

Dorothy Menasco

**SCANNED**

**From:** Keating, Beth [beth.keating@akerman.com]  
**Sent:** Monday, April 07, 2008 4:52 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 080065-TX  
**Attachments:** PDF\_Scan.pdf

Attached for filing in the referenced Docket, please find an electronic copy of Vilaire Communications, Inc.'s Objections to Staff's First Requests for Production of Documents (Nos. 1 - 10) and First Set of Interrogatories (Nos. 1 - 38). If you have any questions, please do not hesitate to contact me.

Sincerely,  
Beth Keating  
Akerman Senterfitt  
(850) 224-9634  
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A.  
Beth Keating  
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B. Docket No. 080065-TX - In re: Investigation of Vilaire Communications, Inc.'s eligible telecommunications carrier status and competitive local exchange company certificate status in the State of Florida.

C. On behalf of Vilaire Communications, Inc.  
D. Objections to Staff's First Requests for Production of Documents and First Set of Interrogatories  
E. Number of Pages - 28



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4/7/2008

DOCUMENT NUMBER-DATE  
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April 7, 2008

**VIA ELECTRONIC FILING**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850


**Re: Docket No. 080065-TX - In re: Investigation of Vilaire Communications, Inc.'s eligible telecommunications carrier status and competitive local exchange company certificate status in the State of Florida.**

Dear Ms. Cole:

Enclosed for electronic filing in the above-referenced Docket, please find Vilaire Communications, Inc.'s Objections to Staff's First Set of Interrogatories (1 – 38) and Requests for Production of Documents (Nos. 1 – 10), submitted this day on behalf of Vilaire Communications, Inc.

If you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,



**Beth Keating**  
**AKERMAN SENTERFITT**  
106 East College Avenue, Suite 1200  
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Phone: (850) 224-9634  
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Enclosures  
cc: Stacey Klinzman

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02665 APR-7 08

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Vilaire Communications, Inc.'s eligible telecommunications carrier status and competitive local exchange company certificate status in the State of Florida.	DOCKET NO. 080065-TX DATED: APRIL 7, 2008
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VILAIRE COMMUNICATIONS, INC.'S OBJECTIONS TO STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1 - 38) AND PRODUCTION OF DOCUMENTS (1-10)

COMES NOW, VCI Company, doing business in Florida as Vilaire Communications, Inc., and objects to Staff's First Set of Interrogatories ("Interrogatories") and Production of Documents ("Requests") (collectively "Discovery") as follows:

GENERAL OBJECTIONS

1. VCI objects to the Commission's Discovery as unduly burdensome in that since January 1, 2007, VCI and third-parties have provided the Commission with voluminous documents and information, which the Commission deemed sufficient to support the allegations in its February 13, 2008 Order of Proposed Agency Action. Thus, the Commission should require no further Discovery to prosecute this proceeding.
2. VCI objects to the Commission's Discovery to the extent that it is not reasonably necessary for the disposition of matters within the powers, functions and duties delegated to the Commission by the Legislature.
3. VCI objects to the Commission's Discovery extent that it seeks information concerning matters governed solely by federal law and regulation, which matters raise federal questions to be adjudicated in Federal District Court.
4. VCI objects to the Commission's Discovery to the extent it seeks information protected against disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or immunity from disclosure.
5. VCI objects to the Commission's Discovery to the extent that it imposes obligations

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beyond those required pursuant to the Florida Rules of Civil Procedure.

6. VCI objects to the Commission's Discovery to the extent that it imposes duties on behalf of, or seeks information, within the possession, custody or control of the Commission, individuals or legal entities other than VCI.

7. VCI objects specifically to any Discovery calling for documents or information about any VCI employees on the basis that it is irrelevant, unduly burdensome, not likely to lead to the discovery of admissible evidence and an invasion of privacy interests and rights of those employees.

8. These General Objections are applicable to each and every one of the following responses and failure to repeat an objection in response to a specific Request or Interrogatory shall not be deemed a waiver of these General Objections.

OBJECTIONS TO STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1 - 38)

1. Please provide a definition of the term "resale".

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory on the ground that it is unduly burdensome in that "resale" is a term of art defined by Federal Communication Commission ("FCC") rules or orders to which the Commission has access in the same manner as VCI. VCI further objects to this Interrogatory on the ground that it calls for a legal conclusion.

2. For the following request, please refer to each monthly bill provided in Production Of Documents Request No. 1.

a. Please list the date payment was received from the customer for that bill. If payment was not received, list the disconnection date, if any, for that customer.

b. Please list how many monthly bills provided include a late payment charge?

c. Please list how many monthly bills provided include an incorrect 911 fee?

