

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF WINDSTREAM KENTUCKY	)	
EAST, LLC FOR ARBITRATION OF AN	)	CASE NO.
INTERCONNECTION AGREEMENT WITH NEW	)	2009-00246
CINGULAR WIRELESS PCS, LLC D/B/A AT&T	)	
MOBILITY	)	

O R D E R

On October 1, 2010, Windstream Kentucky East, LLC ("Windstream") filed with the Commission a Motion to Compel New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T Mobility") to respond to certain supplemental information requests that Windstream propounded to AT&T Mobility in this proceeding. AT&T Mobility filed its response on October 8, 2010, objecting to portions of the Motion to Compel while also offering several alternative proposals to the information requests to which Windstream seeks a response. On October 20, 2010, Windstream filed a reply to AT&T Mobility's response to Windstream's Motion to Compel that contained replies to AT&T Mobility's alternative proposals. On November 1, 2010, AT&T Mobility filed an additional response to Windstream's October 20, 2010 reply. On November 3, 2010, Windstream filed an additional reply to AT&T Mobility's additional response to Windstream's reply to AT&T Mobility's response to Windstream's motion to compel.

ORACLE-BASED MODEL

In its Supplemental Data Request No. 1, Windstream asked AT&T Mobility to:

[P]rovide all work papers, including source documents, supporting AT&T's traffic study provided to Windstream East. Work papers should include, to the extent they exist, all documentation supporting cell site locations, how data was separated between Windstream East-originated and AT&T-originated calls, how a Windstream East originated call was determined to terminate outside the MTA in which it was originated, etc.

With regard to the portion of the request seeking "all work papers, including all source documents, supporting AT&T's traffic study . . .," AT&T Mobility responded that it used an Oracle-based software program to examine raw Call Detail Records ("CDR") and that no work papers existed, and it did not provide Windstream with a copy of the Oracle-based model. Windstream claims that AT&T Mobility's failure to provide the traffic study is unresponsive to Windstream's request and the Commission should order AT&T Mobility to produce it.

AT&T Mobility, in its response, claims that no such "Oracle-based model constituting its traffic study" exists and, therefore, AT&T Mobility cannot produce it. AT&T Mobility describes how the study was assembled. First, the raw CDRs were loaded into the Oracle software. Second, AT&T Mobility personnel then wrote Structured Query Language ("SQL") queries (code) to extract data from several tables that contain relevant information. The procedure was: (1) identify all calls received from Windstream, based on numbers assigned to Windstream according to the Local Exchange Routing Guide ("LERG"); (2) identify all calls from Windstream dialed to local numbers as shown in the LERG; (3) identify state and county location of the first cell site by use of internal AT&T Mobility data; (4) identify the Major Trading Area ("MTA") of the state and county by use of Federal Communications Commission ("FCC") data; and (5) identify all calls in which the MTA of the first cell site differs from the MTA of the Windstream wire center.

AT&T Mobility provided: (1) the raw data examined from the study; (2) a spreadsheet showing the results of the study; and (3) identification of all column headings in the spreadsheet. AT&T Mobility has also offered the SQL queries and all table definitions, subject to the parties' nondisclosure agreement. AT&T Mobility claims that the only thing it has not provided is the Oracle-based software itself, which AT&T Mobility claims it is not authorized to provide.

Windstream, in reply to AT&T Mobility's response, states that the data provided by AT&T Mobility is not the raw data that it requires, but rather the raw data after it has been parsed by the Oracle software. Windstream states that it requires access to the raw data before it is run through the Oracle software in order to determine the accuracy of the traffic study.

The Commission finds that AT&T Mobility should provide the raw data before it is entered into the Oracle software if it has not already done so.

LOCAL ROUTING NUMBER OR JURISDICTIONAL  
INFORMATION PARAMETER

Windstream also states that AT&T Mobility has not provided full CDRs to Windstream. Windstream alleges that AT&T Mobility provided only the NPA-NXX of the customer placing the call and the customer receiving the call. Windstream alleges that it requires CDRs in the form of NPA-NXX-Line in order to accurately determine Windstream-originated-only traffic. Windstream requests that the Commission compel AT&T Mobility to provide CDRs with line number level data as well as the originating Local Routing Number ("LRN"). Windstream states that, if AT&T Mobility cannot provide the CDRs, then it should provide the Jurisdictional Information Parameter ("JIP") instead.

