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October 14, 2011

RECEIVED

OCT 17 2011

PUBLIC SERVICE
COMMISSION

Mr. Jeff DeRouen
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

*RE: An Investigation Into The Traffic Dispute Between Windstream Kentucky East, LLC, Brandenburg Telephone Company And MCImetro Access Transmission Services, LLC d/b/a Verizon Access
Case No. 2008-00203*

Dear Mr. DeRouen:

Enclosed for filing in the above-referenced matter are an original and ten copies of the third set of information requests to Windstream Kentucky East and Brandenburg Telephone Company.

Please indicate receipt of this filing by placing your file stamp on the extra copy and returning to me via the enclosed, self-addressed envelope.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

DFB:

Enclosures

105138.116493/535497.1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE TRAFFIC)
DISPUTE BETWEEN WINDSTREAM)
KENTUCKY EAST, LLC, BRANDENBURG) CASE NO. 2008-00203
TELEPHONE COMPANY AND MCIMETRO)
ACCESS TRANSMISSION SERVICES, LLC)
d/b/a VERIZON ACCESS)

MCIMETRO'S THIRD SET OF REQUESTS FOR INFORMATION
TO WINDSTREAM KENTUCKY EAST LLC

MCImetro Access Transmission Services, LLC d/b/a Verizon Access (“MCImetro”) propounds the following requests for information to Windstream Kentucky East LLC (“Windstream”).

INSTRUCTIONS

Each response shall be answered under oath or be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person’s knowledge, information, and belief formed after a reasonable inquiry.

The respondent shall make timely amendment to any prior responses if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any requests to which the respondent fails or refuses to furnish all or part of the requested information, respondent shall provide a written explanation of the specific grounds for their failure to completely and precisely respond.

Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

INTERROGATORIES

19. With respect to the traffic studies referenced at page 7 of the Further Direct Testimony of Kerry Smith:
 - a. Provide copies of the traffic studies and all working papers supporting, relied upon, reference, or related to those traffic studies;
 - b. Identify all individuals who conducted the traffic studies, providing name, address, title, and educational and professional background;
 - c. Describe the methodology used to conduct the traffic studies;
 - d. Identify the timeframe studied.
20. At page 9 of his Further Direct Testimony, Kerry Smith states that “Brandenburg asserts that Halo has used its network in an unauthorized manner and should compensate Brandenburg. Windstream is seeking the same from Brandenburg and Verizon in this proceeding.”
 - a. Please specify whether Windstream is seeking compensation from Verizon in this proceeding.
 - b. If the answer to (a) above is yes, please provide the legal and factual basis for the contention that Verizon should compensate Windstream.
21. On page 10 of his Further Direct Testimony, Kerry Smith states that “Windstream should also be compensated for the LNP dips that it has performed in the amount of \$36,299.00.”
 - a. Please provide all studies and documents related to the calculation of this amount.
 - b. Please provide the legal basis for this contention.

22. On page 10 of his Further Direct Testimony, Kerry Smith alleges that Windstream is owed interest in the amount of \$394,538.00”
 - a. Please provide all studies and documents related to the calculation of this amount.
 - b. Please provide the legal basis for this contention.
23. On page 10 of his Further Direct Testimony, Kerry Smith alleges that Windstream should be reimbursed its legal fees for this proceeding. Please provide the legal basis for this contention.
24. On page 10 of his Further Direct Testimony, Kerry Smith states that “our evidence demonstrated efforts by both parties to conceal this traffic from Windstream in order to avoid their own responsibility for their traffic.” Please provide all documents evidencing, supporting, relating to, or relied upon by Windstream in making this statement.
25. On pages 10-11 of his Further Direct Testimony, Kerry Smith states, “Perhaps the Commission should hold each Verizon and Brandenburg equally and jointly responsible for all amounts owed to Windstream. Please provide the factual and legal basis for this statement.
26. On page 11 of his Further Direct Testimony, Kerry Smith states “In an unreasonable attempt to unlawfully minimize their costs and avoid dealing with their long-standing traffic dispute, however, Brandenburg and Verizon have been intentionally imposing costs on Windstream for years by improperly delivering non EAS traffic over EAS trunks to a Windstream end office that should not be used as a transit point.”
 - a. Please provide all documents evidencing, referencing, related to, and relied upon by Windstream in making this statement.
 - b. Please provide the factual basis for this contention.
27. On page 11 of his Further Direct Testimony, Kerry Smith states that “Verizon ultimately agreed to bear financial responsibility for hauling the traffic in question from Brandenburg’s service territory to Louisville -something Verizon should have done long before being ordered to do so by the Commission.” Please provide the factual and legal basis for this statement.
28. On page 4 of his April 21, 2009 Direct Testimony in Case No. 2007-00004, Kerry Smith stated:

Windstream filed its transit tariff in part because many of the RLECs were inappropriately using Windstream’s network to transit their traffic to third parties. (As Windstream noted previously in this proceeding, at least one RLEC, North Central, had been misrouting local transit traffic through

Windstream's end offices but worked to correct the misrouting in late 2006.) Specifically, the relevant RLECs refused to move their traffic away from Windstream's end offices, to negotiate a timely transit agreement with Windstream to utilize Windstream's tandems, and otherwise to compensate Windstream for their use of Windstream's network.