Response: VCI objects to this Interrogatory on the grounds that it is overbroad and it would be unduly burdensome for VCI to respond. Response to this Interrogatory will entail reviewing thousands of bills issued by the company over nearly two years and countless hours of staff time, during which staff will be unable to fulfill duties necessary to the company's core business. VCI is a small company with limited personnel. If additional time is permitted, a response to this Interrogatory, together with documents requested in Staff's Production of Documents Request No. 1, may be possible.

3. Please list the collection steps taken by VCI if a customer does not pay his monthly bill when due.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. Without waiving these objections, VCI will respond.

4. Did VCI use AT&T Wholesale Local Platform (WLP) lines (formerly UNEs) to provision any customers from June 1, 2006, through November 30, 2006? If so, please list how many WLP lines were purchased each month.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not

reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

5. Please provide a spreadsheet showing by month the number of Wholesale Local Platform lines and the number of resale Lifeline lines VCI purchased from AT&T-Florida since becoming an ETC in Florida.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

6. Please provide a schedule showing all monthly payments made to AT&T Florida. For each month show the amount paid to AT&T, the date the payment was made, and the reconciliation with the PSC's regulatory assessment form.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's

operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

7. Has VCI been receiving a \$10.00 credit from AT&T for each Lifeline resale line purchased from AT&T?

a. Has VCI filed for and received reimbursement of \$10.00 from USAC for any resale Lifeline lines purchased from AT&T?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

8. Has VCI received a \$23.00 credit from AT&T for Link-Up on Lifeline resale lines purchased from AT&T?

a. Has VCI filed for and received reimbursement of \$30.00 from USAC for any Link-Up for resale Lifeline lines purchased from AT&T?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's

operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

9. When a VCI customer calls the 1-800 VCI number to obtain directory assistance, what database is used to provide the requested number? Please provide the name of the database provider and cost to VCI to use the database. VCI's price list on file with the PSC shows a \$2.00 per call charge for directory assistance. Is this information current?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court. Without waiving these objections, VCI will respond to the extent the Interrogatory requests information as to VCI's price listed per call charge for directory assistance.

10. Does VCI claim pro rata amounts on USAC Florida Form 497 for Lifeline customers whose service is initiated during the month or whose service is disconnected during the month? If not, why not?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI



further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

11. Order FCC 07-148, released August 15, 2007, addressed duplicate USF reimbursements received by VCI and inaccurate Form 497 forms filed with USAC by VCI for the states of Oregon, Washington, and Minnesota. Has VCI returned excess reimbursements to USAC or filed revised Form 497 forms for any of these states?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court. VCI further objects to this Interrogatory to the extent it seeks information covered by attorney-client and/or attorney work product privileges.

12. Has VCI refiled any Florida Form 497 forms with USAC, or reimbursed USAC for any disbursements for Florida to date? If so, were the duplicate number of Link-Up lines claimed by VCI and discovered in staff's audit corrected?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI

further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

13. Were any Florida Form 497s revised on June 15, 2007? If so, please describe what necessitated the revisions and what were they?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

15. Does AT&T provide VCI with toll limitation service for each Lifeline resale customer at no charge to VCI?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

16. In its January 16, 2008, response, VCI asserts that its incremental cost of TLS is calculated using a non-recurring equipment cost of \$803,900 and a recurring cost of \$17,142.50 per month. Since receiving ETC disbursements from USAC in January 2004, VCI has received \$7,839,139 in TLS reimbursements from USAC for all states. A \$17,142.50 recurring cost per month for 38 months (Jan 2004-February 2008) totals \$651,415. Adding the non-recurring equipment cost of \$803,900 totals \$1,455,315. Please explain what the remaining \$6,383,824 received from USAC by VCI for TLS was used for.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

17. What is the physical location of all equipment listed in VCI's response to staff's post-audit question number one and which VCI asserts is used exclusively for toll limitation service?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The

Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

18. Please define what the ESS-Phone switching system is and the functions it performs besides TLS?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

19. Please define what the Inter-tel IP-Phone system is and the functions it performs besides TLS?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

20. Please define what the Mercom-Monitoring & recording/computer system is and the functions it performs besides TLS?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

21. Please define what a Main Computer router is and what functions it performs besides TLS?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

22. Please explain the function of MPLS and how it is used to provide TLS.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI

further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

23. Please define what the MPLS routers are and what functions they perform besides TLS?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

24. Please define what the T-1s are and what functions they perform besides TLS?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

25. What other functions do the four personnel (identified in response to post-audit question number one) perform besides TLS functions?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

26. Please provide a spreadsheet showing the different allocation of TLS costs among each of the states where VCI is provided Lifeline service for the month of December 2007.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

27. In its January 16, 2008 response, VCI provided the monthly investment to be recouped and the total customers needed per month to meet the goal. Please provide a spreadsheet showing how these costs were broken down by each state which VCI had ETC status in and identify how many of the customers were served through Lifeline resale lines and how many were served through WLP lines.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.



