

December 28, 1992

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VIA HAND DELIVERY

John G. Alford, Secretary
PA Public Utility Commission
Room B-19, North Office Building
Harrisburg, PA 17120

RLS

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

Re: PA Public Utility Commission v. Commonwealth
Telephone Company, Docket No. I-00920020

Dear Secretary Alford:

Enclosed for filing in the above-captioned proceeding please find the original and three (3) copies of the Petition of Commonwealth Telephone Company for Reconsideration. As evidenced by the attached Certificate of Service, all parties of record have been served a copy of these Exceptions.

Thank you for your attention to this matter.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

DOCUMENT
FOLDER

NJK/dmb
CTCD\alford.ler

Enclosure

cc: All parties of record
S. Burnside
J. Filipowicz

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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DEC 28 1992

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

SECRETARY'S OFFICE
Public Utility Commission

v.

DOCKET NO. I-00920020

COMMONWEALTH TELEPHONE COMPANY

**PETITION OF COMMONWEALTH TELEPHONE
COMPANY FOR RECONSIDERATION**

AND NOW comes Commonwealth Telephone Company ("CTCO"), by and through its attorneys, Tucker Arensberg, P.C., and, pursuant to the Pennsylvania Public Utility Commission's ("Commission") Rules of Administrative Practice and Procedure, hereby requests that Administrative Law Judge George M. Kashi reconsider certain aspects of the Order dated December 18, 1992 in the above-captioned matter which dismissed CTCO's previously filed Motion to Strike or Dismiss. In support thereof, CTCO avers as follows:

1. On July 29, 1992 CTCO filed a Motion to Strike or Dismiss, With Prejudice, The Complaint of AT&T Communications of Pennsylvania, Inc. on the ground, inter alia, that CTCO's present rates may not be revised as an outcome of this proceeding. Answers to CTCO's Motion were filed by various parties.

2. By Order dated December 18, 1992 and received by the undersigned counsel on December 21, 1992, Your Honor dismissed the Motion.

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3. CTCO respectfully submits that this decision is in error. There is a clear distinction, under the Pennsylvania Public Utility Code and the underlying case law, between an investigatory docket and an Order to Show Cause. However, CTCO does not perceive that Your Honor would rule differently upon reargument and, therefore, does not seek your reconsideration of this issue.

4. However, CTCO does seek reconsideration of the December 18, 1992 Order and requests a ruling from Your Honor: that the issues should be considered in two separate phases; and that "rate proceeding" discovery rules do not apply.

(a) The Commission's Opinion and Order contains a clear directive that the parties "should focus initially on the affiliated transaction expenses incurred by CTCO and the Administrative Law Judge should make appropriate findings regarding the appropriate level of affiliated expenses incurred by CTCO. Then the parties should explore all relevant earnings information...(Emphasis supplied.)" Opinion and Order at 2; Order of December 18, 1992 at 3-4. Therefore, the Commission has ordered that this proceeding be structured into two phases, the first being entirely composed of a review of affiliated transaction expenses, with findings being made by Your Honor. Only then are earnings an appropriate issue in this proceeding. This language cannot be ignored by the

parties nor can any different meaning be reasonably ascribed.¹

The Commission clearly intends that the principal focus of this proceeding, at least initially, be upon affiliated transactions of CTCO. It would be contrary to that intent were this proceeding to be immediately opened up to include a rate-case type issues and any others which the parties may seek to raise. This is an investigation of the Commission and the ground rules it has established are binding upon all parties.

- (b) Finally, Your Honor's Order directs that CTCO "participate in discovery as with any rate case investigation." Order of December 18, 1992 at Ordering Paragraph 3. The Commission's regulations require that discovery answers must be filed "within fifteen days for rate proceedings, and twenty days after service of interrogatories for other cases." 52 Pa.C.S. 5.342(d). The use of expedited discovery in this proceeding is inappropriate. The compressed time frame for responses to interrogatories was created in order to deal with rate case suspension statues. See, for example, 66 Pa.C.S. §1308(d). No such suspension period applies in this

¹ Your Honor attaches great weight to the sentence regarding "isolated expense item". However, the language regarding the initial focus upon affiliated transactions directly follows this general statement relied upon by Your Honor and thus modifies it.

investigation and, therefore, the standard twenty day answer period should apply.

WHEREFORE, for the above-stated reasons, Commonwealth Telephone Company respectfully requests that Your Honor reconsider his Order dated December 18, 1992 and rule as follows:

1. That, in accordance with the express terms of the Commission's Opinion and Order entered July 9, 1992, any review of CTCO's earnings is to be undertaken only after review of affiliated transactions is complete; and
2. That the normal rules of discovery apply in this investigation and not those associated with a "rate proceeding".

Respectfully submitted,

Norman James Kennard, Esquire
John M. Quain, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Dated: December 28, 1992

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
 :
v. : DOCKET NO. I-00920020
 :
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

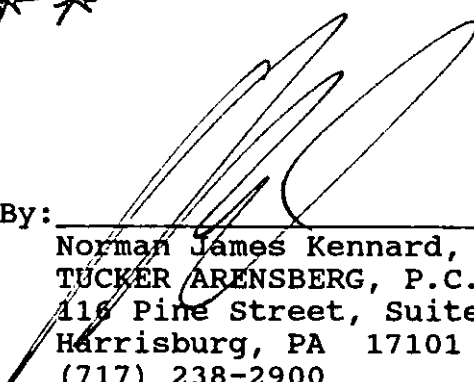
I hereby certify that, on this 28th day of December, 1992, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

The Honorable George M. Kashi *
Administrative Law Judge
Room G08
PA Public Utility Commission
Harrisburg, PA 17105-3265

Kandace F. Melillo, Esquire *
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire *
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire ** *
AT&T Communications of PA, Inc. * *
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

* Via Hand Delivery
** Via Fax

December 28, 1992

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DEC 28 1992

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
North Office Building
Harrisburg, PA 17120

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

Re: Objections of Commonwealth Telephone Company
to the Office of Trial Staff
Interrogatories Set I; Docket No. I-00920020

Dear Secretary Alford:

Enclosed herewith please find an original and two (2) copies of the Objections of Commonwealth Telephone Company to interrogatories served in the above-captioned matter.

Should you have any questions concerning this matter, please feel free to contact me.

Sincerely,

TUCKER ARENSBERG, P.C.


JOHN M. QUAIN

RLS

JMQ:das
Enclosure
ctec.alford4.1tr
cc: S. Burnside

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
Dec 28 1992

Pennsylvania Public Utility Commission
v.
Commonwealth Telephone Company

Docket No. I-90220020
BUREAU
Information Control Division

OBJECTIONS OF COMMONWEALTH TELEPHONE COMPANY
TO THE OFFICE OF TRIAL STAFF
INTERROGATORIES SET I

AND NOW COMES, Commonwealth Telephone Company ("CTCO" or the "Company") by and through its attorneys and objects to the Office of Trial Staff ("OTS") Interrogatories Set I Nos. 2, 4 and 5 pursuant to the Rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission ("Commission") 52 Pa. Code §1.56 and §5.342 (c) and (d). In support thereof, CTCO avers as follows:

- 1. On July 31, 1992 the OTS served Set I of its interrogatories in the above-captioned proceeding. Said interrogatories were served by facsimile.
- 2. On August 6, 1992 the Administrative Law Judge issued a bench decision holding discovery in obedience until such time as an interim Order was issued establishing the scope of the proceeding.
- 3. On December 18, 1992 the ALJ issued the above-referenced interim Order. Said Order is silent however, researching the due

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date for objections and/or responses to outstanding interrogatories. Absent a clear directive to the contrary, CTCO believes it is reasonable to assume that the discovery timetables proscribed by the rules should be calculated from the date of the ALJ's interim Order. As a result, CTCO submits its objections to OTS Set I are timely filed.

4. The Company objects to certain interrogatories contained in Set I, for the reasons set forth below:

Interrogatory No. 2: Provide the information indicated by completing the attached Schedules Nos. 2, 5, 10, 12, 32, 33, 63, 68 and 70 for the calendar year 1991.

Objection: CTCO will provide the information requested on Schedules 2 and 5. CTCO objects to providing the information in the format requested, as set forth on Schedules 10, 12, 32, 33, 63, 68 and 70.

The aforesaid schedules presumably represent either: (i) internal schedules utilized by the OTS, or (ii) a proposed rulemaking, not yet promulgated by the Commission. In either event, the schedules clearly do not represent a formal Commission filing requirement.

Burdensome

CTCO does not maintain its books and accounts in the format requested. As a result, assembling data in a manner which complies with the OTS format would be time consuming, and extremely burdensome.

However, in an effort to provide the OTS with the information desired, CTCO will supply the data in its existing format. That is to say, CTCO will submit its quarterly reports in response to this interrogatory.

Interrogatory No. 4: Provide a summary of all traffic and other studies used to determine the separation of interstate and intrastate expense. (Fully explain how these studies were used to perform the separation calculation.)

Objection: CTCO objects to the aforesaid interrogatory, for the same reasons set forth in its objection to Interrogatory No. 2 above. That is, the information is requested in a format not readily available to the Company. Hence, to assemble data in such detail, simply for the purpose of answering an interrogatory, would be both time consuming and extremely burdensome.

However, the Company will supply the OTS with the requested information in its existing format. Said information is readily available in CTCO's quarterly reports to the Commission. Therefore, CTCO will provide said reports in response to Interrogatory No. 4.

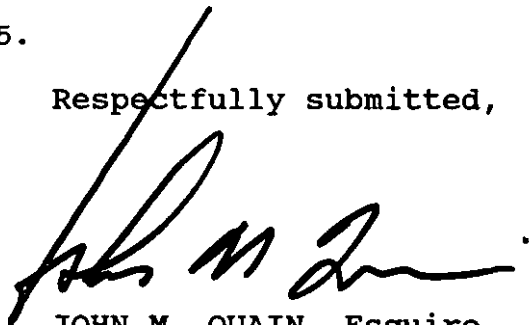
Interrogatory No. 5: Provide a copy of CTCO's affiliated interest contract. If this contract is on file with the Pa. PUC provide a copy of the Commission's inquiry wherein it was recognized.

