

BEFORE THE COMMONWEALTH OF KENTUCKY

RECEIVED

PUBLIC SERVICE COMMISSION

OCT 28 2011

PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO TRAFFIC DISPUTE)
BETWEEN BRANDENBURG TELEPHONE)
COMPANY, WINDSTREAM KENTUCKY EAST,)
LLC AND VERIZON ACCESS)

CASE NO.
2008-00203

RESPONSES AND OBJECTIONS TO VERIZON’S THIRD SET OF DATA REQUESTS TO WINDSTREAM KENTUCKY EAST, LLC

Windstream Kentucky East, LLC (“Windstream”) submit the following responses and objections to MCIMetro Access Transmission Services, LLC d/b/a Verizon Access’s (“Verizon’s”) Third Set of Data Requests served October 14, 2011. As used herein, Brandenburg Telephone Company is referred to as “Brandenburg.”

OBJECTIONS APPLICABLE TO ALL OF VERIZON’S THIRD SET OF DATA REQUESTS

The following objections apply to each of the Third Set of Data Requests served by Verizon:

1. Windstream objects that, to the extent that Verizon’s Third Set of Data Requests seek information regarding compensation and liability issues, those matters have been pending in this proceeding since its inception and Verizon had ample opportunity to request such information prior to the final hearing in this matter.

2. Windstream objects to the Third Set of Data Requests to the extent they may be construed as calling for the disclosure of information subject to a claim of privilege or immunities, including the attorney-client privilege, the attorney work product doctrine, the joint-defense privilege, or any other applicable evidentiary privilege or immunity from disclosure.

The inadvertent disclosure of any information subject to such privileges or immunities is not

intended to relinquish any privilege or immunity and shall not be deemed to constitute a waiver of any applicable privilege or immunity.

3. Windstream objects to the Third Set of Data Requests to the extent that they are overly broad and to the extent they seek information that is in the public domain, is available from other, more convenient sources, and/or is accessible by, if not already in the possession of, Verizon or its representatives.

4. Windstream objects to the Third Set of Data Requests to the extent they seek legal conclusions, contentions, citations to legal authority, or copies of legal authorities.

5. Windstream objects to the Third Set of Data Requests to the extent they purport to impose a burden of ascertaining information that is not in its possession, custody, control, or personal knowledge, or that cannot be found in the course of a reasonable search.

6. Windstream objects to the Third Set of Data Requests to the extent they purport to impose upon them obligations greater than or different from those authorized by the Rules of Civil Procedure.

RESPONSES

Windstream does not waive and fully preserves all of the foregoing objections, which are incorporated fully herein. Any information provided herein is made on the basis of the best information available to Windstream at the time of gathering responsive materials or information, within the limits of, and subject to the general and specific objections set forth herein. The fact that Windstream is willing to provide responsive information to any particular supplemental request does not constitute an admission or acknowledgment that the supplemental request is proper, that the information sought is within the proper bounds of discovery, or that other requests for similar information will be similarly treated. Further, any and all responses

provided herein are for the purpose of the above-captioned case and may not be used against Windstream in any other proceeding unless specifically agreed to by it or so ordered by a court or commission of competent jurisdiction. Windstream reserves the right to rely on facts, documents, or other evidence, which may develop or subsequently come to its attention, to assert additional objections or supplemental responses should it discover that there is information or grounds for objections and to supplement or amend these responses at any time.

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.

RESPONSE:

- a. Please see Confidential Attachment 1 to this data request response. Confidential Attachment 1 includes data from beyond the date that Mr. Kerry's testimony was filed which demonstrates that the Verizon-bound ISP traffic continues to inappropriately flow over the EAS trunks.
- b. Kerry Smith. Information regarding Mr. Smith is provided in his pre-filed testimony in this docket.
- c. Since 2007, Windstream has been using a 720 call code to record into a usage file usage on Brandenburg-Windstream EAS trunks into Windstream's Elizabethtown end office (Windstream internal trunk group designations 403 and 404). Windstream's systems then convert such usage records in the usage file into Category 11 records. To perform the traffic study, Windstream first queried this usage file. The fields in the query have the Originating NPA/NXX, the Terminating number, Usage Date, Carrier Code (signifies owner of the traffic), Minutes, and Seconds. Windstream adds the Total field, which is taking the seconds field and dividing by 60 to convert to minutes and then adding the minutes field to this amount to get total usage. Once the data was collected,

Windstream runs a pivot table to show terminating number and total minutes by day. This is then sorted to show telephone numbers with the most minutes terminating to it on top. The first three numbers were then looked up in the Neustar Port-PS system to determine who owned those customers and all three returned MCI as their owner. Windstream notes that usage data that it has presented in this proceeding for the period prior to when it began recording usage on the trunks was based on data previously provided by Verizon.

