installation of AT&T's most recent digital switch" (Information Request VZ-ATT 1-70)
- ?? "any and all expenses concerning, referring or relating to the installation of AT&T's most recent digital switch, including riggers, transportation, and heavy equipment as well as all installation labor costs" (Information Request VZ-ATT 1-71)
- ?? "engineering, furnishing, and installation of AT&T's most recent digital tandem switch" (Information Request VZ-ATT 1-72)
- ?? "any and all expenses concerning, referring or relating to the installation of AT&T's most recent tandem switch, including riggers, transportation, and heavy equipment as well as all installation labor costs" (Information Request VZ-ATT 1-73)
- ?? "all documents concerning, referring or relating to the engineering, furnishing, and installation of AT&T's most recent Signal Transfer Point" (Information Request VZ-ATT 1-74)
- ?? "any and all expenses concerning, referring or relating to the installation of AT&T's most recent STP, including riggers, transportation, and heavy equipment as well as all installation labor costs" (Information Request VZ-ATT 1-75)
- ?? "all documents concerning, referring or relating to the engineering, furnishing, and installation of AT&T's most recent Signal Control Point" (Information Request VZ-ATT 1-76)
- ?? "any and all expenses concerning, referring or relating to the installation of AT&T's most recent SCP, including riggers, transportation, and heavy equipment as well as all installation labor costs" (Information Request VZ-ATT 1-77)
- ?? "any and all documents concerning, referring or relating to the engineering, furnishing, and installation of AT&T's most recently constructed power plant including the addition of rectifiers, batteries, fuse distribution bays, automatic breakers, microprocessor, and the standby emergency generator" (Information Request VZ-ATT 1-78)

- ?? “any and all expenses concerning, referring or relating to the installation of AT&T’s most recently constructed power plants, including riggers, transportation, and heavy equipment as well as all installation labor costs” (Information Request VZ-ATT 1-79)
- ?? “Does AT&T utilize the same fill factors used as default values in HAI 5.2a in doing their own network planning? If not, why not? Identify the fill factors AT&T uses in their own network planning” (Information Request VZ-ATT 1-114)
- ?? “What are AT&T’s investments for transmission equipment that terminates both ends of an SS7 link, as defined by the HAI 5.2a?” (Information Request VZ-ATT 1-115)
- ?? “What are AT&T’s service control points investments per transaction per second, as defined by the HAI 5.2a?” (Information Request VZ-ATT 1-116)
- ?? “What are AT&T’s investments per operator position, as defined by the HAI 5.2a?” (Information Request VZ-ATT 1-117)
- ?? “What are AT&T’s investments per public telephone station, as defined by the HAI 5.2a?” (Information Request VZ-ATT 1-118)
- ?? “What are AT&T’s investments per installed DS-1 channel bank?” (Information Request VZ-ATT 1-119)
- ?? “What are AT&T’s per pair STP investments as defined by the HAI 5.2a?” (Information Request VZ-ATT 1-120)
- ?? “Identify how many STP pairs AT&T has in its U.S. domestic network and the average link termination fill percentage in those STP pairs” (Information Request VZ-ATT 1-121)
- ?? “For each of the past five years, identify the location(s) and price per square foot that AT&T has paid for land on which switching or indoor transmission facilities are located within the State of Massachusetts” (Information Request VZ-ATT 1-122)
- ?? “For each of the past five years, identify the location(s) and AT&T’s cost per square foot of construction for buildings that house switching or transmission equipment in the State of Massachusetts” (Information Request VZ-ATT 1-123)
- ?? “Identify AT&T’s average investment per installed OC-48 add drop multiplexer” (Information Request VZ-ATT 1-124)
- ?? “Identify AT&T’s average investment per OC-48 optical regenerator” (Information Request VZ-ATT 1-125)
- ?? “Identify AT&T’s average investment per optical distribution panel (the physical fiber patch panel used to connect interoffice fibers to transmission equipment)” (Information Request VZ-ATT 1-126)