Objection: CTCO has numerous affiliated contracts on file with the Commission. As such, the subject contracts are readily available to the OTS without use of the discovery process.

Moreover, the interrogatory lacks specificity. It is devoid of any reference regarding the time frame covered by the request. As such, it is overly board and incapable of reasonable response without subjecting the Company to an undue burden. Nevertheless, CTCO will provide a list of such filings (by docket number) for the past three years in order to assist OTS in a reasonable search of the Commission's official files.

WHEREFORE, for the reasons set forth above, Commonwealth Telephone Company respectfully objects to Office of Trial Staff Interrogatories Set I, Nos. 2, 4 and 5.

Respectfully submitted,



JOHN M. QUAIN, Esquire
NORMAN J. KENNARD, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street. Suite 403
Harrisburg, PA 17101

Attorneys for Commonwealth
Telephone Company

Dated: December 28, 1992

APPEARANCE SHEET

ALJ HEARING REPORT

PAY

DOCKET NO. I-00920020
 CASE NAME PUC v. Commonwealth Telephone Co.
Pre Hearing Conference
 HEARING LOCATION Harrisburg
 HEARING DATE December 29, 1992
 ALJ Kashi

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
 Testimony taken YES NO
 Hearing concluded YES NO
 Further hearing needed YES NO
 Estimated add'l days 8
 RECORD CLOSED YES NO
 Briefs to be filed YES NO
 BENCH DECISION YES NO

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DEC 30 1992

Office of A. L. J.
Public Utility Commission

RLS
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REMARKS: Hearings May 26, 27, 28;
July 21, 22, 23; and Sept
20, 21

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JAN 06 1993

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
 PLEASE PRINT CLEARLY
 INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
Norman J. Kennard John M. Quain <i>Arthur A. Arnsperg PC</i>	116 Pine St. City: <i>Altoona</i> State: <i>Pa</i> Zip: <i>17101</i>	Commonwealth Telephone Company
Mark A. Koffe Telephone No. ()	3201 Jermentown Rd. City: <i>Fairfax</i> State: <i>VA</i> Zip: <i>22030</i>	AT-T
Kandace F. Melillo Telephone No. (717) 753-6155	PO Box 3265 Pa PUC City: <i>Harrisburg</i> State: <i>Pa</i> Zip: <i>17105-3265</i>	OTS

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Veronica Shearer
HOLBERT Reporter

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
Philip McClelland Telephone No. (717) 783-5048	1425 Strawberry Fr. City Hbg.	State Pa.	Zip 17120	OFF. of Consumer Advocate
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	

December 30, 1992

The Honorable George M. Kashi
Office of Administrative Law Judges
Room G-08-A
North Office Building
Harrisburg, PA 17120

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JAN 04 1993
OFFICE OF A.L.J.
HARRISBURG

Re: PA Public Utility Commission v. Commonwealth
Telephone Company, I-00920020

Dear Judge Kashi:

At the conclusion of the prehearing conference held December 29, 1992 in the above-captioned matter, you requested that the company provide you with the docket number of its pending application before the Pennsylvania Public Utility Commission. Please be advised that the full caption and docket number of the application are listed below.

Application of Commonwealth Telephone Company for Approval of
the Transfer of Stock by It's Parent Company To An Affiliated
Interest; Docket No. A-310800F5000

Please be advised that the application was filed on May 1, 1992. Proof of publication was submitted to the Commission on June 22, 1992.

Should you have any questions concerning this matter please feel free to contact me.

Sincerely,

TUCKER ARENSBERG, P.C.

JOHN M. QUAIN

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JAN 19 1993

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ctec.kashi1.ltr

cc: S. Burnside
J. Filipowicz

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**IN THE
COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
: **Docket No. I-00920020**
: **v.** :
: **Commonwealth Telephone Company** :

CERTIFICATE OF SERVICE

I hereby certify that, this 30th day of December, 1992 I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid, in accordance with 52 Pa. Code § 1.54 and 1.55:

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885



**JOHN M. QUAIN, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101**

**Attorneys for COMMONWEALTH
TELEPHONE COMPANY**

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
January 5, 1993

In Re: I-00920020

(See letter of 11/21/92)

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JAN 7 1993

I-00920020 Pennsylvania Public Utility Commission
v.
Commonwealth Telephone Company

RLS

Assessment of the impact of significant increase in certain
operating expenses on the common equity return rate.

NOTICE

This is to inform you that further hearings on the above captioned case will be held in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania, as follows:

Wednesday, May 26, 1993 at 10:00 a.m.
Thursday, May 27, 1993 at 10:00 a.m.
Friday, May 28, 1993 at 10:00 a.m.
Wednesday, July 21, 1993 at 10:00 a.m.
Thursday, July 22, 1993 at 10:00 a.m.
Friday, July 23, 1993 at 10:00 a.m.
Monday, September 20, 1993 at 10:00 a.m.
Tuesday, September 21, 1993 at 10:00 a.m.

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The presiding officer in this proceeding is Administrative Law Judge George M. Kashi. Judge Kashi can be contacted at P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265; telephone (717) 783-5452.

cc: Judge Kashi
John Frazier - PIO
Bur. of Safety/Compliance
Law Bureau
Consumer Advocate
Norma Lewis
Susan Licon
Beth Plantz
Docket Room

Certified Mail
Receipt Requested

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FEB 16 1993

SECRETARY'S OFFICE
Public Utility Commission

January 6, 1993

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Re: Commonwealth Telephone Company's Answers to OCA's Interrogatories, Sets III and IV, Docket No. I-00920020

Dear Phil:

Enclosed herewith please find two (2) copies of Commonwealth Telephone Company's Answers to OCA's Interrogatories, Sets III and IV, for the above-captioned matter pursuant to 52 Pa. Code Section 5.342(a).

Should you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

TUCKER ARENSBERG, P.C.


NORMAN JAMES KENNARD

NJK/dmb

Enclosure

cc: All Parties of Record
Secretary Alford (w/o enclosure)
W. Shaner (w/o enclosure)

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FEB 16 1993

SECRETARY'S OFFICE
Public Utility Commission

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

v.

DOCKET NO. I-00920020

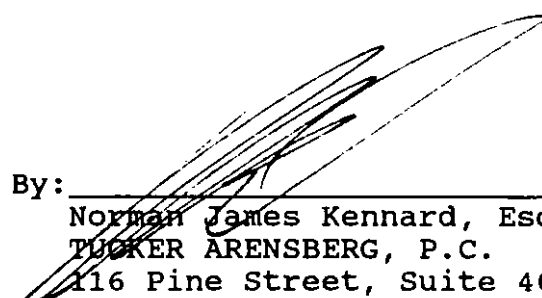
COMMONWEALTH TELEPHONE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that, on this 9th day of February, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

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January 11, 1992

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Kandace F. Melillo
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

Re: Commonwealth Telephone Company's Answers to OTS's
Interrogatories Set I; Docket No. I-00920020

Dear Ms. Melillo:

Enclosed herewith, please find Commonwealth Telephone Company's Answers to OTS Interrogatories (Set I) in the above-captioned matter pursuant to 52 Pa. Code Section 5.342(a).

Should you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

TUCKER ARENSBERG, P.C.

JOHN M. QUAIN

RLS

JMQ/csm

Enclosures

cc: Secretary Alford (w/out encl.)

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IN THE
COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
v. :
Commonwealth Telephone Company :
Docket No. I-00920020


CERTIFICATE OF SERVICE

I hereby certify that, this 11th day of January, 1993 I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid, in accordance with 52 Pa. Code Section 1.54 and 1.55:

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

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JAN 14 1993


JOHN M. QUAIN, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

DOCUMENT
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January 25, 1993

VIA HAND DELIVERY

John G. Alford, Secretary
PA Public Utility Commission
Room B-19, North Office Building
Harrisburg, PA 17120

ORIGINAL

Re: PA Public Utility Commission v. Commonwealth
Telephone Company, Docket No. I-00920020

Dear Secretary Alford:

Enclosed for filing in the above-captioned proceeding please find the original and two (2) copies of the Objections of Commonwealth Telephone Company to Office of Consumer Advocate's Interrogatory Nos. II-31 and 32. As evidenced by the attached Certificate of Service, all parties of record have been served a copy of the Objections.

Thank you for your attention to this matter.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

DOCUMENT
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Enclosure

cc: All parties of record

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JAN 25 1993

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Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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FEB 25 1993
PUBLIC UTILITY COMMISSION
CONSUMER SERVICE
Rate Control Division

COMMONWEALTH TELEPHONE COMPANY : DOCKET NO. I-00920020

**OBJECTIONS OF COMMONWEALTH TELEPHONE
COMPANY TO OFFICE OF CONSUMER ADVOCATE'S
INTERROGATORY NOS. II - 31 AND 32**

AND NOW COMES Commonwealth Telephone Company ("CTCO"), by and through its attorneys, Tucker Arensberg, P.C., and hereby objects to the Interrogatories of the Office of Consumer Advocate ("OCA") Set II, Nos. 31 and 32, pursuant to 52 Pa. Code § 5.342(c) and, in support thereof, avers as follows:

1. On January 13, 1993, the OCA served upon CTCO (cover letter erroneously dated January 12, 1993), by hand-delivery, Set II of its Interrogatories composed of 34 interrogatories.

2. OCA Interrogatory No. II-31 is as follows:

Please provide copies of the Consolidated Income Statement for Schedule M-1 from CTCO's consolidated income tax return for the years 1986-1991.

3. CTCO objects to the provision of Schedule M-1 from C-TEC's income tax return for the five year period 1986-1991 on grounds which include, but are not limited to, the following:

a. Relevance. CTCO is uncertain as to the probative value of this document to the instant proceeding.