AT&T Mobility claims that the CDRs comprising the raw data do not include the LRN or the JIP. AT&T Mobility states that it has informed Windstream that the best manner in which to solve this problem is for Windstream to provide to AT&T Mobility a table with all subscribers' working telephone numbers for the study period. AT&T Mobility would then re-run the study utilizing this table, thereby avoiding the inclusion of any calls from numbers no longer assigned to Windstream subscribers.

In its reply, Windstream states that it cannot provide the subscribers' working telephone numbers for the traffic study period performed in June 2010 because its database no longer contains that information. As an alternative, Windstream proposes that AT&T Mobility could use information from its SS7 network, which would allow filtering based upon JIP and would include all the data that Windstream needs to analyze the traffic study in relation to LRNs.

In its November 1, 2010 response, AT&T Mobility asserts that it has no method by which it can capture SS7 data in a format that can be used in a traffic study. AT&T Mobility claims that its traffic studies are conducted with CDRs generated by AT&T Mobility's switches and that this information has been provided to Windstream. AT&T Mobility states that if the Commission were to compel the production of the SS7 data, it would be unable to do so.

As an alternative, AT&T Mobility has proposed that it conduct another traffic study and then have Windstream provide a table to AT&T Mobility with all subscribers' working telephone numbers for the study period. AT&T Mobility would then re-run the study utilizing this table, thereby avoiding the inclusion of any calls from numbers no longer assigned to Windstream subscribers.

The Commission will not compel the production of information which a party is incapable of providing. Accordingly, the Commission finds that Windstream's Motion to Compel the SS7 data should be denied. The Commission further finds that AT&T Mobility should conduct a new traffic study and Windstream should provide a table to AT&T Mobility with all subscribers' working telephone numbers for the study period. AT&T Mobility should then re-run the study utilizing this table, thereby avoiding the inclusion of any calls from numbers no longer assigned to Windstream subscribers.

#### LINE NUMBERS

Windstream objects to AT&T Mobility's redaction of the line numbers in the raw CDR data produced to Windstream. AT&T Mobility claims that it redacted the line numbers out of caution that the line numbers may constitute Customer Proprietary Network Information ("CPNI"), the disclosure of which violates FCC rules. 47 U.S.C. § 222. Windstream asserts that a customer's telephone number by itself is not CPNI but is subscriber list information. Windstream states that it is willing to accept information regarding Windstream-originated calls only.

AT&T Mobility concedes that the subscribers' telephone numbers may not constitute CPNI. AT&T Mobility states that it has no objection to producing the redacted line numbers of the subscribers' telephone numbers subject to the parties' non-disclosure agreement, if the Commission requires it to do so.

The Commission finds that AT&T Mobility should provide the redacted line numbers of the subscribers' telephone numbers to Windstream, subject, of course, to the parties non-disclosure agreement.

## STREET ADDRESSES OF AT&T MOBILITY CELL SITES

In its Supplemental Data Request No. 1, Windstream asked AT&T Mobility to provide the street addresses of AT&T Mobility's cell sites. AT&T Mobility, citing competitive and national security concerns, only provided a code for each cell tower used for the call without providing a method for Windstream to verify the address of the tower. Windstream argues that "the addresses of the cell sites are essential to Windstream East's ability to confirm jurisdiction of the calls covered by AT&T Mobility's traffic study in order for the appropriate compensation to occur between the parties."<sup>1</sup> Windstream asserts that the locations of cell sites of any wireless carrier are available through many public means such as FCC records, cell towers located on government land, leases, etc. Windstream also asserts that any information shared by AT&T Mobility would be subject to the parties' non-disclosure agreement and not used for any other reason than for Windstream to verify jurisdictions of the call.