- ?? “Identify AT&T’s investment per foot for placing fiber optic cable in trenches in the State of Massachusetts” (Information Request VZ-ATT 1-127)
- ?? “Identify AT&T’s investment per foot in underground conduit for fiber optic cable in the State of Massachusetts” (Information Request VZ-ATT 1-128)
- ?? “provide by plant account, lives in accordance with Mr. Lee’s definition and future net salvages that a) AT&T uses to depreciate its plant equipment, b)AT&T uses to depreciate its fixed wireless equipment, c) AT&T or any affiliates use to depreciate cable television plant and equipment, d) AT&T affiliate, TCG (formerly Teleport), uses to depreciate its plant and equipment” (Information Request VZ-ATT 1-131)
- ?? “According to Mr. Lee as stated in his direct testimony on page 6, the depreciation reserve is an extremely important indicator of the depreciation process. Please provide AT&T’s reserve percentages comparable to those used on the chart witness Lee exhibit 4, for the years 1990 through 2000” (Information Request VZ-ATT 1-135)
- ?? “Identify the following values used by AT&T in planning its network: a. the route to air ratio for inter-office facilities; b. the actual number of minutes per month, per DS0 level switched access trunk; c. the investment per DS0 level trunk port; d. the investment per installed OC-48 ADM multiplexer (equipped with 48 DS3s and equipped with 12 DS3s; e. the investment per installed foot of fiber; f. the tandem common equipment investment; g. the switch installation multiplier; h. the power investment per switch; i. the cost of construction per square foot of a wire center building; j the price per square foot of land that contains switch buildings; k. the busy hour fraction of daily usage; l. the annual to daily usage reduction factor; m. the installed terminal multiplexer investment per OC3; n. the interoffice facility wire center EF&I fully loaded labor rate per hour in Massachusetts; o. the installed cost of an OC-48 regenerator; p. interoffice facility fiber optic regeneration spacing; q. optical distribution panel cost to connect 24 fibers to the transmission equipment; and, r. the number of hours required to install the equipment associated with the interoffice transmission systems” (Information Request VZ-ATT 2-1)
- ?? “Provide AT&T’s investment cost per foot for fiber feeder cable installed in Massachusetts” (Information Request VZ-ATT 2-15)
- ?? “Has AT&T employed the use of splitter shelves and splitter cards in the provisioning of DSL service? If the answer is yes, please provide all documents...” (Information Request VZ-ATT 2-91).

AT&T objects to each of these information requests on the ground that its own operational experience is not relevant to the issue of Verizon MA’s forward-looking economic costs to provide UNEs. This objection is inappropriate and without merit.

Nowhere does AT&T witness Robert A. Mercer claim that the HAI 5.2a-MA Model seeks to replicate Verizon MA's network or cost structure.⁵ Rather, he claims that the HAI 5.2a-MA Model attempts to estimate the forward-looking costs of an efficient firm.⁶ Thus, AT&T's own network practices and costs are directly relevant – they provide a benchmark against which Verizon MA can compare the HAI 5.2a-MA Model's input values, engineering assumptions, and cost estimates. Verizon MA must be allowed to examine AT&T's own practices and cost structure to assess the accuracy of the cost structure AT&T seeks to impose on Verizon MA in Massachusetts through the use of the HAI 5.2a-MA Model.

B. The Department Should Order AT&T to Produce Information Regarding Earlier Versions of the HAI Model.

In many data requests, AT&T fails to provide any information regarding earlier versions of the Hatfield Model. *See* responses to Information Requests VZ-ATT 1-34, 1-35, 1-65, 1-66, 1-68, 1-80, 1-87 through 1-90 and 1-112. In these questions, Verizon MA seeks information about changes in assumptions, default values and other inputs of earlier versions of the Hatfield model in comparison to the HAI 5.2a-MA Model presented in this case:

?? “With respect to the ‘changes in the default values’ referenced at page 7 of the Model Description, provide a listing of the old and new values and a detailed explanation of the basis for each change. Identify all changes in the default input values from HAI Model, Release 5.0a to HAI 5.2a” (Information Request VZ-ATT 1-34)

⁵ In fact, AT&T witness Mercer claims that the HAI 5.2a-MA Model “neither is nor should be a tool for designing a physical telecommunications network” (*Direct Testimony of Robert A. Mercer* (May 8, 2001) at 8 (“Mercer Direct Testimony”)).