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If the OCA is developing information to propose a consolidated income tax adjustment, such a proposal can only be made if CTCO claims federal income tax is due for the test period. CTCO's testimony and exhibits are due to be filed in this proceeding on May 3, 1993. CTCO believes that it will not make a claim for positive federal income tax, which would render moot any consolidated income tax adjustment.

- b. Confidentiality. While C-TEC is beyond the jurisdiction of this Commission and not a party to this investigation, CTCO has discussed the matter with C-TEC. C-TEC considers information regarding income taxes confidential and proprietary. Therefore, to the extent that the information serves no useful purpose in this proceeding, C-TEC desires that this information not be released.

CTCO proposes that, in the event its filing scheduled for May 3, 1993 does contain an affirmative, positive claim for federal income taxes, it will provide simultaneously therewith a copy of the information requested in OCA Interrogatory No. II-31 on a proprietary basis. In the event that no such claim for federal income taxes is made, then such information need not be disclosed.

4. OCA Interrogatory No. II-32 is as follows:

Provide a copy of the unconsolidated balance sheets for CTEC and its subsidiaries for the year 1986-1991 and 1992 when available.

5. CTCO objects to providing separated balance sheets for C-TEC and each and every one of its subsidiaries for a five year historic period and 1992, when available, on grounds which include, but are not limited to, the following:

a. Proprietary. Many of the companies for which the information is requested are in highly competitive markets and this data would be of interest to their competitors and others, including AT&T, a party to this proceeding.

b. Relevance. CTCO understands its burden under 66 Pa.C.S. §§ 2102 and 2106. However, the requirement to provide cost data is applicable only to the extent that such affiliated interest does business with the regulated company ("for any services rendered or property or services furnished, or any property, right, or thing received by such public utility, or donation given or received, under existing contracts or arrangements with such affiliated interests"; 66 Pa.C.S. § 2106). Other than being held by a common parent corporation, there is no business relationship between CTCO and

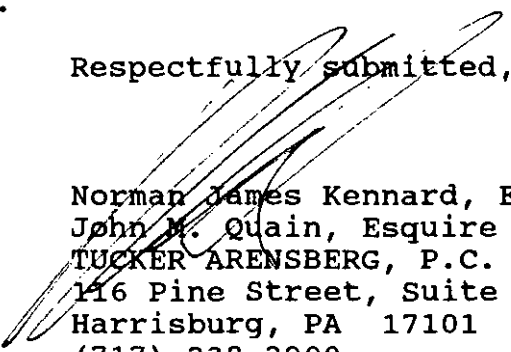
many of the affiliates of whom information is sought. The existence of common ownership does not render such affiliates subject to investigation by the OCA or this Commission.

To the extent that the OCA seeks to discover the information, not as it relates to any affiliated interest adjustment, but for a purpose which relates to capital structure adjustments, CTCO will agree to provide a consolidated balance sheet for C-TEC and its subsidiaries.

Finally, CTCO would note that it is not objecting to and will be providing a multitude of information to the OCA relating to C-TEC and its affiliates, including C-TEC's Annual Reports to Shareholders (1986-1992), a copy of C-TEC's 10-K annual reports to the SEC (1986-1992), a listing of all acquisition and divestiture by C-TEC of businesses (1986-present), as well as a listing of securities issuances by C-TEC (1986-1992). Much of the information sought by the OCA in No. II-32 is likely capable of calculation based upon this information. Therefore, CTCO suggests that a Motion to Compel and/or ruling upon this Objection be deferred until the OCA has had the opportunity to review these detailed statements.

WHEREFORE, for the above-stated reasons, Commonwealth Telephone Company objects to the Office of Consumer Advocate's Interrogatory Nos. II-31 and 32.

Respectfully submitted,



Norman James Kennard, Esquire
John M. Quain, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Dated: January 25, 1993

ATTORNEYS FOR COMMONWEALTH
TELEPHONE COMPANY

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
v. : DOCKET NO. I-00920020
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

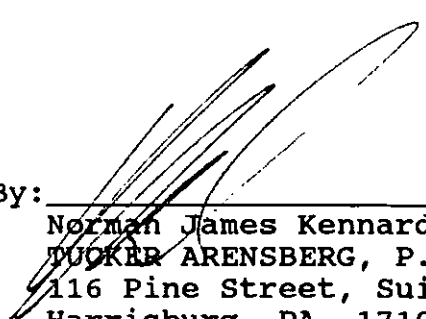
I hereby certify that, on this 25th day of January, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

The Honorable George M. Kashi
Administrative Law Judge
Room G08
PA Public Utility Commission
Harrisburg, PA 17105-3265

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

ORIGINAL

RLS

January 27, 1993

John G. Alford, Secretary
PA Public Utility Commission
Room B-19, North Office Building
Harrisburg, PA 17120

Re: PA Public Utility Commission v. Commonwealth
Telephone Company, Docket No. I-00920020

Dear Secretary Alford:

Enclosed for filing in the above-captioned proceeding please find the original and two (2) copies of the Responses to the Interrogatories of Chairman Rolka. As evidenced by the attached Certificate of Service, all parties of record have been served a copy of same.

Thank you for your attention to this matter.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

NJK/dmb
CTCO\inv\filing.ler

Enclosure

cc: All parties of record

DOCUMENT
FOLDER

RECEIVED
JAN 29 1993
SECRETARY'S OFFICE
Public Utility Commission

PENNSYLVANIA PUBLIC UTILITY COMMISSION V.
COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020

Answers to Chairman Rolka's Questions

1. My understanding is that Commonwealth Telephone Company has a long distance subsidiary, and that both companies provide toll service. What is the name of the long distance subsidiary? Does the long distance subsidiary provide both intraLATA and interLATA toll service? Does Commonwealth Telephone provide both intraLATA and interLATA toll service? What do the relevant tariff provisions of Commonwealth Telephone prescribe, in terms of its provision of intraLATA and interLATA toll service? Has the Pa. PUC issued a Certificate of Public Convenience to the long distance subsidiary?

ANSWER: Commonwealth Telephone Company provides intraLATA toll service only, with rates found in the Pennsylvania Telephone Association Tariff, PA P.U.C. Toll No. 10.

Commonwealth Long Distance provides both intraLATA and interLATA toll services. IntraLATA toll service is available to business customers only.

Commonwealth Long Distance was issued a Certificate of Public Convenience by the Pennsylvania Public Utility Commission on August 13, 1992 at Docket No. A-310071. The Commonwealth Long Distance Tariff No. 1 was issued August 28, 1992 and became effective immediately.

PREPARED BY: SCOTT BURNSIDE

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FEB 19 1993

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JAN 29 1993

SECRETARY'S OFFICE
Public Utility Commission

DOCUMENT
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION V.
COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020

Answers to Chairman Rolka's Questions

2. Does Commonwealth Telephone have equal access for interLATA toll service in some or all of its territory?

ANSWER: Commonwealth Telephone Company has equal access capability for approximately 90 percent of the access lines in service as of December 31, 1992.

PREPARED BY: SCOTT BURNSIDE

PENNSYLVANIA PUBLIC UTILITY COMMISSION V.
COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020

Answers to Chairman Rolka's Questions

3. When a customer applies for service with Commonwealth Telephone, which company - Commonwealth Telephone or its long distance subsidiary, provides intraLATA toll service? Which company provides interLATA toll service?.

ANSWER: Commonwealth Telephone Company provides all of its service applicants with intraLATA toll service for direct dial (1+) calling activity

At the customer's option, interLATA toll service may be provided by a number of firms including, but not limited to: AT&T, Commonwealth Long Distance, MCI, and Sprint.

PREPARED BY: SCOTT BURNSIDE

PENNSYLVANIA PUBLIC UTILITY COMMISSION V.
COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020

Answers to Chairman Rolka's Questions

4. Do Commonwealth Telephone service representatives, who assist customers in applying for service, promote or encourage customers to sign up with the long distance subsidiary for toll service?

ANSWER: No, Commonwealth Telephone Company service representatives, as authorized agents for Commonwealth Long Distance, have the ability to offer customers Commonwealth Long Distance services but only as a function separate to the selection of an interexchange carrier during the application process.

PREPARED BY: SCOTT BURNSIDE

PENNSYLVANIA PUBLIC UTILITY COMMISSION V.
COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020

Answers to Chairman Rolka's Questions

5. Are Commonwealth Telephone Company's switches programmed to distinguish between calls placed with Commonwealth Telephone and calls placed with the long distance subsidiary?

ANSWER: Yes, Commonwealth Telephone Company's switches are programmed to distinguish between calls placed through the Telephone Company and any interexchange carrier or reseller, including Commonwealth Long Distance.

PREPARED BY: SCOTT BURNSIDE

PENNSYLVANIA PUBLIC UTILITY COMMISSION V.
COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020

Answers to Chairman Rolka's Questions

6. Are Commonwealth Telephone Company's payphones programmed to use Commonwealth Telephone for: (a) intraLATA toll; (b) interLATA toll? Are Commonwealth Telephone Company's payphones programmed to use Commonwealth Telephone's long distance subsidiary for: (a) intraLATA toll; (b) interLATA toll?

ANSWER: Commonwealth Telephone Company's owned pay telephones are programmed to utilize Commonwealth Telephone Company for intraLATA calling activity and Commonwealth Long Distance for interLATA toll calls.

PREPARED BY: SCOTT BURNSIDE

PENNSYLVANIA PUBLIC UTILITY COMMISSION V.
COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020

Answers to Chairman Rolka's Questions

7. Are Commonwealth Telephone Company's payphones programmed to enable customers to dial-around the presubscribed carrier and to enable customers to reach their carrier of choice?

ANSWER: Yes, Commonwealth Telephone Company payphones are programmed to "dial-around" the presubscribed carrier to a customer's interexchange carrier of choice.

PREPARED BY: SCOTT BURNSIDE

PENNSYLVANIA PUBLIC UTILITY COMMISSION V.
COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020

Answers to Chairman Rolka's Questions

8. Does Commonwealth Telephone Company incur country club costs either associated with dues or other activities, and if so, are these costs booked above or below the line?