AT&T Mobility "strongly objects to this request on the grounds that the information in dispute is highly confidential and proprietary."<sup>2</sup> AT&T Mobility argues that the release of the information could cause "significant competitive harm and potentially raise national security issues."<sup>3</sup> AT&T Mobility asserts that, if the street addresses of its cell sites were known, that might allow its competitors to determine how AT&T Mobility has solved coverage issues in various areas.

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<sup>1</sup> Motion to Compel at 3.

<sup>2</sup> AT&T Mobility's Response to Windstream's Motion to Compel at 4.

<sup>3</sup> Id.

AT&T Mobility refutes Windstream's assertion that the information identifying the cell sites is publicly available. AT&T Mobility argues that, while the location of some individual cell sites may be publicly known, there is no single, publicly available place where the street addresses of all cell sites are available.

AT&T Mobility has provided two alternatives to providing the street addresses for the cell sites. First, AT&T Mobility proposes that it provide, subject to the non-disclosure agreement, the city location of the cell towers identified in the traffic study instead of the actual street addresses. AT&T Mobility claims that this would allow Windstream to confirm the jurisdiction of a call without having to produce the street addresses.

AT&T Mobility's second alternative, if the first alternative is unpalatable to Windstream, is for AT&T Mobility, Commission Staff, and Windstream to conduct a test by placing calls from Windstream landline phones to AT&T Mobility wireless phones with numbers local to the calling number. AT&T Mobility proposes that Windstream and Commission Staff will know in advance the MTA location of the AT&T Mobility wireless phones but that AT&T Mobility will not know the location of the wireless phone at the beginning of the call. AT&T Mobility would then examine its records to find the CDRs for the calls and allow Windstream to inspect the CDRs for accuracy.

AT&T Mobility also requests that, if the Commission finds that AT&T Mobility must provide the street addresses of the cell sites, the Commission do so under a protective agreement and require Windstream to view the information at a mutually acceptable location. AT&T Mobility would not allow Windstream to copy the street addresses and Windstream must use the information on site.

In its reply, Windstream states that its engineers do not believe that either of AT&T Mobility's proposed alternatives will give Windstream the information it needs to evaluate the traffic study. Windstream proposes that AT&T Mobility provide the rate center for the cell towers in the traffic study.

In its November 1, 2010 response, AT&T Mobility asserts that the term "rate center" is exclusively a landline term and is not applicable to wireless telephony. AT&T Mobility states that it does not identify its cell towers by rate center and is unaware of any information that it could obtain that would identify the rate center for each cell tower. If the Commission were to require this information to be provided, AT&T Mobility would be unable to provide it.

The Commission finds that the provision of the street addresses of the cell towers collected in a single document or data set could lead to the release of sensitive information and should not be compelled in this instance. Although the specific location of cell tower sites is generally available to the public, collective data sets of a company's cell towers are not readily accessible without significant time and effort expended in compiling the information. The potentially sensitive and proprietary information, if released, could cause AT&T Mobility competitive harm. Accordingly, the Commission finds that: (1) AT&T Mobility should provide the city in which the towers are located; and (2) Windstream's Motion to Compel the production of the street addresses of the cell sites should be denied.

#### CDRS FROM OTHER WIRELESS PROVIDERS

Windstream requests that the Commission order AT&T Mobility to provide CDRs obtained from third-party wireless carriers for local calls originating by Windstream



subscribers to AT&T Mobility subscribers that terminate on a third-party network. AT&T Mobility objects to the request because: (1) AT&T Mobility claims that it is irrelevant to this proceeding; (2) AT&T Mobility does not have possession of the records; and (3) Windstream did not request the information in its data requests.

AT&T Mobility asserts that, by requesting CDRs for calls terminating to third-party wireless carriers, Windstream is apparently claiming that AT&T Mobility owes terminating access charges when a locally dialed call terminates outside the MTA on a network other than AT&T Mobility's. AT&T Mobility argues that this apparent claim is unsupported by any prevailing law and is thus irrelevant to the proceeding.