⁶ *Id.* at 26-27.

- ?? “Provide any and all contracts, memoranda, or any other documents exchanged between PNR and AT&T concerning the development of HAI 5.2a’s (or any predecessor release) geocoding process or clustering algorithm” (Information Request VZ-ATT 1-35)
- ?? “Identify in detail how the HAI 5.2a differs from the HAI Model Release 5.2 that was filed by AT&T with the New York State Public Utility Commission. The response should identify, but not necessarily be limited to, all: a. differences in modeling assumptions; b. differences in input assumptions; c. differences in default input assumptions; d. differences in technology assumptions; and, e. differences in platform algorithms. Also, for each difference identified above, explain the basis for the difference” (Information Request VZ-ATT 1-65)
- ?? “Does the HAI 5.2a differ from the HAI Model Release 5.2a that was filed by AT&T with the New Jersey Board of Public Utilities? If so, please identify any and all differences... (Information Request VZ-ATT 1-66)
- ?? “Identify any and all of the default values in the HAI 5.2a that have been changed from the Hatfield Model, Release 2.2.2 previously submitted by AT&T in Massachusetts” (Information Request VZ-ATT 1-68)
- ?? “Provide copies of any and all documents concerning, supporting, referring or relating to the development of the default input values used in the HAI 5.2a, including but not limited to all documents previously produced by AT&T in regulatory proceedings in the States of New York, New Jersey, Pennsylvania, California and Vermont” (Information Request VZ-ATT 1-80)
- ?? “Explain in detail the basis for the default input for low-density DLC site and power used in the HAI 5.2a and the reasons it differs from earlier versions of the Hatfield Model...” (Information Request VZ-ATT 1-87)
- ?? “Explain the basis for the default inputs for SAI Indoor Investment in HAI 5.2a and the reasons it differs from earlier versions of the Hatfield Model” (Information Request VZ-ATT 1-88)
- ?? “Explain the basis for the default input for Integrated COT, installed in HAI 5.2a and the reasons it differs from earlier versions of the Hatfield Model” (Information Request VZ-ATT 1-89)
- ?? “Explain the basis for the default inputs for low-density DLC basic common equipment investment for initial lines and for additional lines in HAI 5.2a and the reasons it differs from earlier versions of the Hatfield Model” (Information Request VZ-ATT 1-90)
- ?? “Provide all documents and data concerning, referring and relating to the FCC examination of both indoor and outdoor SAIs that was used to determine the SAI Investment inputs used as default values in HAI 5.2a. Provide a copy of all analysis

that was done to determine that these are the appropriate inputs for Massachusetts” (Information Request VZ-ATT 1-99)

?? “Provide all documents, including but not limited to workpapers, reports, memoranda and correspondence, which summarize, describe, initiate or otherwise relate to any attempts to verify the validity of HAI 5.2a or any prior version or release of the Hatfield Model or any variation thereof, or of the outputs it produces” (Information Request VZ-ATT 1-112)

AT&T objects to these requests, claiming that information regarding models other than HAI 5.2a-MA is not relevant to this proceeding. AT&T’s objection is mistaken. The HAI 5.2a-MA Model is predicated upon, and in many respects is substantially the same as, earlier versions of the HAI Model. AT&T has contended that each release of the model is accurate. Thus, to the extent the version of the model AT&T sponsors in this proceeding is different from the predecessor versions on which it was based, Verizon MA is entitled to explore the bases for, and propriety of, the changes made by AT&T. AT&T’s cost model is evolutionary in nature, and thus, it is not appropriate to analyze the model in isolation.

This is particularly important in Massachusetts because the Department has reviewed and rejected an earlier version of the Hatfield model and precedent requires “reasoned consistency” by the Department. *Boston Gas Company v. Department of Public Utilities*, 367 Mass. 92, 104 (1975). Absent a full a detailed comparison between the rejected model and the “new and improved” version that has supposedly been presented in this proceeding, the Department must again reject the model. Accordingly, information regarding the similarities, or differences, between the predecessor versions of the model is both relevant and essential to a thorough evaluation of the HAI 5.2a-MA Model sponsored in this proceeding.