- d. September 16 through September 30, 2011. Windstream has included data since September 30, 2011 in Confidential Attachment 1 to demonstrate the continuing inappropriate use of the Brandenburg-Windstream EAS trunks.

Windstream Respondent: Kerry Smith

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.

RESPONSE:

- a. Please see Windstream’s response to Verizon Data Request Nos. 13 and 15.
- b. Windstream objects to this subpart of this data request to the extent that it seeks legal argument. With regard to the factual basis for such claim with respect to Verizon, please see, among other things, Windstream’s response to Verizon Data Request Nos. 13, 15, and 18. Since providing such response, Windstream has presented testimony in which the factual basis for such claim has also been discussed. In particular, please see p. 11 of Mr. Smith’s Further Direct Testimony. With regard to the factual basis of Windstream’s claim with respect to Brandenburg, virtually the entirety of Windstream’s testimony and briefing in this proceeding sets for the actual basis for such contention, which is also relevant to potential joint liability by Verizon. Windstream reserves the right to present further factual bases for any claim against Verizon in its Further Rebuttal Testimony.

Windstream Respondent: Kerry Smith

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.

RESPONSE:

- a. Please see Attachments 1 and 2 to this data request response. The latter is Windstream’s basis for a reasonable rate.
- b. Windstream objects to this subpart of this data request because it seeks legal argument.

Windstream Respondent: Kerry Smith

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.

RESPONSE:

- a. Please see Attachment 1 to Windstream’s response to Verizon Data Request No. 21. Please also see Attachment 1 to this data request response, which Windstream believes is a reasonable basis for the rate.
- b. Windstream objects to this subpart of this data request because it seeks legal argument.

Windstream Respondent: Kerry Smith

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.

RESPONSE:

Windstream objects to this data request because it seeks legal argument.

Windstream response prepared by counsel.

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.

RESPONSE:

Windstream has no responsive documents that are not already in the record of this proceeding.

Windstream Respondent: Kerry Smith

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.

RESPONSE:

Windstream objects to this subpart of this data request to the extent that it seeks legal argument. With regard to Verizon, please see Windstream’s response to Verizon Data Request No. 20. With regard to the factual basis of Windstream’s claim with respect to Brandenburg, virtually the entirety of Windstream’s testimony and briefing in this proceeding sets for the factual basis for such contention, which is also relevant to potential joint liability by Verizon.

Windstream Respondent: Kerry Smith

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.

RESPONSE:

- a. Windstream has no documents to provide that are not already in the record of this proceeding.
- b. With regard to Verizon, please see Windstream's response to Verizon Data Request No. 20. With regard to the factual basis of Windstream's claim with respect to Brandenburg, virtually the entirety of Windstream's testimony and briefing in this proceeding sets for the factual basis for such contention, which is also relevant to potential joint liability by Verizon.

Windstream Respondent: Kerry Smith

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.

RESPONSE:

Windstream objects to this subpart of this data request to the extent that it seeks legal argument. With regard to the first clause of the quoted text, please see p. 5 of Mr. Smith's Further Direct Testimony, specifically lines 5-9. With regard to the remainder of the quote, please see Windstream's response to Verizon Data Request No. 20.

Windstream Respondent: Kerry Smith

28. On page 4 of his April 21, 2009 Direct Testimony in Case No. 2007-00004, Kerry Smith stated:

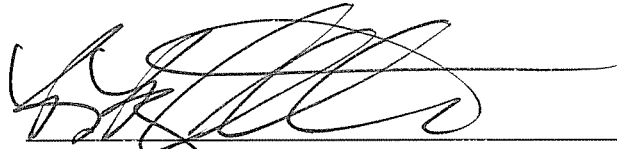
Windstream filed its transit tariff in part because many of the RLECs were inappropriately using Windstream's network to transit their traffic to third parties. (As Windstream noted previously in this proceeding, at least one RLEC, North Central, had been misrouting local transit traffic through Windstream's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

RESPONSE:

- a. On or about February 17, 2007.
- b. Windstream has no documents to provide that are not already in the record of this proceeding.