28. With regards to the AT&T toll restriction, which is provided to VCI for Lifeline customers, please respond to the following requests.

a. Can a VCI Lifeline customer dial 411? If so, to whom is the customer connected?

b. Can a VCI Lifeline customer dial 0+? If so, to whom is the customer connected?

c. Can a VCI Lifeline customer dial 0 and receive an operator? If so, is it an AT&T operator, VCI operator, or other?

d. Please provide a spreadsheet showing the amount of AT&T 411 charges and the amount of AT&T toll connection charges incurred on Lifeline accounts in Florida each month by VCI since becoming an ETC in Florida.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

For following request, please refer to VCI's January 16, 2008, response to staff post-audit question number three.

29. In the January 16, 2008, response, VCI states that for December 2007, it invoiced 5,409 total VCI customers and 4,912 Lifeline customers. Did VCI have a total of 10,321 customers or a total of 5,409 customers and of those 4,912 were Lifeline customers?

a. How many Lifeline customers did VCI have in December 2007 in all states where VCI is providing service?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

For the following request, please refer to VCI's January 16, 2008, response to staff post-audit question number four.

30. In response to post-audit question number four, VCI states that it had overcharged the E911 fee on 17,817 access lines from August 2006 through January 2008. Payments to Florida Telecommunications Relay, Inc. from August 2006 through November 2007 show a total of 49,917 lines (not including September 2007 where no filing was made). Also, from June 2006 through November 2007, VCI claimed 77,188 lines on the Florida Form 497s filed with USAC. Please explain the discrepancies in the line numbers.

Response: Because of VCI's Response to Interrogatory No. 14 above, VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory on the ground that responding would be unduly burdensome for VCI. Responding to this Interrogatory

would entail reviewing thousands of bills issued by the company over nearly two years and countless hours of staff time, during which staff will be unable to fulfill duties necessary to the company's core business. VCI is a small company with limited staff.

31. Has VCI claimed or received reimbursement from USAC for any Lifeline customers who did not have an active access line? If so, please explain why.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

32. Please provide a spreadsheet showing for the time period June of 2006 through March 2008 (by month) the number of VCI Florida customers on the first of each month, the number of customers added each month and the number of customers disconnected each month since becoming an ETC in Florida. Also note whether or not these customers were Lifeline customers.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court. VCI further objects to this Interrogatory on the ground that responding would be unduly burdensome for VCI. Responding to this Interrogatory would entail reviewing thousands of bills issued by the company over nearly two years and countless hours of

staff time, during which staff will be unable to fulfill duties necessary to the company's core business. VCI is a small company with limited staff.

33. Has VCI requested copies of VCI information which was provided to the PSC under subpoena from AT&T? If so, please describe when? If it was requested from AT&T, when did VCI receive the information?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction.

34. Please provide a spreadsheet showing all employees on VCI's payroll, their job functions, and the location of their workplace. If sub-contractors are used to provide services, provide the name of the sub-contractor, the amount paid to the sub-contractor in 2007, and job functions they perform on behalf of VCI.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

35. Please provide a spreadsheet showing:

- a. all states in which VCI has applied for ETC status;
- b. the date in which ETC status was approved if it was granted;

- c. which states VCI withdrew its request for ETC status and the reason why;
- d. which states VCI withdrew its ETC status and the reason why;
- e. which states where VCI has ETC petitions pending.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

36. What is the present status of the FCC's Notice of Apparent Liability for Forfeiture and Order (FCC 07-148, released August 15, 2007)?

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court. Without waiving these objections, VCI will respond.

For the following request please refer to page 11, lines 2-3 of the February 12, 2008 agenda conference Item 4 transcript.

38. At the February 12, 2008 agenda conference, Mr. Johnson stated that "...we bill no different than any of the other wireless carriers there. The billing system we developed comes from a Verizon, or AT&T." Please explain to what Mr. Johnson is referring.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court. Without waiving these objections, VCI will respond.

For the following request please refer to page 41, lines 15-21 of the February 12, 2008 agenda conference Item 4 transcript.