C. The Department Should Order AT&T to Provide Complete Responses to Information Requested by Verizon MA.

Repeatedly, throughout its responses to Verizon MA's information requests, AT&T fails to provide the detailed descriptions requested by Verizon MA. AT&T either offers information that is wholly unrelated and of no import to the question asked, or AT&T dodges the question entirely. The following examples illustrate the manner in which AT&T avoids answering the questions posed, or submits responses with irrelevant, nonresponsive and largely useless information.

AT&T Fails to Provide Information Regarding the Data Used in the HAI 5.2a-MA Model. In response to Information Request VZ-ATT 1-16,⁷ AT&T ignores the question asked, and thus fails to provide Verizon MA with much-needed information regarding the data used in the HAI 5.2a-Model. AT&T was asked to produce copies of the data it provided to HAI Consulting, Inc. ("HAI"), BroadView Telecommunications, LLC ("BVT"), or Telecom Visions, Inc. ("TVI") for use in the HAI 5.2a Model and to describe in detail how the data was created and the manner in which it was used in the model. In response, AT&T provides a copy of a study sent to HAI; however, AT&T does not provide any information regarding how the data was created and the manner in which it was used in the HAI 5.2a Model. Simply stating that the study was used "as support for a number of inputs" does not give Verizon MA the detailed description it requested.

⁷ AT&T's counsel, in his July 3, 2001 letter indicates that a more complete response will be forthcoming for this information request. When a supplemental response is filed, Verizon MA will indicate whether a motion to compel remains appropriate for this request.

AT&T Fails to Provide Simple Answers to Straightforward “Yes” or “No” Questions. In response to Information Request ATT-VZ 1-67, when asked to provide a simple “yes” or “no” answer, AT&T dodges the question, offering information that fails to answer the question posed. AT&T was asked whether it was Dr. Mercer’s position that TELRIC costs should not be based on the design of actual physical telecommunications network. AT&T responds by stating that it was “Dr. Mercer’s position that ‘. . . HAI 5.2a-MA is a highly sophisticated costing tool capable of calculating the TELRIC costs of UNEs in Massachusetts,’” and that it “. . . is not a tool for designing a physical telecommunications network.” AT&T’s answer is wholly nonresponsive. Verizon MA asked AT&T for a simple “yes” or “no” answer – whether it was Dr. Mercer’s position that TELRIC costs should not be based on the design of actual physical telecommunications network. AT&T’s statement that that HAI 5.2a-MA is “a highly sophisticated costing tool,” capable of some things and not designed for others, does not answer, and is completely irrelevant to, Verizon MA’s question.

AT&T Fails to Provide Crucial Information Because It Is “Commercially Available.” In a number of responses, AT&T fails to provide requested material because, according to AT&T, it was procured from an outside vendor, is proprietary to that vendor and may be purchased from that vendor. The responses to Information Requests VZ-ATT 1-20, 1-21, 1-23, 1-25, 1-26, 1-82 and 1-83 all claim that important inputs to the HAI 5.2a-MA Model are proprietary to other companies and that if Verizon MA wants to obtain the information, it should presumably procure the material directly from the

vendor.⁸ For example, the responses to Information Requests VZ-ATT 1-20, 1-23, 1-26, 1-82 and 1-83 refer to information provided by PNR Associates, Inc., which AT&T refuses to make available, even if covered by the terms of an appropriate non-disclosure agreement. Similarly, AT&T refuses to provide information purchased from Metromail, Inc., (Information Requests VZ-ATT 1-21) and Dun and Bradstreet (Information Requests VZ-ATT 1-26). In addition, in its responses to Information Requests VZ-ATT 2-4 and 2-32, AT&T refuses to supply underlying data with regard to occupancy rates because it can be obtained from the U.S. Bureau of the Census.

As indicated in these information requests, PNR Associates, Inc. provides key inputs to the HAI 5.2a-MA Model, and without these inputs, it is impossible to analyze the results of the model and prepare rebuttal testimony. The information from Dun and Bradstreet and Metromail are also inputs to the model, which parties have a right to review. AT&T has submitted the HAI 5.2a-MA Model for the Department's evaluation, and it is AT&T's responsibility to ensure that the underlying assumptions and data are made available to parties and the Department in this proceeding.