Respectfully submitted,



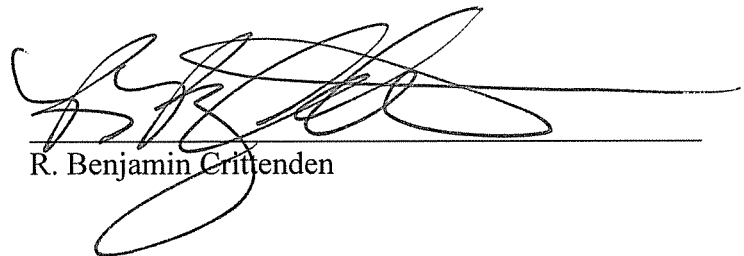
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served by United States Postal Service, First Class Mail, on this the 28th day of October, 2011, upon:

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R. Benjamin Crittenden

Windstream Response to Verizon Data Request No. 21

Attachment 1

Windstream Response to Verizon Data Request No. 21 - Attachment 2

Summary of Minutes of Use Work Sheet Aug-2005 to Oct 5th, 2011

Billing Month	Minutes	Proxy		0 005		Total Due
		Rate	Amount Due	Interest Due		
Aug-05	30,126,451	0.0045	\$ 135,569	\$ -	\$ -	135,569
Sep-05	11,213,961	0.0045	\$ 50,463	\$ 678	\$ -	51,141
Oct-05	10,553,531	0.0045	\$ 47,491	\$ 930	\$ -	48,421
Nov-05	10,192,281	0.0045	\$ 45,865	\$ 1,168	\$ -	47,033
Dec-05	10,409,090	0.0045	\$ 46,841	\$ 1,397	\$ -	48,238
Jan-06	10,294,804	0.0045	\$ 46,327	\$ 1,631	\$ -	47,958
Feb-06	9,616,268	0.0045	\$ 43,273	\$ 1,863	\$ -	45,136
Mar-06	9,879,781	0.0045	\$ 44,459	\$ 2,079	\$ -	46,538
Apr-06	8,909,886	0.0045	\$ 40,094	\$ 2,301	\$ -	42,396
May-06	8,772,866	0.0045	\$ 39,478	\$ 2,502	\$ -	41,980
Jun-06	8,765,713	0.0045	\$ 39,446	\$ 2,699	\$ -	42,145
Jul-06	9,104,426	0.0045	\$ 40,970	\$ 2,897	\$ -	43,866
Aug-06	8,430,868	0.0045	\$ 37,939	\$ 3,101	\$ -	41,040
Sep-06	7,472,971	0.0045	\$ 33,628	\$ 3,291	\$ -	36,919
Oct-06	7,661,427	0.0045	\$ 34,476	\$ 3,459	\$ -	37,936
Nov-06	7,356,529	0.0045	\$ 33,104	\$ 3,632	\$ -	36,736
Dec-06	7,403,474	0.0045	\$ 33,316	\$ 3,797	\$ -	37,113
Jan-07	7,272,843	0.0045	\$ 32,728	\$ 3,964	\$ -	36,691
Feb-07	6,367,195	0.0045	\$ 28,652	\$ 4,127	\$ -	32,780
Mar-07	6,569,761	0.0045	\$ 29,564	\$ 4,271	\$ -	33,835
Apr-07	5,700,730	0.0045	\$ 25,653	\$ 4,418	\$ -	30,072
May-07	6,523,969	0.0045	\$ 29,358	\$ 4,547	\$ -	33,905
Jun-07	4,778,935	0.0045	\$ 21,505	\$ 4,693	\$ -	26,199
Jul-07	4,643,247	0.0045	\$ 20,895	\$ 4,801	\$ -	25,696
Aug-07	4,547,738	0.0045	\$ 20,465	\$ 4,905	\$ -	25,370
Sep-07	3,968,371	0.0045	\$ 17,858	\$ 5,008	\$ -	22,865
Oct-07	3,762,589	0.0045	\$ 16,932	\$ 5,097	\$ -	22,029
Nov-07	3,941,025	0.0045	\$ 17,735	\$ 5,182	\$ -	22,916
Dec-07	3,827,434	0.0045	\$ 17,223	\$ 5,270	\$ -	22,494
Jan-08	3,879,857	0.0045	\$ 17,459	\$ 5,357	\$ -	22,816
Feb-08	3,711,294	0.0045	\$ 16,701	\$ 5,444	\$ -	22,145
Mar-08	3,368,903	0.0045	\$ 15,160	\$ 5,527	\$ -	20,687