AT&T Mobility asserts that it does not have access to the CDRs of the third-party carriers and is able to bill its customers based on NRTRDE records provided to AT&T Mobility from the third-party carriers, although not all third-party carriers have agreements with AT&T Mobility to provide this information. AT&T Mobility claims that the NRTRDE records do not contain information regarding the location of the third-party carrier towers and AT&T Mobility does not have access to that information.

In its reply, Windstream requests that AT&T Mobility provide the NRTRDE records. Windstream states that it is willing to consider 100 percent of the traffic covered by those records as being interMTA traffic. Windstream claims that it is requesting these records so that it may gather the Minutes of Use contained in the records for inclusion in the originating interMTA factor.

In its November 1, 2010 response, AT&T Mobility states that it would not agree to the stipulation that 100 percent of the traffic covered is interMTA traffic. AT&T Mobility states that it is more likely that the roaming traffic occurs mostly within the same MTA.

AT&T Mobility asserts that the NRTRDE information does not contain any information regarding the location of cell tower sites and is irrelevant to determining the jurisdiction of a call. AT&T Mobility further asserts that the information is irrelevant because it is not held liable for termination charges for calls terminated on other networks.

In its November 3, 2010 filing, Windstream argues that it is irrelevant if AT&T Mobility has entered into an agreement with a third party to terminate traffic to an AT&T Mobility customer because, even in that scenario, AT&T Mobility is still responsible for proving where calls to its end-users terminate. Windstream also states that AT&T Mobility's assertion that roaming traffic occurs within the same MTA has not been proven and cannot be assumed to be true.

Windstream states that it is willing to enter into non-disclosure agreements with AT&T Mobility's third-party roaming carriers if necessary. Windstream asserts that, without the NRTRDE, AT&T Mobility's traffic study is incomplete and Windstream is unable to validate the traffic study. Windstream further asserts that, if the NRTRDE information is not provided, the Commission should accept Windstream's proposed interMTA factor in the interconnection agreement.

The Commission agrees with Windstream that the NRTRDE information is necessary to develop a proper traffic study to determine the most accurate interMTA factor. The provision of such information is likely to assist in determining the jurisdiction of a particular call, which then impacts the interMTA factor to be determined. Therefore, the Commission grants Windstream's Motion to Compel the production of the NRTRDE records and requires Windstream to enter into non-disclosure agreements with the third-party roaming partners to the extent that it is necessary.

### LGR EMPLOYEES INVOLVED IN THE TRAFFIC STUDY

Windstream requests that AT&T Mobility identify any LGR employees involved in the traffic study. AT&T Mobility explains that LGR is a private contractor that loads CDR data into the Oracle database that AT&T Mobility uses for many purposes, including the preparation of traffic studies. AT&T Mobility asserts that LGR had no involvement in the preparation of the traffic study, which is the sole product of AT&T Mobility employees.

The Commission finds that the LGR employees do not have a direct enough relationship to the production of the traffic study sufficient to warrant their identification in this proceeding. Accordingly, the Commission finds that Windstream's Motion to Compel the identification of the LGR employees should be denied.

IT IS THEREFORE ORDERED that:

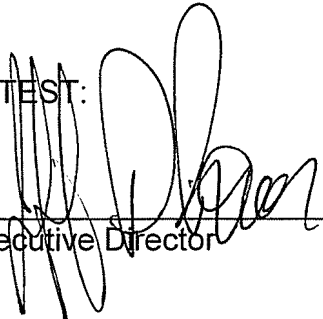
1. Windstream's Motion to Compel production of the Oracle-based model is granted.
2. Windstream's Motion to Compel the SS7 data is denied.
3. Windstream's Motion to Compel production of the redacted line numbers of the subscribers' telephone numbers to Windstream, subject to the parties' non-disclosure agreement, is granted.
4. Windstream's Motion to Compel production of the street addresses of the cell sites is denied.
5. Windstream's Motion to Compel production of the NRTRDE records is granted.

6. Windstream's Motion to Compel identification of the LGR employees is denied.

By the Commission

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KENTUCKY PUBLIC  
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