ANSWER: Membership fees or dues in social organizations, including country clubs, are booked below the line.

PREPARED BY: DON CAWLEY

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
 :
v. : DOCKET NO. I-00920020
 :
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

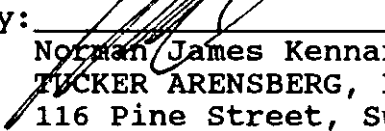
I hereby certify that, on this 27th day of January, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

The Honorable George M. Kashi
Administrative Law Judge
Room G08
PA Public Utility Commission
Harrisburg, PA 17105-3265

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

February 1, 1993

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FEB 01 1993

VIA HAND DELIVERY

John G. Alford, Secretary
PA Public Utility Commission
Room B-19, North Office Building
Harrisburg, PA 17120

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

Re: PA Public Utility Commission v. Commonwealth
Telephone Company, Docket No. I-00920020

Dear Secretary Alford:

Enclosed for filing in the above-captioned proceeding please find the original and two (2) copies of the Objections of Commonwealth Telephone Company to Office of Consumer Advocate's Interrogatory No. III-27. As evidenced by the attached Certificate of Service, all parties of record have been served a copy of same.

Thank you for your attention to this matter.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

RLS

NJK/dmb
CTCO\inv\alford2.ler

Enclosure

cc: All parties of record
W. Shaner
J. Filipowicz

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FOLDER

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
FEB 01 1993

COMMONWEALTH TELEPHONE COMPANY : DOCKET NO. I-00920020

PUBLIC UTILITY Commission
SECRETARY'S BUREAU
Information Control Division

**OBJECTIONS OF COMMONWEALTH TELEPHONE
COMPANY TO OFFICE OF CONSUMER ADVOCATE'S
INTERROGATORY NO. III - 27**

AND NOW COMES Commonwealth Telephone Company ("CTCO"), by and through its attorneys, Tucker Arensberg, P.C., and hereby objects to the Interrogatories of the Office of Consumer Advocate ("OCA") Set III, No. 27, pursuant to 52 Pa. Code § 5.342(c) and, in support thereof, avers as follows:

1. Set III of the OCA's Interrogatories, composed of 28 separate interrogatories, was served on CTCO on January 20, 1993 by hand-delivery.

2. OCA Interrogatory No. III-27 is as follows:

The OCA previously requested information concerning any significant reorganization of the Company and CTEC in Interrogatory I-4 on July 20, 1992. The Company has objected to this Interrogatory as lacking the "requisite specificity." Accordingly, OCA requests that the Company identify and describe in detail each of the following transactions that have occurred since January 1, 1989:

- (1) any transfer of any individual or group of employees from any regulated subsidiary to any other regulated or unregulated subsidiary,
- (2) any transfer of any function performed by a regulated subsidiary to any other regulated or unregulated subsidiary, and
- (3) any transfer of assets from a regulated subsidiary to a regulated or unregulated subsidiary, whether or not

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related to a transfer of employees or functions, where the book or market value of the assets exceeds \$10,000, (4) any transfer of any function performed by an unregulated subsidiary to a regulated subsidiary, (5) any transfer of any function performed by an unregulated subsidiary to a regulated subsidiary, and (6) any transfer of assets from an unregulated subsidiary to a regulated subsidiary, whether or not related to a transfer of employees or functions, where the book or market value of the assets exceeds \$10,000.

For the purposes of this interrogatory, "identify" means state the date of the transfer; the geographic location of affected employees or assets; the subsidiaries from and to which the transfer occurred; the basis, book and market value of all affected assets by depreciation category; the names, job classifications, and salaries of each affected employee before and after the transfer. The "regulated subsidiary" means any entity other than a regulated subsidiary that is controlled directly or indirectly by CTEC, including any company in which CTEC, directly or indirectly, owns more than 10 percent of the equity.

3. CTCO objects to Interrogatory No. III-27 on the grounds which include, but are not limited to, the following:

- a. Impossibility. The definition of "regulated subsidiary" refers to entities "other than a regulated subsidiary", a definition which is circular and meaningless.
- b. Overly Broad and Burdensome. Even if the confusing definition of "regulated subsidiary" were clarified, the Interrogatories themselves refer to "any regulated subsidiary." C-TEC owns telephone operations in other states, as well as non-telephone operations which are regulated. For example, the scope of these Interrogatories would require CTCO to disclose movement of employees, corporate functions, transfer of assets, etc.,

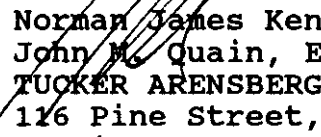
involving cable operations in New Jersey, which would have no bearing and no relevance to the instant proceeding. Moreover, the Interrogatory requests information for transactions occurring over the last four years. The OCA should state why such historic information is relevant to the instant proceeding.

- c. Relevance. The scope of the Interrogatory includes operations which have absolutely no relationship to CTCO and, therefore, which are totally irrelevant to this proceeding.

CTCO offers to consult with the Office of Consumer Advocate in order to redraft this Interrogatory so that the infirmities, above listed, are cured and that an Interrogatory to which a meaningful (and relevant) response can be provided is possible.

WHEREFORE, for the above-stated reasons, Commonwealth Telephone Company objects to the Office of Consumer Advocate's Interrogatory No. III-27.

Respectfully submitted,


Norman James Kennard, Esquire
John M. Quain, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Dated: February 1, 1993

ATTORNEYS FOR COMMONWEALTH
TELEPHONE COMPANY

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
v. : DOCKET NO. I-00920020
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

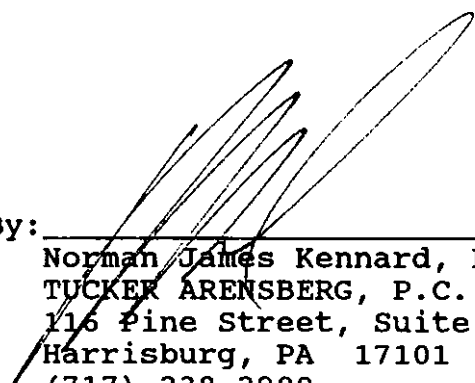
I hereby certify that, on this 1st day of February, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

The Honorable George M. Kashi
Administrative Law Judge
Room G08
PA Public Utility Commission
Harrisburg, PA 17105-3265

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

February 2, 1993

Phillip E. McClelland
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

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33
PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE
SECRETARY'S BUREAU
Public Utility Commission
Information Control Division

Re: Commonwealth Telephone Company's Answers to OCA's Interrogatories, Set II, Docket No. I-00920020

Dear Mr. McClelland:

Enclosed herewith please find Commonwealth Telephone Company's Answers to OCA Interrogatories (Set II) in the above-captioned matter pursuant to 52 Pa. Code § 5.342(a).

Phil, many of the requests for 1992 data cannot be complied with at the present time, due to the fact that the Company's 1992 books will not close until February 26, 1993. Once this occurs, we will forward the information to you.

With respect to much of the voluminous financial data and proprietary documents, this information has not been sent to AT&T.

Should you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

NJK/dmb
ctco/inv/mcclelland.ler

Enclosure

cc: Secretary Alford (w/o enclosure)

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IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

v.

COMMONWEALTH TELEPHONE COMPANY

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DOCKET NO. I-00920020

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FEB 2 1993

SECRETARY'S OFFICE
Public Utility Commission

CERTIFICATE OF SERVICE

I hereby certify that, on this 2nd day of February, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

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FEB 11 1993

By: _____

Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

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Norman James Kennard (717) 238-2900

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February 15, 1993

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FEB 16 1993
SECRETARY'S OFFICE
Public Utility Commission

John G. Alford, Secretary
PA Public Utility Commission
Room B-19, North Office Building
Harrisburg, PA 17120

Re: PA Public Utility Commission v. Commonwealth
Telephone Company, Docket No. I-00920020

Dear Secretary Alford:

Enclosed for filing in the above-captioned proceeding please find the original and two (2) copies of the Objections of Commonwealth Telephone Company to AT&T's First Set of Interrogatories, Nos. 10, 14, 18, 33, 34, 46, 47, 48, 63, 64, 70, 71, and 73 through 79. As evidenced by the attached Certificate of Service, all parties of record have been served a copy of the Objections.

Thank you for your attention to this matter.

Sincerely,

TUCKER ARENSBERG, P.C.


NORMAN JAMES KENNARD

NJK/dmb
CTCO\inv\alford2.1er

Enclosure

cc: All parties of record
W. Shaner

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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FEB 13 1993

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
v. :
:
COMMONWEALTH TELEPHONE COMPANY :

DOCKET NO. I-000020

SECRETARY'S OFFICE
Public Utility Commission

DOCUMENT
FOLDER

**OBJECTIONS OF COMMONWEALTH TELEPHONE
COMPANY TO AT&T'S FIRST SET OF
INTERROGATORIES, NOS. 10, 14, 18, 33,
34, 46, 47, 48, 63, 64, 70, 71, AND 73 THROUGH 79**

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FEB 22 1993

AND NOW COMES Commonwealth Telephone Company ("Commonwealth" or "CTCO"), by and through its attorneys, Tucker Arensberg, P.C., and hereby objects to the First Set of Interrogatories of AT&T, Nos. 10, 14, 18, 33, 34, 46, 47, 48, 63, 64, 70, 71, and 73 through 79, pursuant to 52 Pa. Code § 5.342(c) and, in support thereof, avers as follows:

1. On February 4, 1993, counsel for AT&T served upon the undersigned, via facsimile and overnight mail, its First Set of Interrogatories to CTCO composed of 79 interrogatories.

2. AT&T Interrogatory No. 10 is as follows:

Provide copies of all studies, analyses, and data, including pricing units for billing purposes, which show, by rate element and month, the derivation of booked switched and special access revenues, including nonrecurring access revenues, for 1989, 1990, 1991 and 1992, as received from all interexchange carriers. Identify the rate elements, the applicable number of billing units, and the source of the number of billing

units, for charges applied to all interexchange carriers (the industry) and AT&T separately.