Apr-08	3,399,923	0.0045	\$ 15,300	\$ 5,603	\$ -	20,903
May-08	3,054,229	0.0045	\$ 13,744	\$ 5,680	\$ -	19,424
Jun-08	2,697,512	0.0045	\$ 12,139	\$ 5,748	\$ -	17,887
Jul-08	1,873,526	0.0045	\$ 8,431	\$ 5,809	\$ -	14,240
Aug-08	1,934,695	0.0045	\$ 8,706	\$ 5,851	\$ -	14,557
Sep-08	2,087,485	0.0045	\$ 9,394	\$ 5,895	\$ -	15,288
Oct-08	2,004,644	0.0045	\$ 9,021	\$ 5,942	\$ -	14,963
Nov-08	1,961,763	0.0045	\$ 8,828	\$ 5,987	\$ -	14,815
Dec-08	1,978,733	0.0045	\$ 8,904	\$ 6,031	\$ -	14,935
Jan-09	2,371,961	0.0045	\$ 10,674	\$ 6,075	\$ -	16,749
Feb-09	2,218,111	0.0045	\$ 9,981	\$ 6,129	\$ -	16,110
Mar-09	2,051,965	0.0045	\$ 9,234	\$ 6,179	\$ -	15,413
Apr-09	2,191,785	0.0045	\$ 9,863	\$ 6,225	\$ -	16,088
May-09	1,926,193	0.0045	\$ 8,668	\$ 6,274	\$ -	14,942
Jun-09	1,946,584	0.0045	\$ 8,760	\$ 6,318	\$ -	15,077
Jul-09	1,719,829	0.0045	\$ 7,739	\$ 6,361	\$ -	14,101
Aug-09	2,057,400	0.0045	\$ 9,258	\$ 6,400	\$ -	15,658
Sep-09	1,808,717	0.0045	\$ 8,139	\$ 6,446	\$ -	14,586
Oct-09	1,732,609	0.0045	\$ 7,797	\$ 6,487	\$ -	14,284
Nov-09	1,701,711	0.0045	\$ 7,658	\$ 6,526	\$ -	14,184
Dec-09	1,687,804	0.0045	\$ 7,595	\$ 6,564	\$ -	14,159
Jan-10	1,822,596	0.0045	\$ 8,202	\$ 6,602	\$ -	14,804
Feb-10	1,785,821	0.0045	\$ 8,036	\$ 6,643	\$ -	14,679
Mar-10	1,509,670	0.0045	\$ 6,794	\$ 6,683	\$ -	13,477
Apr-10	1,561,644	0.0045	\$ 7,027	\$ 6,717	\$ -	13,745
May-10	1,412,250	0.0045	\$ 6,355	\$ 6,753	\$ -	13,108
Jun-10	1,342,268	0.0045	\$ 6,040	\$ 6,784	\$ -	12,825
Jul-10	1,150,622	0.0045	\$ 5,178	\$ 6,815	\$ -	11,992
Aug-10	886,043	0.0045	\$ 3,987	\$ 6,840	\$ -	10,828
Sep-10	718,719	0.0045	\$ 3,234	\$ 6,860	\$ -	10,095
Oct-10	693,858	0.0045	\$ 3,122	\$ 6,877	\$ -	9,999
Nov-10	713,303	0.0045	\$ 3,210	\$ 6,892	\$ -	10,102
Dec-10	689,738	0.0045	\$ 3,104	\$ 6,908	\$ -	10,012
Jan-11	595,275	0.0045	\$ 2,679	\$ 6,924	\$ -	9,602
Feb-11	623,797	0.0045	\$ 2,807	\$ 6,937	\$ -	9,744
Mar-11	523,276	0.0045	\$ 2,355	\$ 6,951	\$ -	9,306
Apr-11	530,204	0.0045	\$ 2,386	\$ 6,963	\$ -	9,349
May-11	447,559	0.0045	\$ 2,014	\$ 6,975	\$ -	8,989
Jun-11	370,076	0.0045	\$ 1,665	\$ 6,985	\$ -	8,650
Jul-11	368,416	0.0045	\$ 1,658	\$ 6,993	\$ -	8,651
Aug-11	345,784	0.0045	\$ 1,556	\$ 7,002	\$ -	8,558
Sep-11	329,569	0.0045	\$ 1,483	\$ 7,009	\$ -	8,492
Oct-11	357,831	0.0045	\$ 1,610	\$ 7,017	\$ -	8,627