- a. When did Windstream first approach Brandenburg to begin negotiations to move the traffic away from Windstream's end office?
- b. To the extent not already provided in discovery, please provide all documents related to the negotiations with Brandenburg to move the traffic away from Windstream's end office.

Respectfully submitted,



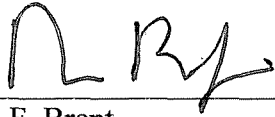
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing requests has been served by first class mail on those persons whose names appear below this 14th day of October, 2011.

John E. Selent
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Douglas F. Brent

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BEFORE THE PUBLIC SERVICE COMMISSION

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TELEPHONE COMPANY AND MCIMETRO)
ACCESS TRANSMISSION SERVICES, LLC)
d/b/a VERIZON ACCESS)

**MCIMETRO'S THIRD SET OF REQUESTS FOR INFORMATION TO
BRANDENBURG TELEPHONE COMPANY**

MCImetro Access Transmission Services, LLC d/b/a Verizon Access
("MCImetro") propounds the following requests for information to Brandenburg
Telephone Company.

INSTRUCTIONS

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certification of the preparer or person supervising the preparation of the response on
behalf of the entity that the response is true and accurate to the best of that person's
knowledge, information, and belief formed after a reasonable inquiry.

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information which indicates that the response was incorrect when made or, though
correct when made, is now incorrect in any material respect. For any requests to which
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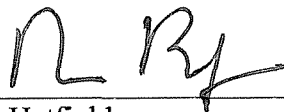
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INTERROGATORIES

22. On page 2 of her Oct. 4, 2011 Direct Testimony, Ms. Willoughby states that “Any compensation owed should be paid by MCImetro Access Transmission Services, LLC (‘MCImetro).
 - a. To the extent not previously provided in prefiled testimony or discovery, please provide the complete factual and legal basis for this statement.
 - b. To the extent not previously provided in discovery, please provide all documents or other evidence that supports, relates to, or was relied upon by Ms. Willoughby in making this statement.
23. On page 3 of her testimony, Ms. Willoughby states that “Windstream and MCImetro agreed to serve, at no cost, as the intermediary for non-toll traffic originated by a third-party carrier like Brandenburg Telephone.”
 - a. To the extent not previously provided in prefiled testimony or discovery, please provide the complete factual and legal basis for this statement.
 - b. To the extent not previously provided in discovery, please provide all documents or other evidence that supports, relates to, or was relied upon by Ms. Willoughby in making this statement.
24. On page 5 of her testimony, Ms. Willoughby states “MCImetro could have averted this entire problem, but it instead deliberately decided to ignore its responsibilities, to enter the Elizabethtown market without investigation, and to repeatedly refuse the necessary arrangements to exchange traffic.”
 - a. To the extent not previously provided in prefiled testimony or discovery, please provide the complete factual and legal basis for this statement.
 - b. To the extent not previously provided in discovery, please provide all documents or other evidence that supports, relates to, or was relied upon by Ms. Willoughby in making this statement.

25. On page 5 of her direct testimony, Ms. Willoughby states that MCImetro “started this entire problem by intentionally disregarding its obligations to investigate the traffic exchange arrangements it would need before entering the Elizabethtown market.”
- a. Please explain in detail the legal basis for the obligation referenced in this statement.
- b. To the extent not previously provided in discovery, please provide all documents or other evidence that supports, relates to, or was relied upon by Ms. Willoughby in making this statement.
26. To the extent not already provided in discovery, please provide all documents that evidence, relate to, support, or were relied upon by Ms. Willoughby in making the claim on page 6 of her direct testimony that MCImetro “became aware of the problem it had created.”
27. To the extent not already provided in discovery, please provide all documents that evidence, relate to, support, or were relied upon by Ms. Willoughby in making the claim on page 6 of her direct testimony that MCImetro “continued to refuse to enter an appropriate traffic exchange agreement or to move the traffic onto dedicated facilities.”
28. To the extent not already provided in discovery, please provide all documents that evidence, relate to, support, or were relied upon by Ms. Willoughby in making the claim on page 6 of her direct testimony that “MCImetro refused to negotiate in good faith.”

Respectfully submitted,




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