3. CTCO objects to AT&T Interrogatory No. 10 on grounds which include, but are not limited to, the following:

- (a) Overly Broad. The request to provide "all studies, analyses, and data" is so overly broad as to be virtually unlimited in its request for information and places an undue hardship upon CTCO.
- (b) Confidentiality. The interexchange carrier market is competitive and information regarding activity of interexchange carriers other than AT&T is confidential as to those carriers. CTCO should not be compelled to and, in fact, may not be permitted to provide this information, the disclosure of which gives AT&T unfair competitive advantage.
- (c) Relevance. The AT&T interrogatory does not specify whether such information is sought for intrastate or interstate purposes. Assuming that the information sought by AT&T seeks data related to both intrastate and interstate billing, the interstate portion is beyond the scope of this proceeding. Alternatively, if combined interstate and intrastate data is requested, CTCO cannot conceive how such information would have any useful purpose.
- (d) Already Possesses. CTCO provides AT&T with a monthly CABS bill which sets forth all the information requested in Interrogatory No. 10 as to AT&T. Therefore, AT&T

already possesses the information requested in Interrogatory No. 10 which relates to it.

(e) Compound Interrogatory. The interrogatory contains numerous questions.

4. AT&T Interrogatory No. 14 is as follows:

Provide Commonwealth's interstate CCL and Subscriber Line Charge (SLC) revenues for the years 1989, 1990, 1991 and 1992.

5. CTCO objects to AT&T Interrogatory No. 14 on grounds which include, but are not limited to, the following:

(a) Relevance. As defined by the presiding Administrative Law Judge, the purpose of this proceeding is to review CTCO's intrastate earnings levels. CTCO's "interstate CCL and Subscriber Line Charge ("SLC") revenues" are not relevant to the instant proceeding.

(b) Already Possesses. AT&T already possesses, through the monthly CABS billings submitted by CTCO to AT&T, a full and complete statement of the intrastate CCL charged to AT&T.

6. AT&T Interrogatory No. 18 is as follows:

Provide by month, for 1991 and 1992, the number of originating and terminating access minutes for intrastate calls in Commonwealth's territory. Provide separately the forecasted monthly 1992 and 1993 number of access minutes to be supplied to AT&T and the industry. Describe how the 1993 projections of access minutes were calculated, showing the increment used in measuring minutes (e.g., whether each access connection is measured to the nearest conversation minute, nearest tenth of a minute, or other tolerance), the steps taken and factors used (NCTA, terminating to originating ratio, etc.) to adjust actual conversation minutes to billed access minutes, and the calculations employed to develop any factors used, together with all source documents and work

papers used to support their development. If available, please provide the information concerning originating and terminating intrastate access minutes by service type (for example, MTS originating, MTS terminating, Operator Handled, 800 Service, WATS, Coin, etc.).

7. CTCO objects to AT&T Interrogatory No. 18 on grounds which include, but are not limited to, the following:

- (a) Confidentiality. The market for toll calls is a competitive market. The information regarding other customers, as requested by AT&T, would provide it with undue competitive advantage.
- (b) Lack of Proper Definition. The interrogatory requests information regarding "intrastate calls in Commonwealth's territory". The intrastate toll market has been divided by this Commission into intraLATA and interLATA markets. Apparently, AT&T desires that Commonwealth analyze both markets and provide the results to AT&T.
- (c) Relevance. CTCO does not perceive how figures regarding total access minutes, both inter- and intraLATA, serves any useful purpose to this proceeding.
- (d) Special Study. CTCO has not undertaken the analysis requested by AT&T and, therefore, would be required to undertake a special study.
- (e) Compound Interrogatory. The interrogatory contains numerous questions.

8. AT&T Interrogatory No. 33 is as follows:

State the total cost and the total revenue attributable to Commonwealth's toll service. State separately Commonwealth's ITORP costs, its own access costs, and any other costs associated with providing toll service.

9. CTCO objects to AT&T Interrogatory No. 33 on grounds which include, but are not limited to, the following:

(a) Confidentiality. AT&T provides intraLATA toll service, which is the same market within which Commonwealth provides toll service, which is the scope of the interrogatory. AT&T should not be permitted to obtain confidential information which will provide a competitive advantage.

(b) Relevance. The sole issue raised by AT&T in its Complaint are the charges to it for the provision of interLATA toll service (i.e., intrastate, interLATA access charges). The cost to Commonwealth of providing toll service to end-users in the intraLATA market is totally irrelevant to AT&T's complaint.

10. AT&T Interrogatory No. 34 is as follows:

For a "typical" or average Commonwealth toll call, provide the following information: length of call in minutes, length of call in miles, revenue for call, access expense on originating end, access (ITORP) expense on terminating end, and other expenses.

11. CTCO objects to AT&T Interrogatory No. 34 on grounds which include, but are not limited to, the following:

(a) Confidentiality. AT&T provides intraLATA toll service, which is the same market within which Commonwealth provides toll service, which is the scope of the interrogatory. AT&T should not be permitted to obtain confidential information which will provide a competitive advantage.

(b) Relevance. The sole issue raised by AT&T are the charges to it for the provision of interLATA toll service (i.e., interLATA, intrastate CCL). The issue of cost to Commonwealth of providing toll service in the intraLATA market is totally irrelevant to AT&T's complaint.

(c) Special Study. CTCO has not undertaken an analysis of a " 'typical' or average Commonwealth toll call".

12. AT&T Interrogatory No. 46 is as follows:

List the interexchange carriers to whom Commonwealth provides originating and terminating access. Explain in detail how Commonwealth identifies the minutes of use incurred by each of these carriers and how Commonwealth is compensated for providing this access.

13. CTCO objects to AT&T Interrogatory No. 46 on grounds which include, but are not limited to, the following:

(a) Confidentiality. Basically, AT&T is requesting that CTCO identify AT&T's competitors and how Commonwealth does business with each. AT&T should not be permitted to obtain confidential, competitive information under guise of discovery in this proceeding.

(b) Relevance. AT&T's Complaint lists, as its sole issue, the level of charges contained within CTCO's tariff for interLATA access. The issue for which discovery is sought here is totally irrelevant to that subject matter.

14. AT&T Interrogatory No. 47 is as follows:

List the interexchange carriers that purchase only terminating access from Commonwealth. Describe in detail how Commonwealth identifies the minutes of use incurred by each of these carriers and how Commonwealth is compensated for providing this access.

15. CTCO objects to AT&T Interrogatory No. 47 on grounds which include, but are not limited to, the following:

(a) Confidentiality. Basically, AT&T is requesting that CTCO identify AT&T's competitors and how Commonwealth does business with each. AT&T should not be permitted to obtain confidential, competitive information under guise of discovery in this proceeding.

(b) Relevance. AT&T's Complaint lists, as its sole issue, the level of charges contained within CTCO's tariff for interLATA access. The issue for which discovery is sought here is totally irrelevant to that subject matter.

16. AT&T Interrogatory No. 48 is as follows:

List the interexchange carriers that purchase only originating access from Commonwealth. Describe in detail how Commonwealth identifies the minutes of use incurred by each of these carriers and how Commonwealth is compensated for providing this access.

17. CTCO objects to AT&T Interrogatory No. 48 on grounds which include, but are not limited to, the following:

(a) Confidentiality. Basically, AT&T is requesting that CTCO identify AT&T's competitors and how Commonwealth does business with each. AT&T should not be permitted to obtain confidential, competitive information under guise of discovery in this proceeding.

(b) Relevance. AT&T's Complaint lists, as its sole issue, the level of charges contained within CTCO's tariff for interLATA access. The issue for which discovery is sought here is totally irrelevant to that subject matter.

18. AT&T Interrogatory Nos. 63, 64, 70, 71, and 73 through 79 are as follows:

63. State whether Commonwealth provides billing and collection services for its affiliate, Commonwealth Long Distance (CLD). If so, describe in detail how CLD compensated Commonwealth for billing and collection (e.g., does it pay tariffed B&C rates, does it have a contract for B&C)? If B&C is handled under contract, provide a copy of that contract.
64. Does Commonwealth charge CLD tariffed rates for access?
 - a) If so, list the access rate elements that Commonwealth charges CLD for originating a call, and provide the tariff number that they are found in. State whether Commonwealth discounts the access rates that it charges CLD.
 - b) If Commonwealth does not discount its rates to CLD, explain how access is obtained by CLD and how it is priced. If CLD is a reseller, explain in detail how access is purchased by the company whose services CLD resells.
70. Please provide a copy of all materials and information provided to a customer when the customer indicates to Commonwealth's business office personnel that he or she is interested in CLD long distance service.
71. Please provide a copy of all agreements, of any type, between Commonwealth and CLD under which Commonwealth helps promote CLD's services.
73. Please provide a copy of all bill inserts or other materials that have provided to Commonwealth's customers on behalf of CLD. If not already provided, please provide a copy of the agreement between Commonwealth and CLD that covers Commonwealth's provision of this information.
74. Please list all means by which Commonwealth promotes the services of CLD. Please provide a copy of any agreements, memos or other documentation that explains how Commonwealth is compensated for its efforts.
75. For each month of 1992, please indicate the percentage of Commonwealth customers that had presubscribed to CLD.