312,213,716 \$ 1,404,962 \$ 389,699 \$ 1,794,660

Minutes/Day 2011		Rate	Amount/Day
Per Day Average Jun -Oct 21	14,764	0.0045	\$ 66.44
Total due from Minutes of Use Billing plus Interest			\$ 1,794,660
Total due from LNP Billing plus Interest			\$ 48,327
Total due from both Minute of Use and LNP Billing plus Interest			\$ 1,842,987

LNP and Interest Work Sheet Aug-2005 to Oct 5th, 2011

0 005

Billing Month	Minutes	Avg Mou/Message	Calculated Messages	Rate per query	Amount owed for LNP	Interest Due	Total Due
Aug-05	30,126,451	16.5	1,825,846	0.00305	\$ 5,569	- \$	\$ 5,569
Sep-05	11,213,961	16.5	679,634	0.00305	\$ 2,073	\$ 28	\$ 2,101
Oct-05	10,553,531	16.5	639,608	0.00305	\$ 1,951	\$ 38	\$ 1,989
Nov-05	10,192,281	16.5	617,714	0.00305	\$ 1,884	\$ 48	\$ 1,932
Dec-05	10,409,090	16.5	630,854	0.00305	\$ 1,924	\$ 57	\$ 1,981
Jan-06	10,294,804	16.5	623,928	0.00305	\$ 1,903	\$ 67	\$ 1,970
Feb-06	9,616,268	16.5	582,804	0.00305	\$ 1,778	\$ 77	\$ 1,854
Mar-06	9,879,781	16.5	598,775	0.00305	\$ 1,826	\$ 85	\$ 1,912
Apr-06	8,909,886	16.5	539,993	0.00305	\$ 1,647	\$ 95	\$ 1,742
May-06	8,772,866	16.5	531,689	0.00305	\$ 1,622	\$ 103	\$ 1,724
Jun-06	8,765,713	16.5	531,255	0.00305	\$ 1,620	\$ 111	\$ 1,731
Jul-06	9,104,426	16.5	551,783	0.00305	\$ 1,683	\$ 119	\$ 1,802
Aug-06	8,430,868	16.5	510,962	0.00305	\$ 1,558	\$ 127	\$ 1,686
Sep-06	7,472,971	16.5	452,907	0.00305	\$ 1,381	\$ 135	\$ 1,517
Oct-06	7,661,427	16.5	464,329	0.00305	\$ 1,416	\$ 142	\$ 1,558
Nov-06	7,356,529	16.5	445,850	0.00305	\$ 1,360	\$ 149	\$ 1,509
Dec-06	7,403,474	16.5	448,695	0.00305	\$ 1,369	\$ 156	\$ 1,524
Jan-07	7,272,843	16.5	440,778	0.00305	\$ 1,344	\$ 163	\$ 1,507
Feb-07	6,367,195	16.5	385,891	0.00305	\$ 1,177	\$ 170	\$ 1,347
Mar-07	6,569,761	16.5	398,167	0.00305	\$ 1,214	\$ 175	\$ 1,390
Brandenburg Started doing own LNP queries					\$ 36,299		
Apr-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
May-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jun-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jul-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Aug-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Sep-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Oct-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Nov-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Dec-07	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jan-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Feb-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Mar-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Apr-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
May-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jun-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jul-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Aug-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Sep-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Oct-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Nov-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Dec-08	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jan-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Feb-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Mar-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Apr-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
May-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jun-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jul-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Aug-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Sep-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Oct-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Nov-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Dec-09	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jan-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Feb-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Mar-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Apr-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
May-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jun-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jul-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Aug-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Sep-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Oct-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Nov-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Dec-10	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jan-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Feb-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Mar-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Apr-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
May-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jun-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Jul-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Aug-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Sep-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
Oct-11	-	0	0	0.00305	\$ -	\$ 181	\$ 181
196,374,126			11,901,462	\$	36,299	\$ 12,027	\$ 48,327