The issue is not limited to the expense associated with parties and the Department procuring the "commercially available" information, but with a party supporting its case. Moreover, the parties are entitled to the information as it was used in the model, in order to determine precisely how the inputs affect the model's results. This often cannot be determined by purchasing "commercially available" materials. Accordingly, the

⁸ In its supplemental response to Information Request VZ-ATT 2-62, AT&T makes a similar claim about a Bellcore document.

Department should order AT&T to make necessary arrangements to its vendors so that the information can be provided.

AT&T Fails to Respond to Relevant Questions Going to Credibility. AT&T has improperly refused to respond to information requests that go to the credibility of the HAI 5.2a-MA Model. Information Requests VZ-ATT 1-57 through 1-60 ask a series of questions to identify the owners' and AT&T's rights and terms of use for the HAI 5.2a-MA Model. The discovery of such information will disclose any bias or use restrictions, which would affect the Department consideration of whether the model may be relied upon in determining costs and setting rates in this proceeding.

AT&T Provides Incomplete or Wholly Unresponsive Answers. In responding to a number of requests, AT&T sidesteps the request by referring to other documents (which do not answer the question), ignores key elements of the question or interposes inappropriate objections. For example, in response to Information Request ATT-VZ 1-24, AT&T answers only part of the question. Verizon MA asked AT&T to specify the basis for additions or reductions to specific census blocks that are made in order to perform the normalization of total line counts for the study area to the targets. AT&T merely refers to the section of the Model Description that discusses the procedure for normalizing line counts, but says nothing about the basis for the additions or reductions to specific census blocks.

Again, in response to Information Request ATT-VZ 1-103, AT&T ignores part of the question, which asked AT&T to identify certain subject matter experts and members of HAI Associates that AT&T consulted in determining the Business Penetration Ratio input. Although claiming that it could not provide the exact number of subject matter

experts because the input at-issue was the result of numerous conversations, AT&T fails to identify the members of HAI Associates that were consulted.

The response to Information Request VZ-ATT 1-130 asks for the cost of money used in an incremental cost model previously used by AT&T. Instead of supplying the information, AT&T explains that it no longer uses the model, that it is difficult to get it running again and that the costs of the model are not equivalent to the costs in this case. No where does AT&T answer the simple question.

Information Request VZ-ATT 2-3 requests documents “concerning or supporting” the time estimates developed by AT&T engineers and estimators for installing drop wires. AT&T states that its experts didn’t base their estimates on documents. But the question wasn’t only for documents upon which the experts relied; it requested any documents relating to the estimates. These would include the documents prepared during the development of the time estimates. AT&T has provided no such documents.

Information Requests VZ-ATT 2-4 and 2-6 ask for documents used to determine the distribution and feeder sharing fractions for aerial, buried and underground plant in Massachusetts and the forward-looking operations factor of 50 percent referenced in the model’s Inputs Portfolio. In both instances, AT&T directs Verizon MA to general explanations, but does not provide the requested documents. Similarly, in response to Information Request VZ-ATT 2-11, AT&T is asked to provide specific cost-input information that it gave to the developers of the cost model. AT&T objects, in part, on the basis that the default inputs used by the model have been provided. Although the cost inputs provided by AT&T that were actually used in the model may be indicated, Verizon MA has asked for all data provided by AT&T, even inputs that were rejected by

developers of the model. This information is highly relevant because it could undermine (or support) the inputs that were actually used.

IV. CONCLUSION

For the forgoing reasons, Verizon MA respectfully requests that the Department grant this Motion to Compel and order AT&T to supplement its answers to Verizon MA's information requests and provide all requested documents immediately.

Respectfully submitted,

Verizon MA Massachusetts

Bruce P. Beausejour
185 Franklin Street, Room 1403
Boston, Massachusetts 02110-1585
(617) 743-2445

Robert N. Werlin
Keegan, Werlin & Pabian, LLP
21 Custom House Street
Boston, Massachusetts 02110
(617) 951-1400

Dated: July 5, 2001