

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
 DANA BOWERS)
)
 COMPLAINANT)
)
 v.)
)
 WINDSTREAM KENTUCKY EAST, LLC)
)
 DEFENDANT)

RECEIVED

MAY 13 2011

PUBLIC SERVICE
COMMISSION

**WINDSTREAM KENTUCKY EAST, LLC'S REQUESTS FOR ADMISSION AND DATA
REQUESTS TO DANA BOWERS**

The Defendant, Windstream Kentucky East, LLC ("Windstream East"), submits the following requests for admission and data requests to the Complainant, Dana Bowers, to be answered in accord with the following definitions and instructions:

DEFINITIONS

1. "Windstream East" means Windstream Kentucky East, LLC.
2. "Your" and "your" refer to Dana Bowers.
3. "Document" shall have the broadest possible meaning under applicable law and means every writing or record of every type and description that is in your full or partial possession, custody or control, including, by way of illustration and not limitation, correspondence, memoranda, drafts, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, schedules, work sheets, comparisons, minutes or statistical compilations, computer and other electronic records or tapes or printouts,

including, but not limited to, electronic mail files and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original.

4. “Referring” or “relating to” means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

5. “And” and “or” as used herein shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction shall serve to bring within the scope of these discovery requests any information that would otherwise not be brought within their scope.

6. “Identify” or “identifying” or “identification” when used in reference to a document means to provide, with respect to each document requested to be identified by these discovery requests, a description of the document that is sufficient for purposes of a request to produce or a subpoena *duces tecum*, including the following:

- (a) the type of document (*e.g.*, letter, memorandum, etc.);
- (b) the date of the document;
- (c) the title or label of the document;
- (d) the identity of the document originator;
- (e) the identity of each person to whom the document was sent;
- (f) a summary of the contents of the document; and
- (g) if any such document was, but is no longer, in your presence, custody or control or is no longer in existence, state whether the document is missing or lost, destroyed, or has been transferred voluntarily or involuntarily.

7. The singular as used herein shall include the plural and vice versa, and the masculine gender shall include the feminine and the neuter.

GENERAL INSTRUCTIONS

1. These data requests are to be answered with reference to all information in your full or partial possession, custody or control, or reasonably available to you. These data requests are intended to include requests for information, which is physically within your possession, custody or control.

2. To the extent that a specific document, work paper, or information as requested does not exist, but a similar document, work paper, or information does exist, provide the similar document, work paper, or information.

3. If any request cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

4. These requests for admission and data requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these requests subsequently become known.

5. For each request for admission and data request, provide the name of the witness responsible for compiling and providing the responsive information.

REQUESTS FOR ADMISSION

1. Admit that you are a residential retail customer of Windstream East.

2. Admit that at no time have you subscribed to services from or been a customer of Windstream Kentucky West, LLC or Windstream Communications, Inc.

3. Admit that you do not subscribe to any business service from Windstream East and do not purchase services from Windstream East pursuant to Windstream East's standard business sales contract.

4. Admit that you purchase no services from Windstream East subject to PSC KY No. 8.

5. Admit that you purchase no services from Windstream East subject to KRS 278.160.

6. Admit that you are not a telecommunications provider and do not purchase intrastate services pursuant to an interconnection agreement.

7. Admit that the only intrastate services you purchase from Windstream East are DSL service and those services included in Feature Pack A and Protection Plus Plan.

8. Admit that with respect to intrastate services you purchase from Windstream East, you do not subscribe to and are not charged any fee for any stand-alone, unbundled service offered by Windstream East that provides only for the following features and functions: unlimited calls within Windstream East's local exchange area; dual-tone multifrequency dialing; and access to emergency 911 telephone service, all locally available interexchange companies, directory assistance, operator services, relay services, and a standard alphabetical directory listing.

9. Admit that the intrastate services you receive from Windstream East are subject to a monthly term.

10. Admit that the services you receive from Windstream East and the rates charged by Windstream East for those services are set forth on your monthly billing invoices.

11. Admit that the monthly billing invoices you receive from Windstream East contain citations to Windstream East's website, online terms and conditions, customer service contact information, and instructions for filing disputes.

12. Admit that you Windstream East began collecting the Gross Receipts Surcharge from you in your June 22, 2007 billing invoice, and that all of your subsequent billing invoices from Windstream East have identified the Gross Receipts Surcharge.

13. Admit that you have paid and continue to pay the Gross Receipts Surcharge included in each of your monthly billing invoices from June 22, 2007 through the present.

14. Admit that prior to the filing by your attorneys of the Complaint in the United States District Court for the Western District of Kentucky in the action styled *Dana Bowers v. Windstream Kentucky East, LLC*, at no time did you file or submit any formal or informal complaint to Windstream East, or any Windstream East affiliate, regarding the Gross Receipts Surcharge.

15. Admit that your monthly invoices have contained the following fees and surcharges: 911 Service, Access Charge Per FCC Order, KY TEL Relay SVC/TDD EQUIP PRG, Federal Universal Service Fee, and Kentucky Lifeline Support.

16. Admit that the fees and surcharges reflected in your monthly invoices from Windstream, including the 911 Service, GRS, and Federal Universal Service Fee, have varied in amount between 2005 and the present date.

17. Admit that you did not avail yourself of the Kentucky Public Service Commission's informal complaint resolution process with respect to any dispute regarding your monthly invoices from Windstream.

18. Admit that you have never been denied access by any party to the Kentucky Public Service Commission's informal complaint resolution process.

19. Admit that as far back as 2002, you were provided notice that your telephone provider maintained a website with information pertaining to your services, including specifically your Feature Pack A service.

20. Admit that as far back as 2002, you were provided notice that you would receive a bill message in the event that there were changes to the charges set forth on your monthly telephone invoices.

21. Admit that from 2002 to the present date you have received bill invoices that have included bill messages or bill inserts.

DATA REQUESTS

1. For any and all requests for admission that you denied, explain in detail the basis for your denial.

2. Identify all witnesses you expect to submit testimony on your behalf in this proceeding as well as the subjects each witness will address.

3. Identify and produce all documents you will be relying upon to support your claims in this proceeding.

4. Identify any and all surcharges that have appeared on monthly billing invoices you received from Windstream East and also from any other telecommunications carrier, cable service provider, electric utility, and water/sewer utility, from January 1, 2006 to April 1, 2011.

5. Identify any formal or informal complaints you have made to the Kentucky Public Service Commission concerning rates or services you have received from any utility.

6. Identify any formal or informal complaints that you have made to any governmental agency in Kentucky including the state Attorney General concerning rates or services you have received from any utility or other service provider including but not limited to any credit card company.

7. Identify any formal or informal proceedings you have participated in before the Kentucky Public Service Commission.

8. Identify all communications services you receive from providers other than Windstream East, including but not limited to cellular services.

REQUESTS FOR PRODUCTION

1. Produce all documents that support your answers to the foregoing Interrogatories.

2. Produce copies of the standard documents you use or have used with customers and/or vendors in your own business (“ipay”) including but not limited to standard contracts, standard terms/conditions, and standard policies/procedures used for handling complaints from your customers and/or vendors pursuant to those contracts and terms/conditions.

Respectfully submitted,



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COUNSEL FOR”
WINDSTREAM KENTUCKY EAST, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing WINDSTREAM KENTUCKY EAST, LLC’S REQUESTS FOR ADMISSION AND DATA REQUESTS was served by United States First Class Mail, postage prepaid, on this the 13th day of May 2011 upon:

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