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IN THE MATTER OF

VERIZON VIRGINIA, INC.

CASE NO. PUC-2002-00046

**To verify compliance with the
conditions set forth in 47 U.S.C. § 271(c)**

HEARING EXAMINER'S RULING

June 12, 2002

On June 11, 2002, Cavalier Telephone, L.L.C. ("Cavalier") filed a Motion to Compel Response to Cavalier's Fourth Set of Data Requests to Verizon (as Narrowed), and Motion for Reconsideration of Hearing Examiner's Ruling Regarding One Request In Cavalier's Second Set of Data Requests to Verizon ("Motions"). Cavalier propounded its second set of data requests on Verizon Virginia, Inc. ("Verizon") on June 3, 2002, and its fourth set of data requests on June 5, 2002. Verizon filed its objections to Cavalier's second set of data requests on June 6, 2002, and objected to Cavalier's fourth set of data requests on June 10, 2002.

In its Motions, Cavalier explained that it has narrowed its original fourth set of data requests and now seeks data about the amount of power drawn by Verizon at its Logan Central Office, and the amount paid by Verizon for that power for either the most recent full month or the most recent calendar year. In addition, Cavalier asked for reconsideration of request number seven of its second set of data requests. A Hearing Examiner's Ruling dated June 10, 2002, granted Verizon's protective motion concerning three sets of data requests propounded by Cavalier on Verizon, including Cavalier's second set of data requests. In its request for reconsideration, Cavalier now seeks only the cost study supporting the space preparation, cross-connect, and DC power charges in proposed Tariff SCC Va. No. 218.

Unlike the three sets of data requests denied in the Hearing Examiner's Ruling dated June 10, 2002, Cavalier's narrowed data requests from its fourth set of data requests and the one question from its second set of data requests appear to be limited in scope and designed to provide information that can be used for cross-examination. In its objections, Verizon maintained that the subject matter of Cavalier's questions is a part of Case No. PUC-1999-00101, which is scheduled for hearing on June 25, 2002. Verizon argued that because the underlying issue is the subject matter of another proceeding, it is not properly a part of this case. However, Checklist Item 1 requires "interconnection in accordance with the requirements of §§ 251(c)(2) and 252(d)(1)."¹ Section 252(d)(1) pertains to pricing. Though collocation pricing may be the subject of a separate proceeding, collocation pricing may be relevant to Verizon's 271 proceeding. Therefore, I find that Cavalier's questions are relevant and appear reasonably calculated to lead to the discovery of admissible evidence.

¹ 47 U.S.C. § 271(c)(2)(B)(i) (emphasis added).

In addition, Cavalier indicated that Verizon asserted that it did not have the requested information in any readily accessible form. As in previous rulings, Verizon may respond to these requests by providing Cavalier access to the applicable records. Further, as to Cavalier's request for Verizon's cost study, Verizon may limit its response to the portions of its study that relate to the development of prices for space preparation, cross-connect, and DC power charges. Accordingly,

IT IS DIRECTED that Verizon provide responses to Cavalier as indicated above in a timely manner. Responses to the original requests were due within seven calendar days. For purposes of calculating the due date for the responses directed by this Ruling, Verizon may subtract the days beginning with the filing of its objection and ending with the filing of this Ruling.

Alexander F. Skirpan, Jr.
Hearing Examiner