

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. NUSF-34.9
on its own motion, seeking to)
conduct an inquiry into the failure)
of TCG Omaha to accurately report)
information as set forth in the)
rules and regulations of this)
Commission and Commission Orders)
) Filed: May 14, 2003

COMMISSION STAFF'S FIRST SET OF DATA REQUESTS TO
TCG OMAHA

The Commission staff hereby submits its First Set of Data Requests to TCG Omaha in the above-captioned proceeding.

I. DEFINITIONS AND INSTRUCTIONS

1. The terms "TCG", "you", "your", or "yours" refers to TCG Omaha, its parents, subsidiaries, and affiliates, its former and present officers, directors, employees, representatives, agents, and attorneys and any other person acting on its behalf for any purpose.
2. The terms "list", "describe", "detail", "explain", "specify", or "state", mean to set forth fully, in detail, and unambiguously each and every fact of which you have knowledge which is relevant to the answer called for by the data request.
3. The terms "document", "documents" or "documentation" as used herein shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary version, alterations, modifications, revisions, changes and written comments of and concerning such material including, but not limited to, correspondence, letters, memoranda, internal communications, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, studies, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments, or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or

received, printouts, diary entries, calendars, tables, compilations, tabulations, charts, graphs, movie pictures, videotapes, transcripts, logs, work papers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of

any oral communications whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

- (a) are now or were formerly in your possession, custody or control; or
- (b) are known or believed to be responsive to these information requests, regardless of who has or formerly had custody, possession or control.

4. The terms "identify" and "identity" mean:

- (a) when used with reference to a natural person, to state his or her full name, present or last known place of employment, position, or business affiliation, his or her position of the business in which he or she is engaged;
- (b) when used with respect to any other entity, to state its full name, the address of its principal place of business and the name of its chief executive officers;
- (c) with respect to a document, to state the name or title of the document, the type of document (e.g. letter, memorandum, telegram, computer input or output, chart, etc.), its date, the persons(s) who authored it, the persons(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian.
If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it and explain the circumstances surrounding, and the authorization for such disposition, and state the date or approximate date of such disposition; and
- (d) with respect to any non-written communication, to state the identity of the natural person(s) making and receiving the communication, their respective principals or employers at the time of the communication, the date, manner and place of the communication, and the topic or subject matter of the communication.

5. As used here, the phrase "state the basis" for an allegation, contention, conclusion, statement, position or answer means:

- (a) to identify and specify the sources therefore;
 - (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer; and
 - (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.
- 6. The terms "relate to" or "relating to" mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.
 - 7. The term "including" means "including, but not limited to".
 - 8. The term "carrier" means any provider of telecom-munications services.
 - 9. Each data request is continuing in nature. Thus, if you acquire additional information with respect to data after any data request has been initially answered, you are required to supplement its response following the receipt of such additional information, giving the additional information to the same extent as originally requested. If you are unwilling to supplement any response, so state.
 - 10. In the event that any information requested herein is privileged, you should identify any such information and any supporting documents in its written response, by date, and provide a general description of its content. You should also identify all persons who participated in the preparation of the document and all persons inside and outside the responding party, who received a copy, read or examined any such document. In addition, you should describe, with particularity, the grounds upon which privilege is claimed.
 - 11. In answering each data request, restate the entire request above the response.
 - 12. For each data request answered, provide the name of the person or persons answering, the title of such person(s), and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.

13. Pursuant to Neb. Admin. Code Title 291 § § 016.01, 016.11, and Rule 33 and 34 of the Nebraska Discovery Rules, your responses are due within (30) days of service of these data requests.

II. DATA REQUESTS AND REQUEST FOR PRODUCTION

DATA REQUEST NO. 1: State the name, title, address and a contact number for each and every person who has contributed to the compilation, preparation, correction, and verification of the responses to this data request and to the request for production of documents.

RESPONSE TO REQUEST NO. 1:

DATA REQUEST NO. 2: Provide a detailed description of the accounting and/or reporting problems experienced in the accurate filing of remittance information and why a variance between what was filed and what is now being claimed existed. Please provide all documents necessary to support the description provided in your response.

RESPONSE TO REQUEST NO. 2:

DATA REQUEST NO. 3: Please provide a schedule showing the original NUSF remittance amount, the revised NUSF remittance amount, and the specific monetary amounts which caused the variance for each applicable month.

RESPONSE TO REQUEST NO. 3:

DATA REQUEST NO. 4: Please provide a revised Remittance Worksheets for each applicable month.

RESPONSE TO REQUEST NO. 4:

DATA REQUEST NO. 5: Please explain in detail what corrective actions have been taken or will be taken to prevent any future accounting discrepancies which would lead to a second request for a true-up which would require director and Commission approval. Provide a date for when such corrective action(s) has or will be taken.

RESPONSE TO REQUEST NO. 5:

DATA REQUEST NO. 6: In the event that you have over-collected from subscribers, please detail any plan that you have to refund such money to subscribers.

RESPONSE TO REQUEST NO. 6:

DATA REQUEST NO. 7: In the event that you have not over-collected the NUSF surcharge from any subscriber, please explain the source of the money collected or booked which

caused any claimed over-remittance into the NUSF.

RESPONSE TO REQUEST NO. 7:

DATED: May 14, 2003

Respectfully Submitted,

Shanicee Knutson #21833
Nebraska Public Service Commission
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Lincoln, Nebraska 68508
(402)471-0232

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2003, a true and complete copy of the foregoing COMMISSION STAFF'S FIRST SET OF DATA REQUESTS TO TCG OMAHA was served on the following by first-class mail, postage prepaid:

Shanicee Knutson