76. Please provide copies of all promotional materials, including but not limited to print ads, bills inserts, direct mail pieces, TV or radio ads, or materials of any other type, that have been jointly developed, deployed and/or funded by Commonwealth and CLD.
77. In response to Chairman Rolka's question 4, Mr. Burnside indicates that Commonwealth service representatives are "authorized agents for Commonwealth Long Distance" and that they "have the ability to offer customers Commonwealth Long Distance services..." Please provide copies of any agreements or other documentation [sic] that make Commonwealth service representatives "authorized agents for Commonwealth Long Distance." If not already provided, please provide all documents and materials to indicate what authority Commonwealth's service representatives have when they are acting as agents for CLD. Please provide copies of all information, documents, training materials, or other communications that have been provided to Commonwealth's service representatives to explain their duties as agents of CLD.
78. Does CLD maintain its own (a) marketing personnel; (b) sales force; (c) service representatives?
79. Please provide copies of all advertising, including print ads, newspaper ads, TV ads, radio ads, direct mail pieces, bill inserts, or any other type of promotional materials, that mention both Commonwealth and CLD. For each response, please indicate which company was responsible for developing the materials and which company paid for the materials and their distribution.
19. CTCO objects to AT&T Interrogatory Nos. 63, 64, 70, 71, and 73 through 79 on grounds which include, but are not limited to, the following:

- (a) Confidentiality. As AT&T well knows, billing and collection services are a fully competitive service and numerous vendors are available to provide billing and collection services (Interrogatory No. 63). Currently, AT&T has chosen to utilize CTCO to provide billing and collection services. However, information related to

CTCO's billing and collection services provided to other carriers, who compete with AT&T, provides AT&T with unfair competitive advantage and should not be condoned. Similarly, information regarding access services (Interrogatory No. 64); marketing services (Interrogatory Nos. 70, 71, 73, 74, 76, 77, and 79); and market share (Interrogatory No. 75), are all confidential to each carrier and should not be disclosed to AT&T.

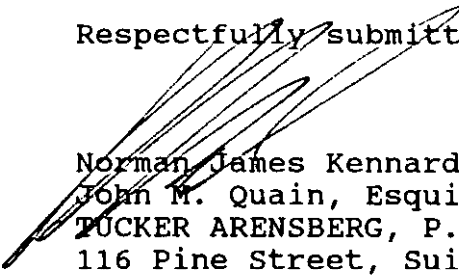
- (b) Burdensomeness. CTCO should not be compelled to research the manner in which CLD does business, as requested by AT&T in its Interrogatory No. 78.
- (c) Unfair Advantage. Were AT&T to know how CTCO provides billing and collection services to AT&T's competitors, AT&T could have an unfair advantage in negotiating with CTCO the billing and collection charges which AT&T pays to CTCO. And, as to access services, marketing services and market share, AT&T would be the only toll carrier in the possession of such data.
- (d) Relevance. The sole stated basis of AT&T's Complaint is to seek relief in the area of interLATA access charges. Information related to CLD is clearly irrelevant to this inquiry and, thus, the subject matter is outside the scope of AT&T's Complaint.

Please note that CTCO's objections to these interrogatories relating to CLD are directed only at AT&T as the propounder. CTCO does not argue that CTCO's relationship with CLD is irrelevant to

the entire proceeding, only that CLD issues are not properly developed by AT&T and, further, that AT&T should be excluded from any discovery responses (or record development) regarding CLD. The sole basis of AT&T's Complaint is interLATA access charges and it should not be permitted to engage in fishing expeditions to discover information regarding its competitors. Other parties, Chairman Rolka and the Office of Trial Staff to date, have pursued discovery regarding CLD and are the proper entities to develop CLD issues since, ostensibly, they gain no competitive advantage by their knowledge and have no business interest in the outcome of their recommendations, if any.

WHEREFORE, for the above-stated reasons, Commonwealth Telephone Company objects to AT&T's First Set of Interrogatories, Nos. 10, 14, 18, 33, 34, 46, 47, 48, 63, 64, 70, 71, and 73 through 79.

Respectfully submitted,


Norman James Kennard, Esquire
John M. Quain, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Dated: February 15, 1993

ATTORNEYS FOR COMMONWEALTH
TELEPHONE COMPANY

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
 :
 :
v. : DOCKET NO. I-00920020
 :
 :
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

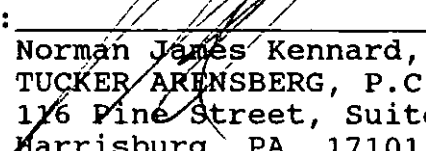
I hereby certify that, on this 15th day of February, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

The Honorable George M. Kashi
Administrative Law Judge
Room G08
PA Public Utility Commission
Harrisburg, PA 17105-3265

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

February 12, 1993

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FEB 18 1993

SECRETARY'S OFFICE
Public Utility Commission

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Re: Commonwealth Telephone Company's Answers to OCA's
Interrogatories, Modified RE-1 through RE-4
Docket No. I-00920020

Dear Ms. Melillo:

Enclosed herewith please find Commonwealth Telephone Company's further responses to OTS Interrogatories, RE-7 through RE-12, in the above-captioned matter pursuant to 52 Pa. Code § 5.342(a).

Should you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

NJK/dmb
ctco/inv/melillo2.ltr

Enclosure

cc: Secretary Alford (w/o enclosure)
All Parties of Record
W. Shaner (w/o enclosure)

DOCUMENT
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FEB 16 1993

SECRETARY'S OFFICE
Public Utility Commission

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

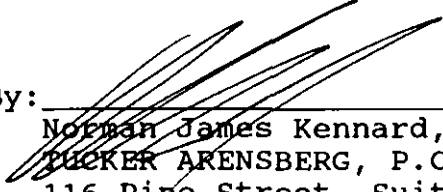
PENNSYLVANIA PUBLIC UTILITY. :
COMMISSION :
v. : DOCKET NO. I-00920020
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

I hereby certify that, on this 12th day of February, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

DOCKETED

FEB 22 1993

**DOCUMENT
FOLDER**

February 16, 1993

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FEB 16 1993

SECRETARY'S OFFICE
HARRISBURG, PENNSYLVANIA

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Re: Commonwealth Telephone Company's Answers to OTS's
Interrogatories, CS-1 thru CS-9, Docket No. I-00920020

Dear Ms. Melillo:

Enclosed herewith please find Commonwealth Telephone Company's Answers to OTS Interrogatories, CS-1 through CS-9, in the above-captioned matter pursuant to 52 Pa. Code § 5.342(a).

Should you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

RLS

NJK/dmb
ctco/inv/melillo.ots

Enclosure

cc: Secretary Alford (w/o enclosure)
All Parties of Record
W. Shaner (w/o enclosure)

DOCUMENT
FOLDER

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

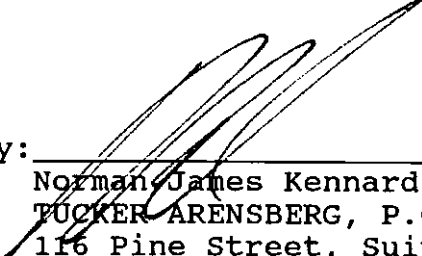
PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
v. : DOCKET NO. I-00920020
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of February, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

DOCKETED
FEB 26 1993

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

DOCUMENT
FOLDER



Mark A. Keffer
Attorney

Room 3A2
3201 Jermantown Road
Fairfax, VA 22030-2885
703 359-4086

February 25, 1993

DOCUMENT
FOLDER

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FEB 25 1993

John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17105-3265

Public Utility Commission
SECRETARY'S OFFICE
Information Center

RECEIVED

FEB 25 1993

Re: Docket No. I-920020

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Alford:

Enclosed for filing in the above-cited docket are an original and nine copies of AT&T Communications of Pennsylvania, Inc.'s Response to Objections and Motion to Compel.

Very truly yours,

RLS

Mark A. Keffer

Enclosures

cc: Service List

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
**DOCUMENT
FOLDER**

PENNSYLVANIA PUC
v.
COMMONWEALTH TELEPHONE COMPANY

Docket No. I-920020

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FEB 25 1993

SECRETARY'S OFFICE
Public Utility Commission

AT&T's RESPONSE TO OBJECTIONS AND MOTION TO COMPEL

Pursuant to 52 Pa. Code 5.343(e), AT&T Communications of Pennsylvania, Inc. ("AT&T"), by counsel, hereby responds to the February 15, 1993, Objections of Commonwealth Telephone Company to several of AT&T's discovery requests and moves that Commonwealth be directed to answer AT&T's interrogatories.

AT&T Interrogatory 10 requests Commonwealth to identify its total intrastate access revenues from 1989 through 1992. While it is true that AT&T knows how much access it purchases from Commonwealth, AT&T does not know Commonwealth's access revenues from the entire IXC industry. Contrary to Commonwealth's objections, AT&T does not want Commonwealth to reveal access volumes purchased by specific IXCs. If, however, Commonwealth cannot provide the data without doing so, AT&T will sign appropriate protective agreements. In fact, AT&T's instructions accompanying the interrogatories asked Commonwealth to contact AT&T's counsel if such protective agreements would be required, but to date Commonwealth has made no such request. Moreover, AT&T wants only intrastate access data, not interstate data as Commonwealth suggests.

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In short, given that AT&T's complaint is challenging Commonwealth's intrastate access charges, the data requested in this interrogatory are not only relevant, they are essential to AT&T's case. AT&T is entitled to this data under the Commission's rules of discovery.

Interrogatory 14 requests data about Commonwealth's interstate CCL and Subscriber Line Charge revenues, which are an important part of the revenue streams which cover Commonwealth's dial tone line costs. AT&T needs this data to determine whether, through the combination of these interstate charges plus Commonwealth's intrastate CCL and local service rates, Commonwealth is recovering more than its total costs of providing dial tone lines to each subscriber. Again, while AT&T knows its own interstate CCL charges, it does not know total industry data (which it wants on an aggregated basis that does not identify the data of any one IXC.) This data is essential to one of AT&T's central arguments, namely, that Commonwealth's CCL rate is far too high and is producing subsidies that exceed Commonwealth's needs to subsidize local exchange service.

Interrogatory 18 requests information on the number of access minutes Commonwealth sold each month in 1991 and 1992, and requests projections for 1993. The interrogatory also asks Commonwealth to explain how it measures and calculates access volumes. Again, AT&T is seeking total industry data, and does not want Commonwealth to reveal specific access volumes for any IXC. Contrary to the objections, AT&T is not asking for a "special study," but rather is looking for aggregated access volumes billed to the IXCs. With regard to Commonwealth's objection that AT&T's request is not "properly defined" because it does not distinguish between interLATA and intraLATA, the objection is without merit. AT&T and other IXCs carry traffic that is both interLATA and intraLATA, and Commonwealth's response should provide totals for both. Commonwealth should be directed to respond to this interrogatory so that AT&T can determine the relationship between Commonwealth's access costs and rates.