38. At the February 12, 2008 agenda, Mr. Johnson stated that:

"We are in a one-year contract, one-year agreement with every customer based on the FCC's rules, and we are not allowed to collect early on any of those customers until the year is up. So every single month whether the line is active or not, which there's no rules in the FCC rules that says the line has to be active. Every month they get a connection fee.

Has VCI claimed Lifeline reimbursement from USAC for any VCI customers who have signed a contract, but have no active service? If so, list the customers and any money claimed for reimbursement.

Response: VCI objects to this Interrogatory in its entirety on the grounds that it seeks information that is irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Interrogatory to the extent that it seeks information concerning VCI's

operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

OBJECTIONS TO STAFF'S FIRST SET OF PRODUCTION OF DOCUMENTS (NOS. 1 - 10)

1. Please provide copies of all monthly bills for each VCI Florida customer since becoming an ETC in Florida.

Response: VCI objects to this Request on the grounds that it is overbroad and production of such documents would be unduly burdensome. Producing thousands of bills issued by the company over nearly two years would require countless staff hours. As VCI is a small company with limited staff, staff assigned to this task would be unable to perform their normal duties necessary to the company's core business. Without waiving these objections, VCI responds that, if additional time is permitted, production of these documents, together with the information requested in Staff's Interrogatory No. 2, may be possible.

2. Please provide invoices and proof of payment for all equipment asserted to be used exclusively for TLS (see post-audit response to question number one). If it is not shown on the invoice, list the brand and model number of each piece of equipment listed in response to staff post-audit question number one regarding TLS.

Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Request to the extent that it seeks production of documents concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The



Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

3. Please provide copies of all AT&T-Florida billing to VCI for from June 2006 through March 2008, since becoming an ETC in Florida.

Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Request to the extent that it seeks production of documents concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

4. Please provide invoices for all Lifeline advertising contracted and paid for in the state of Florida since becoming an ETC in Florida.

Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Request to the extent that it seeks production of documents concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

5. Please provide copies of all Form 497 forms filed with the Universal Service Administrative Company for Florida since becoming an ETC in Florida.

Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Request to the extent that it seeks production of documents concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

6. Please provide copies of any contracts between VCI and Lifeline customers, and any VCI contracts between VCI and non-Lifeline customers

Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Request to the extent that it seeks production of documents concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

7. Please provide any contracts or agreements from June 2006 through March 2008 with any vendors, agents or other parties that have supplied or are presently supplying equipment or services to VCI in or for the state of Florida.

Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further

objects to this Request to the extent that it seeks production of documents concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's assertion of jurisdiction over these matters raises federal questions to be adjudicated in Federal District Court.

8. Please provide VCI Florida corporate income tax returns for 2006 and 2007.

Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction.

9. Provide copies of VCI's June 13, 2007, June 21, 2007, and July 12, 2007 responses furnished to the FCC in response to the FCC Letters of Inquiry referenced in Order No. FCC 07-148 (¶ 10), released August 15, 2007, along with any other correspondence with the FCC regarding the allegations against VCI included in FCC 07-148.


Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Request on the ground that it seeks documents concerning VCI's operations as an ETC, which are governed solely by federal law and regulation. The Commission's attempt to assert jurisdiction over such matters raises federal questions to be adjudicated in Federal District Court. VCI further objects to this Request to the extent it seeks the production of documents deemed non-public or confidential.

10. Please provide copies of all FTRI payments and remittance forms for the Florida relay surcharge from June 2006 through March 2008.

Response: VCI objects to this Request in its entirety on the grounds that it seeks documents that are irrelevant, not likely to lead to the discovery of admissible evidence and not reasonably necessary for the disposition of matters within the Commission's jurisdiction. VCI further objects to this Request on the grounds that production would be burdensome and duplicative because such documents are available to the Commission directly from the FTRI and the Commission has, in fact, obtained such documents.

Respectfully submitted this 7<sup>th</sup> day of April, 2008.

Respectfully submitted this 7th day of April,  
2008,

By:   
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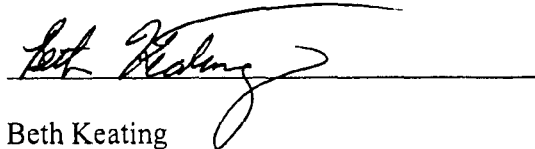
*Attorneys for Vilaire Communications, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via US Mail and Electronic Mail\* to the persons listed below this 7th day of April, 2008:

Lee Eng Tan, Senior Attorney* Florida Public Service Commission, Office of the General Counsel 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 LTan@psc.state.fl.us	
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By:



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