Windstream Response to Verizon Data Request No. 22

Attachment 1

FACILITIES FOR INTRASTATE ACCESS

WINDSTREAM KENTUCKY EAST, INC. - LEXINGTON

P.S.C. KY. No. 8
Original Page 16

ISSUED: July 17, 2006
BY: Vice President
Lexington, Kentucky

Effective: August 1, 2006

- 2. GENERAL REGULATIONS (Continued)
- 2.4 Payment Arrangements and Credit Allowances (Continued)
- 2.4.1 Payment of Charges and Deposits (Continued)

(D) (Continued)

(1) Further, if no payment is received by the payment date or if a payment or any portion of a payment is received by the Telephone Company after the payment date, or if a payment or any portion of a payment is received by the Telephone Company in funds which are not immediately available to the Telephone Company, then a late payment penalty shall be due to the Telephone Company. The late payment penalty shall be the payment or the portion of the payment not received by the payment date times a late factor. The late factor shall be the lesser of:

- (a) the highest interest rate (in decimal value) which may be levied by law for commercial transactions, compounded daily for the number of days from the payment date to and including the date that the customer actually makes the payment to the Telephone Company, or
- (b) 0.000590 per day, compounded daily for the number of days from the payment date to and including the date that the customer actually makes the payment to the Telephone Company.

If such payment date would cause payment to be due on a Saturday, Sunday or Holiday (i.e., New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, the second Tuesday in November and a day when Washington's Birthday, Memorial Day or Columbus Day is legally observed), payment for such bills will be due from the customer as follows:

If such payment date falls on a Sunday or on a Holiday which is observed on a Monday, the payment date shall be the first non-Holiday day following such Sunday or Holiday. If such payment date falls on a Saturday or on a Holiday which is observed on Tuesday, Wednesday, Thursday or Friday, the payment date shall be the last non-Holiday day preceding such Saturday or Holiday.

(2) In the event of a billing dispute, the customer must submit a documented claim for the disputed amount. If the claim is received within six months of the payment due date, and the customer has paid the total billed amount, any interest credits due the customer upon resolution of the dispute shall be calculated from the date of over-

Windstream Response to Verizon Data Request No. 21

Attachment 2

ACCESS SERVICE

13. Additional Engineering, Additional Labor and Miscellaneous Services (Cont'd)13.12 Local Number Portability Services (Cont'd)13.12.2 Local Number Portability Query Service(A) Description

LNP Query Service uses Advance Intelligent Network (AIN) technology and the Common Channel Signaling (CCS) network to query an LNP database to obtain network routing instructions before completion of a call. The LNP database contains all of the TNS within an NXX and the location routing number (LRN) of the switch serving each of those TNS when at least one of the TNS within the NXX has been transferred from one local exchange telecommunications carrier to another. The LRN associates a unique NPA-NXX-XXXX routing number with each central office switch that has subscribers who have transferred their TNS.

Where more than one carrier is involved in completing the call, the carrier prior to the terminating carrier (i.e. the N-1 carrier) is responsible for querying an LNP database to obtain the LRN used in routing the call for a number portable NXX code. When the N-1 carrier forwards a non-queried call to a Telephone Company end office or tandem switch and the NXX code has one or more transferred TNS, the Telephone Company's end office or tandem switch will suspend call processing and formulate and launch a query to an LNP database to secure the LRN of the transferred TN. When the LRN has been returned from an LNP database to the Telephone Company end office or tandem switch originating the query, call processing is resumed and the call is either processed in the Telephone Company's network or routed to the correct local service providers network for completion to the called party. The Telephone Company will perform the query on behalf of the N-1 carrier (i.e., the LNP query service customer) that forwarded the call. The Telephone Company will bill the N-1 wireline or wireless telecommunications carrier a charge per query as specified in 17.4.4(L), regardless of whether the call is completed.

(TR19)

ACCESS SERVICE

13. Additional Engineering, Additional Labor and Miscellaneous Services (Cont'd)13.12 Local Number Portability Services (Cont'd)13.12.2 Local Number Portability Query Service (Cont'd)(B) Limitations

LNP Query Service is to be used only on a call-by-call basis for routing calls to number portable NXX codes and cannot be used for purposes other than those functions described herein.

(C) Network Management

The Telephone Company will administer its network to ensure the provision of acceptable service levels to all customers of the LNP Query Service.