Interrogatories 33 and 34 seek data regarding Commonwealth's own toll services, which data are required to determine the relationships between Commonwealth's toll services and its access rates (e.g., are toll rates too low and being subsidized or supported by access rates?). In response to Commonwealth's concerns about confidentiality, AT&T is willing to execute a proprietary agreement ensuring that no AT&T personnel involved in the pricing or development of AT&T services will have access to the data. There are no valid grounds for Commonwealth's objections.

Interrogatories 46, 47 and 48 ask Commonwealth to identify the carriers which purchase access services (not each carrier's volumes, just their names) and how Commonwealth computes each carrier's access bills. In part, these interrogatories are intended to determine if all IXCs are treated equally, including Commonwealth's affiliated long distance company. If access bills for all carriers are developed the same way, including the bill for Commonwealth Long Distance, AT&T would accept such a statement as an appropriate response to these questions. Otherwise, AT&T expects Commonwealth to respond and will execute an appropriate protective agreement to prevent disclosure of sensitive data.

Interrogatories 63, 64, 70, 71, 73-79 seek information regarding the relationship between Commonwealth and its affiliated long distance company, Commonwealth Long Distance ("CLD"). Issues regarding these affiliated arrangements were put before the ALJ by the Commission. See Opinion and Order entered July 19, 1992; see also ALJ's Order dated December 18, 1992. With regard to Commonwealth's concerns about confidentiality and unfair advantage, AT&T will enter into a protective agreement which precludes review of the data by any AT&T personnel involved in setting AT&T's prices or developing its services. In response to Commonwealth's contention that AT&T cannot ask these questions because AT&T's complaint is limited to access charge issues, AT&T responds that (1) the issues about Commonwealth's affiliated interests

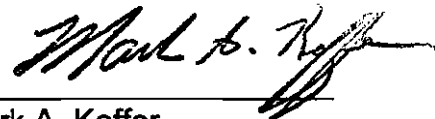
were first made a part of this case by Commission order, and any party should be permitted to pursue them; (2) the relationships between Commonwealth and Commonwealth Long Distance ("CLD") may have a direct impact on the access issues raised in AT&T's complaint; for example, Commonwealth has an incentive to maintain high access charges as a way to keep other IXCs from entering Commonwealth's territory and competing with CLD; and (3) if the ALJ accepts Commonwealth's arguments that AT&T's discovery cannot explore the Commission's issues because they were not expressly referenced in AT&T's complaint, then, pursuant to 52 Pa. Code Secs. 5.21 and 1.2, AT&T moves that its Complaint be amended to include the same issues noted by the Commission.

WHEREFORE, for the reasons herein, AT&T Communications of Pennsylvania, Inc. respectfully moves that Commonwealth's objections be overruled and that Commonwealth be directed to respond completely to AT&T's interrogatories. The data AT&T has requested are relevant to the issues and essential for AT&T to present a proper case to the Commission.

Respectfully submitted,

AT&T COMMUNICATIONS
OF PENNSYLVANIA, INC.

By its attorney



Mark A. Keffer

3201 Jermantown Road
Fairfax, VA 22030
(703) 359-4086

February 25, 1993

CERTIFICATE OF SERVICE

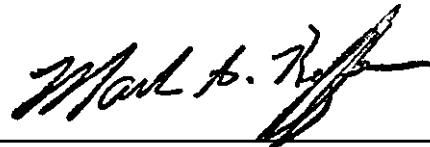
I hereby certify that on this 25th day of February 1993 copies of the foregoing Motion to Compel of AT&T Communications of Pennsylvania, Inc. have been sent first class mail, postage prepaid, and/or hand delivered to:

Honorable George M. Kashi
Administrative Law Judge
PA PUBLIC UTILITY COMMISSION
Room G-8 North Office Building
P.O. Box 3265
Harrisburg, PA 17120

Phillip F. McClelland
OFFICE OF CONSUMER ADVOCATE
1425 Strawberry Square
Harrisburg, PA 17120

OFFICE OF TRIAL STAFF
PA PUBLIC UTILITY COMMISSION
Room 210 North Office Building
P.O. Box 3265
Harrisburg, PA 17120

Norman James Kennard, Esquire
Tucker Arensberg, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101



Mark A. Keffer, Esquire
AT&T COMMUNICATIONS OF PA, INC.
3201 Jermantown Road, 3A2
Fairfax, VA 22030-2885

February 26, 1993

RECEIVED

Mark Keffer, Esquire
AT&T Communications of PA
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

PLS

MAR. 1 1993
SECRETARYS OFFICE
Public Utility Commission

Re: Commonwealth Telephone Company's Answers to AT&T's Interrogatories, Set 1, Docket No. I-00920020

Dear Mr. Keffer:

Enclosed herewith please find Commonwealth Telephone Company's Answers to AT&T's Interrogatories, Set 1, in the above-captioned matter pursuant to 52 Pa. Code § 5.342(a).

Should you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

NJK/dmb
ctco/inv/keffer

Enclosure

cc: Secretary Alford (w/o enclosure)
All Parties of Record
W. Shaner (w/o enclosure)

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IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

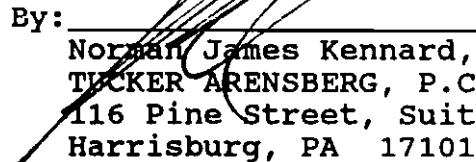
PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
v. : DOCKET NO. I-00920020
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of February, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

By: 
Norman James Kennard, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

DOCKETED DOCUMENT
MAR 09 1993 FOLDER

March 2, 1993

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MAR 02 1993
Office of A.L.J.
HARRISBURG

The Honorable George M. Kashi
Administrative Law Judge
Room G08
PA Public Utility Commission
Harrisburg, PA 17105-3265

Re: Pa. PUC v. Commonwealth Telephone
Docket No. I-920020

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MAR 4 1993

SECRETARY'S OFFICE
Public Utility Commission

Dear Judge Kashi:

On February 25, 1993, AT&T Communications of Pennsylvania, Inc. ("AT&T") filed a document entitled "Response to Objections and Motion to Compel", under which response by Commonwealth Telephone Company ("CTCO") would be otherwise due on March 2, 1993.

The purpose of this letter is to advise Your Honor that AT&T and CTCO are attempting to resolve their differences regarding the objected to discovery.

Therefore, counsel to AT&T, Mark Keffer, Esquire, has agreed to allow CTCO an extension of time pending the outcome of these discussions.

Thank you for your attention to this matter.

Sincerely,

TUCKER ARENSBERG, P.C.

NORMAN JAMES KENNARD

NJK/dmb
ctco\inv\extension.lcr

cc: All Parties of Record
W. Shaner

DOCKETED

MAR 05 1993

DOCUMENT
FOLDER

March 8, 1993

RECEIVED
MAR 08 1993

John G. Alford, Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

**RE: PA PUC v. COMMONWEALTH TELEPHONE COMPANY
DOCKET NO. I-00920020**

Dear Secretary Alford:

Enclosed please find for filing with the Commission an original and two copies of Commonwealth Telephone Company's Objections to Office of Consumer Advocate Interrogatories (Set V) in the above captioned matter.

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

Sincerely,

TUCKER ARENSBERG, P.C.


JAMES P. MELIA

RLS

JPM:th
CTCO\SETV.LTR
ENCLOSURES

DOCUMENT
FOLDER

DOCUMENT
FOLDER

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

MAR 8 1993

SECRETARY OF
Public Utility Commission

Pennsylvania Public Utility
Commission

v.

Docket No. I-00920020

Commonwealth Telephone Company

DOCKETED

OBJECTIONS OF COMMONWEALTH TELEPHONE COMPANY MAR 11 1993
TO THE OFFICE OF CONSUMER ADVOCATE
INTERROGATORIES SET V

AND NOW COMES, Commonwealth Telephone Company ("CTCO") by and through its attorneys and objects to the Office of Consumer Advocate ("OCA") Interrogatories Set V Nos. 16c and 35 pursuant to the Rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission ("Commission") 52 Pa. Code §1.56 and §5.342 (c) and (d). In support thereof, CTCO avers as follows:

1. On February 24, 1993 the OCA served Set V of its interrogatories in the above-captioned proceeding. Said interrogatories were served via hand-delivery.

2. CTCO objects to certain interrogatories contained in Set V for the reasons set forth below:

Interrogatory No. 16c: CTCO's December 31, 1991 annual form M report, on page 40, indicates that CTCO spent \$1,280,098 on External Relations, operating expense account #6722. Please

provide a copy of all written materials produced as a result of this expenditure.

Objection: As one might readily imagine, "all written materials" associated with an expenditure of this magnitude constitutes a voluminous request. Reproduction of the invoices alone, would amount to an overly burdensome task. Moreover, the time and expense associated with duplicating the requested materials constitutes an unreasonable burden on the Company.

In lieu of collecting and reproducing the information requested, CTCO invites the designated representative of the Office of Consumer Advocate to review the subject information at its offices during normal business hours. Arrangements for such review should be made through CTCO's counsel.

Interrogatory No. 35: Please provide a list of all cases and transactions in which C-TEC was involved in 1991, the total applicable legal expense and the portion of that expense which was charged to CTCO.

Objection: The interrogatory is phrased in a manner which is so overly broad as to be incapable of reasonable interpretation. That is to say, "a list of all cases and transactions in which C-TEC was involved in 1991...." can be interpreted several ways. CTCO is uncertain whether the OCA is inquiring about legal proceedings, loan transactions, in formal negotiations or matters of a less substantive nature. As such, CTCO respectfully requests that the OCA provide greater specificity regarding the information desired, and further requests that the inquiry be limited in a

manner which allows the information to be provided without the incurrence of undue time and expense to the company.

