

[Service date: January 10, 2012]

BEFORE THE
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

WASHINGTON INDEPENDENT
TELECOMMUNICATIONS ASSOCIATION,
WASHINGTON EXCHANGE CARRIER
ASSOCIATION, THE TOLEDO TELEPHONE
CO., INC., TENINO TELEPHONE COMPANY,
KALAMA TELEPHONE COMPANY and
HOOD CANAL TELEPHONE COMPANY,
d/b/a HOOD CANAL COMMUNICATIONS

Complainants,

v.

MCLEODUSA TELECOMMUNICATIONS
SERVICES, L.L.C. and PAETEC
COMMUNICATIONS, INC.,

Respondents.

DOCKET NO. UT-111816

**RESPONDENTS' OBJECTIONS TO
COMPLAINANTS' THIRD SET OF
DATA REQUESTS**

TO: The above-named Complainants

AND TO: Richard A. Finnigan, Counsel for Complainants

Respondents McLeod USA Telecommunications Services, L.L.C. ("McLeodUSA") and PAETEC Communications, Inc. ("PAETEC"), through counsel, hereby respond to the Complainants' Third Set of Data Requests, subject to the following General Objections and any specific objections interposed.

GENERAL OBJECTIONS

1. RESPONDENTS object to each and every Request to the extent that it is not relevant or reasonably calculated to lead to the discovery of admissible evidence.
2. RESPONDENTS object to each and every Request to the extent that it calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.
3. RESPONDENTS object to each and every Request to the extent that it calls for information that applies to matters outside the State of Washington and is therefore not relevant, unduly burdensome, expensive, and/or oppressive to respond.
4. RESPONDENTS object to each and every Request to the extent that it calls for information that is in the public record, including matters filed with a public agency.
5. RESPONDENTS object to each and every Request to the extent that it is duplicative, unduly burdensome, expensive, and/or oppressive as presently propounded.
6. RESPONDENTS object to each and every Request to the extent that it calls for information that is not in the possession or control of RESPONDENTS.
7. RESPONDENTS object to the extent that Complainants seek through the Requests, instructions and/or the definitions to impose on RESPONDENTS greater obligations than are required by the Commission's discovery rules, WAC 480-07-400 and WAC 480-07-405.

8. As discovery in this matter is ongoing, RESPONDENTS reserve the right to supplement or make changes to the responses herein if additional or more information becomes available. RESPONDENTS further reserve the right to make additional objections to these Requests. RESPONDENTS do not concede the relevance, admissibility, or materiality of any information by virtue of these responses.

WUTC Docket 111816
Response to Complainants' Third Set of Data Requests
Respondents: MCLEODUSA Telecommunications and PAETEC Communications
Response Date: January 9, 2012

Request No. 1:

Attached as Exhibit 1 is a Notice of Ex Parte Communication filed on behalf of PAETEC Holding Corp. with the Federal Communications Commission on October 14, 2011. In that Ex Part Communication, PAETEC discusses its position on (1) terminating access (see pages 1 and 2 of Exhibit 1), (2) the exchange of IP voice traffic including VoIP-PSTN traffic (see pages 2 through 4 of Exhibit 1), and (3) phantom traffic (see page 4 of Exhibit 1). Please provide a copy of each and every communication from PAETEC to the Federal Communications Commission which addresses any of the three identified subjects, whether delineated a Comment, Reply Comment, Notice of Ex Parte Communication or any other form of written communication with the Federal Communications Commission touching on any of the listed subjects for the period beginning January 1, 2009, through the date of the response to this data request. Please provide a copy of each and every communication of Windstream to the Federal Communications Commission which addresses any of the three identified subjects, whether delineated a Comment, Reply Comment, Notice of Ex Parte Communication or any other form of written communication to the Federal Communications Commission touching on any of the listed subjects for the period beginning January 1, 2009, through the date of the response to this data request.

Response:

OBJECTION: Respondents McLeodUSA and PAETEC, through counsel, hereby object to this data request on the following grounds:

- (1) the requested documents are available to and obtainable by the complainants from public sources, methods that are more convenient, less burdensome and less expensive; this data request therefore violates WAC 480-07-400(3).
- (2) Windstream is not a party to this proceeding and these respondents have no obligation to respond on its behalf.

WUTC Docket 111816
Response to Complainants' Third Set of Data Requests
Respondents: MCLEODUSA Telecommunications and PAETEC Communications
Response Date: January 9, 2012

Request No. 2:

Please provide any communication filed by PAETEC Holding Corp. between January 1, 2009, and the date of the response to this data request, in any of the following dockets:
Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; High Cost Universal Service Support, WC Docket No. 05-337; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51.

Response:

OBJECTION: Respondents McLeodUSA and PAETEC, through counsel, hereby object to this data request on the following grounds: the requested documents are available to and obtainable by the complainants from public sources, methods that are more convenient, less burdensome and less expensive; this data request therefore violates WAC 480-07-400(3).

WUTC Docket 111816
Response to Complainants' Third Set of Data Requests
Respondents: MCLEODUSA Telecommunications and PAETEC Communications
Response Date: January 9, 2012

Request No. 3:

Please provide any communication filed by Windstream between January 1, 2009, and the date of the response to this data request, in any of the following dockets: Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; High Cost Universal Service Support, WC Docket No. 05-337; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51.

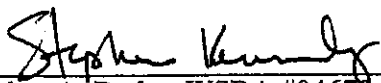
Response:

OBJECTION: Respondents McLeodUSA and PAETEC, through counsel, hereby object to this data request on the following grounds:

- (1) the requested documents are available to and obtainable by the complainants from public sources, methods that are more convenient, less burdensome and less expensive; this data request therefore violates WAC 480-07-400(3).
- (2) Windstream is not a party to this proceeding and these respondents have no obligation to respond on its behalf.

RESPECTFULLY SUBMITTED this 10th day of January, 2012.

ATER WYNNE LLP

By 
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Attorneys for Respondents MCLEODUSA
Telecommunications Services, L.L.C. and
PAETEC Communications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of January, 2012, served a true and correct copy of the foregoing document upon parties of record, via the method(s) noted below, properly addressed as follows:

On Behalf Of Complainants:

Richard A. Finnigan
Law Office of Richard A. Finnigan
2112 Black Lake Boulevard SW
Olympia WA 98512

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (360) 753-6862
 Email (rickfinn@localaccess.com)

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 10th day of January, 2012, at Seattle, Washington.

S. Carpenter