The Telephone Company reserves the right to block any LNP query traffic in a nondiscriminatory manner, where the processing of the LNP queries threatens to disrupt operation of its network and impair network reliability.

(D) Rate Regulations

The LNP charge per query recovers the cost to query an LNP database on behalf of the N-1 carrier. The rate associated with an LNP query will be billed monthly, per query as set forth in 17.4.4(L) based on the recorded number of queries. The Telephone Company will develop monthly charges based on an average number of queries per month if actual query recordings are not available. For billing purposes, each month is considered to have thirty (30) days.

13.13 Integrated Services Digital Network (ISDN) Line Port

End users subscribing to Integrated Services Digital Network-Basic Rate Interface (ISDN BRI) and Integrated Services Digital Network-Primary Rate Interface (ISDN PRI) will be assessed an ISDN Line Port Charge.

When end user ISDN BRI or ISDN PRI is provided by a local service provider that resells local service (reseller), the reseller will be assessed the ISDN Line Port charge.

(TR19)

ACCESS SERVICE

17. Rates and Charges (Cont'd)17.4 Other Services (Cont'd)17.4.4 Miscellaneous Services (Cont'd)(M) Local Number Portability (LNP) Query Service

The Telephone Companies listed below offer Local Number Portability Query Service under the provisions specified in Section 13.12.2 preceding.

<u>Company Name</u>	<u>State</u>	<u>Study Area Number</u>	<u>Rate Per Query</u>
Windstream Carolina, Inc.	NC	230476	\$ 0.00429
Windstream Florida, Inc.	FL	210336	\$ 0.00429
Windstream GA. Communications Corp.	GA	223037	\$ 0.00429
Georgia Windstream, Inc.	GA	223036	\$ 0.00429
Windstream Kentucky West	KY	260402	\$ 0.00429
Windstream New York, Inc. - Fulton	NY	150106	\$ 0.00429
Windstream New York, Inc. - Jamestown	NY	150109	\$ 0.00429
Windstream New York, Inc. - Red Jacket	NY	150113	\$ 0.00429
Oklahoma Windstream, Inc.	OK	432011	\$ 0.00429
Windstream Pennsylvania	PA	170176	\$ 0.00429
Windstream Sugar Land	TX	442147	\$ 0.00429
Windstream Georgia	GA	220357	\$ 0.00429
Windstream Mississippi	MS	280453	\$ 0.00429
Windstream Missouri	MO	421885	\$ 0.00429
Windstream Oklahoma	OK	431965	\$ 0.00429
Windstream South Carolina	SC	240517	\$ 0.00429
Windstream Western Reserve	OH	300666	\$ 0.00429
Windstream Alabama	AL	250302	\$ 0.00429
Texas Windstream	TX	442153	\$ 0.00429
Windstream Arkansas	AR	401691	\$ 0.00429
Windstream Standard	GA	220386	\$ 0.00429
Windstream Communications Kerrville	TX	442097	\$ 0.00127
Windstream Ohio	OH	300665	\$ 0.00429
Windstream Concord	NC	230474	\$ 0.002596
Windstream Lexcom	NC	230483	\$ 0.00270
Windstream Nebraska	NE	371568	\$ 0.00429
Windstream Kentucky East - Lexington	KY	260690	\$ 0.00305
Windstream Kentucky East - London	KY	260691	\$ 0.00305
Valor Oklahoma	OK	431165	\$ 0.00301
Valor New Mexico #1164	NM	491164	\$ 0.00301
Valor New Mexico #1193	NM	491193	\$ 0.00301
Valor Texas #1163	TX	441163	\$ 0.00301
Valor Texas #1181	TX	441181	\$ 0.00301

(N)

(TR38)

Issued: June 16, 2010

Effective: July 1, 2010

4001 Rodney Parham Road
Little Rock, AR 72212

RECEIVED

OCT 28 2011

PUBLIC SERVICE
COMMISSION

BEFORE THE COMMONWEALTH OF KENTUCKY

PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO TRAFFIC DISPUTE)	
BETWEEN BRANDENBURG TELEPHONE)	CASE NO.
COMPANY, WINDSTREAM KENTUCKY EAST,)	2008-00203
LLC AND VERIZON ACCESS)	

MOTION FOR CONFIDENTIAL TREATMENT

Windstream Kentucky East, LLC (“Windstream”) moves the Commission, pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 7, for an Order granting confidential treatment to information included in responses to data requests issued by Brandenburg Telephone Company (“Brandenburg”) and MCIMetro Access Transmission Services, LLC d/b/a Verizon Access (“Verizon”).