WHEREFORE, for the reasons set forth above, Commonwealth Telephone Company respectfully objects to Office of Consumer Advocate's Interrogatories Set V, Nos. 16C and 35.

Respectfully submitted,



JAMES P. MELIA, Esquire
NORMAN J. KENNARD, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street. Suite 403
Harrisburg, PA 17101

Attorneys for Commonwealth
Telephone Company

Dated: March 8, 1993

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
v. : DOCKET NO. I-00920020
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

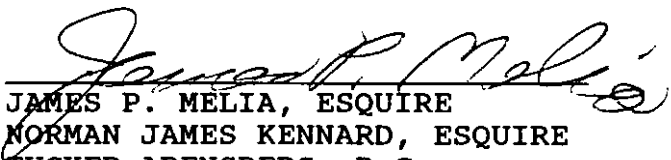
I hereby certify that, on this 8th day of March, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By:


JAMES P. MELIA, ESQUIRE
NORMAN JAMES KENNARD, ESQUIRE
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Attorneys for COMMONWEALTH
TELEPHONE COMPANY

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE
1425 Strawberry Square
Harrisburg, Pennsylvania 17120

IRWIN A. POPOWSKY
Consumer Advocate

March 8, 1993

(717) 783-5048

John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17105-3265

Re: Pennsylvania Public Utility
Commission

RLS

v.

Commonwealth Telephone Company
Docket No. I-00920020

Dear Mr. Alford:

Enclosed for filing in the above-cited docket are an original and three copies of the OCA's Response to Objections and Motion to Compel.

Very truly yours,

Mark Shostak

Mark J. Shostak *(B.R.)*
Assistant Consumer Advocate

Enclosures

cc: Service List

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Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

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MAR 08 1993

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

v.

COMMONWEALTH TELEPHONE
COMPANY

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Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

DOCKET NO. I-00920020

OCA'S RESPONSE TO OBJECTIONS AND MOTION TO COMPEL

Pursuant to 52 Pa. Code 5.343(e), the Office of Consumer Advocate ("OCA"), hereby responds to the January 25, 1993 Objections of Commonwealth Telephone Company to OCA's interrogatory Set II No. 31 and requests that Commonwealth be directed to answer OCA's interrogatory.

OCA's interrogatory Set II No. 31 requests Commonwealth to provide copies of the Consolidated Income Statement for Schedule M-1 from C-TEC's consolidated income tax return for the years 1986-1991. CTCO objects to providing C-TEC's consolidated tax returns because CTCO may not be filing a claim for federal income tax expenses. The OCA has attempted to resolve this matter through informal discussions and correspondence. These efforts account for the time between CTCO's Objection and this Motion.

The OCA anticipates that its calculation of CTCO's proforma income may result in a positive federal income tax expense for CTCO. As such, the OCA submits that C-TEC's consolidated tax returns are relevant and necessary for the OCA to determine CTCO's federal income tax expense for ratemaking purposes. OCA's position is supported by the fact that C-TEC's annual reports

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indicate that C-TEC has enjoyed substantial tax benefits through the filing of consolidated tax returns. In addition, the OCA notes that the Commission has consistently found consolidated tax information to be relevant to determining just and reasonable rates. Therefore, the OCA submits that this information is relevant and that the OCA is entitled to this information under the Commission's rules of discovery.

WHEREFORE, for the reasons herein, the OCA respectfully moves that Commonwealth's objection be overruled and that Commonwealth be directed to immediately provide the data requested in OCA's interrogatory Set II No. 31. The information the OCA has requested is relevant to the issues in this proceeding and necessary for the OCA to present a proper case to the Commission.

Respectfully submitted,

Mark J. Shostak

Mark J. Shostak
Assistant Consumer Advocate

Counsel for:
Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120
(717) 783-5048

Dated: March 8, 1993

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission
v.
Commonwealth Telephone Company
Docket No. I-00920020

I hereby certify that I have this day served a true copy of the foregoing document, Office of Consumer Advocate's Response to Objections and Motion to Compel, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 8th day of March, 1993.

SERVICE IN PERSON

Kandace F. Melillo
PA Public Utility Commission
Room 210, North Office Bldg.
Harrisburg, PA 17120

Hon. George M. Kashi
Administrative Law Judge
PA Public Utility Commission
Room G-08A, North Office Bldg.
Harrisburg, PA 17120

Norman J. Kennard, Esq.
Tucker Arensberg, P.C.
116 Pine Street
Harrisburg, PA 17101

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

Scott Burnside
Revenue & Public Affairs
Commonwealth Telephone Co.
100 Lake Street
Dallas, PA 18612

Mark A. Keffer, Esq.
AT&T
Room 3A2
3201 Jermantown Road
Fairfax, VA 22030

Counsel For:

Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120
(717) 783-5048

Mark Shostak
Mark J. Shostak
Assistant Consumer Advocate

March 16, 1993

VIA HAND DELIVERY

John G. Alford, Secretary
PA Public Utility Commission
Room B-19, North Office Building
Harrisburg, PA 17120

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Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

Re: PA Public Utility Commission v. Commonwealth
Telephone Company, Docket No. I-00920020

Dear Secretary Alford:

Enclosed for filing in the above-captioned proceeding please find the original and two (2) copies of the Answer of Commonwealth Telephone Company to the Office of Consumer Advocate's Motion to Compel. As evidenced by the attached Certificate of Service, all parties of record have been served a copy of the Objections.

Thank you for your attention to this matter.

Sincerely,

TUCKER ARENSBERG, P.C.

James P. Melia
JAMES P. MELIA

JPM/dmb
CTCO\inv\ANS2MOT.CMP

Enclosure

cc: All parties of record
W. Shaner

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IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

v.

COMMONWEALTH TELEPHONE COMPANY

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DOCKET NO. I-00920020

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

ANSWER OF COMMONWEALTH TELEPHONE
COMPANY TO OCA'S MOTION TO COMPEL

AND NOW, comes Commonwealth Telephone Company ("CTCO"), by and through its counsel, Tucker Arensberg, P.C., pursuant to Section 5.342(e)(1) of the Commission's Rules of Practice and Procedure, 52 Pa. Code § 5.342(e)(1), and hereby answers the Motion to Compel filed by the Office of Consumer Advocate ("OCA"), and in support thereof respectfully represents the following:

INTRODUCTION:

1. On January 13, 1993, the OCA served upon CTCO, by hand delivery, Set II of its Interrogatories composed of 34 interrogatories.

2. OCA Interrogatory II-31 states as follows:

Please provide copies of the Consolidated Income Statement for Schedule M-1 from C-TEC's consolidated income tax return for the years 1986-1991.

3. On January 25, 1993, CTCO filed objections to the provision of the requested information on the basis of relevance and confidentiality.

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4. On March 8, 1993, OCA filed its Response to Objections and Motion to Compel the information sought in OCA Set II-31.

5. CTCO hereby files this Answer to OCA's Motion to Compel.

DISCUSSION:

CTCO's principal objections to provision of the requested information are that:

- i. The information sought is not relevant because CTCO does not anticipate showing federal income tax liability, thus rendering an OCA adjustment unnecessary; and
- ii. C-TEC, CTCO's unregulated holding company, considers such income tax information confidential and proprietary to the extent that it serves no useful purpose in this proceeding.

CTCO believes that it would be inappropriate to require it to produce confidential and proprietary income tax information such as is contained in C-TEC's Consolidated Income Statement for Schedule M-1 from C-TEC's consolidated income tax return for 1986-1991 where CTCO is unlikely to be making a claim for federal income tax expense in its direct case.

CTCO's relevance objection must be read in conjunction with its further concern regarding the sensitive, confidential and proprietary nature of the income tax information sought. C-TEC, CTCO's corporate parent, has justifiable concerns about disclosing this information to the public domain prior to the time when the issue of CTCO's federal income tax liability has become an issue. If CTCO has no federal income tax liability, no consolidated tax adjustments, as anticipated by the OCA, would be appropriate.


The OCA indicates that calculation of CTCO's proforma income

"may" but not necessarily will result in positive federal income tax expense for CTCO. Thus, even OCA admits that there is no absolute certainty of CTCO experiencing federal income tax liability. If such liability occurs and considering the confidential nature of the requested tax information, CTCO continues to assert that the potential harm in disclosing such proprietary information outweighs the alleged need for such information by OCA at this time.

CTCO has proposed and continues to propose that, in the event its direct case filing scheduled for May 3, 1993, does contain an affirmative claim for federal income taxes, it will provide simultaneously therewith a copy of the information requested in OCA Interrogatory No. II-31 on a proprietary basis. In the event that no such claim for federal income tax is made, then such information need not be disclosed.

WHEREFORE, for all the reasons herein, CTCO respectfully requests that the OCA's Motion to Compel production of Interrogatory II-31 be denied.

Respectfully submitted,


Norman James Kennard, Esquire
James P. Melia
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
Harrisburg, PA 17101
(717) 238-2900

Dated: March 16, 1993

ATTORNEYS FOR COMMONWEALTH
TELEPHONE COMPANY

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
 :
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v. : DOCKET NO. I-00920020
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 :
COMMONWEALTH TELEPHONE COMPANY :

CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of March, 1993, I have served a true and correct copy of the foregoing document upon the persons set forth below by First Class Mail, postage prepaid or by hand-delivery (unless service is otherwise indicated), in accordance with 52 Pa. Code § 1.54:


The Honorable George M. Kashi
Administrative Law Judge
Room G08
PA Public Utility Commission
Harrisburg, PA 17105-3265

Kandace F. Melillo, Esquire
Office of Trial Staff
North Office Building, Room 210
Harrisburg, PA 17120

Phillip F. McClelland, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Mark Keffer, Esquire
AT&T Communications of PA, Inc.
Third Floor
3201 Jermantown Road
Fairfax, VA 22030-2885

By: _____


Norman James Kennard, Esquire
James P. Melia, Esquire
TUCKER ARENSBERG, P.C.
116 Pine Street, Suite 403
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Attorneys for COMMONWEALTH
TELEPHONE COMPANY