In particular, Windstream seeks confidential treatment of Confidential Attachment 1 to its response to Brandenburg Data Request No. 1, a study of Windstream’s network costs (“Windstream Network Cost Study”), and Confidential Attachment 1 to Windstream’s response to Verizon Data Request No. 19, a study of the traffic over the Extended Area Service (“EAS”) trunks between Brandenburg and Windstream’s Elizabethtown end office switch (“Traffic Study”).

Pursuant to 807 KAR 5:001, Section 7, an original of the CD for the response to Brandenburg and the response to Verizon (one CD each) is being filed under seal with this motion. Because the Confidential Information is being filed on the CDs and confidential treatment is being sought for all of the information contained on the CDs, Windstream is not highlighting the information for which it seeks confidential treatment or filing redacted copies of

the responses (which would just be blank pages in this instance). Windstream understands that this approach is consistent with the Commission's established practice.

Statutory Standard

KRS 61.878 excludes from the public disclosure requirements of the Open Records Act the following information:

- “Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;”¹
- “[R]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”²

The Confidential information at issue in this motion satisfies these exceptions to Kentucky's Open Records Act.

The Information is of a Personal Nature and Disclosure Would
Constitute an Unwarranted Invasion of Privacy

The Traffic Study primarily consists of records of calls placed by Brandenburg end users that constitute Customer Propriety Network Information (“CPNI”). These include the time, data, duration, originating telephone number, and terminating telephone number. IN this case, the information at issue involves confidential usage information. This information is protected from disclosure by the Section 222 of the Communications Act of 1934, as amended, 47 U.S.C. § 222.

The Information Is Generally Recognized As Confidential and Proprietary.

The information for which confidential treatment is sought is "generally recognized as confidential or proprietary." The information in the Traffic Study is clearly so recognized pursuant to federal statute. The information in the Network Cost Study is highly confidential and

¹ KRS 61.878(1)(a).

² KRS 61.878(1)(c)(1).

confidentiality is critical to Windstream's ability to provide competitive products. Dissemination of the requested information is restricted by the Windstream and it takes all reasonable measures to prevent its disclosure to the public as well as persons within the company who do not have a need for the information. Wind stream takes steps to ensure that only a restricted list of employees have access to such information. This type of information is provided only to those employees who have a particular need to know the information.

None of the information for which confidential protection is sought is readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use.

Further, Windstream notes that it filed such study in Case No. 2007-0004 on July 17, 2009 requesting confidential treatment of the same and was granted such confidential treatment on July 24, 2009.

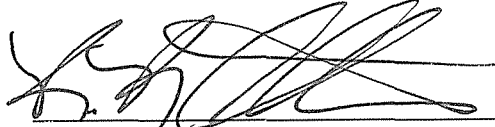
The Information is Generally Recognized as Confidential and Proprietary and Disclosure Will Result in an Unfair Commercial Advantage to Other Carriers

The wireline industry in Kentucky is highly competitive. In addition to Windstream, other wireline providers in Kentucky providing local exchange service in the areas served by Windstream include a variety of competitive local exchange carriers. Disclosure of the information described above may affect Windstream's relationship with its customer as well as the customer's business plans. As a result, disclosure of the confidential information will result in a significant, non-trivial unfair commercial advantage to competitors of Windstream.

Southeastern United Medigroup, Inc. v. Hughes, Ky. App., 952 S.W.2d 195, 199 (1997) .

Wherefore, Windstream respectfully request the Public Service Commission of Kentucky to protect both the Network Cost Study and the Traffic Study from public disclosure.

Respectfully submitted,



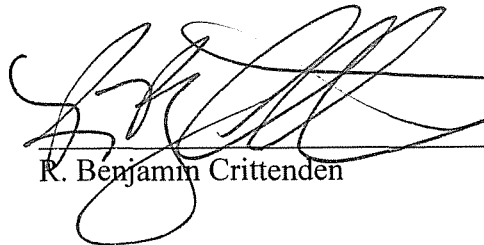
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served by United States Postal Service, First Class Mail, on this the 28th day of October, 2011, upon:

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