

S T O L L | K E E N O N | & | P A R K | L L P

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May 21, 2004

RECEIVED  
MAY 24 2004  
PUBLIC SERVICE  
COMMISSION

Ms. Elizabeth O'Donnell  
Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

**RE: Case No. 382**

Dear Ms. O'Donnell:

Enclosed please find an original and ten copies of Nuvox's Data Requests to Kentucky ALLTEL for filing in the above mentioned case. Please indicate receipt of this filing by your office by placing a file stamp on the extra copy and returning to me via the enclosed, self-addressed, stamped envelope.

Sincerely yours,



Douglas F. Brent

DFB:jms

Enc.

Cc: All parties of record

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
MAY 24 2004  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

AN INQUIRY INTO THE DEVELOPMENT )  
OF DEAVERAGED RATES FOR ) CASE NO. 382  
UNBUNDLED NETWORK ELEMENTS )

**NUVOX'S  
DATA REQUESTS TO KENTUCKY ALLTEL**

For its data requests to Kentucky ALLTEL, Inc. ("ALLTEL"), and pursuant to the Commission's scheduling order in this matter, NuVox Communications, Inc. ("NuVox"), by counsel, submits as follows:

**DEFINITIONS**

1. "Identify" means as follows:
  - a) when used in reference to an individual, to state his full name and present or last known residence address and telephone number, his present or last known position and business affiliation, and his position and business affiliation at the time in question;
  - b) when used in reference to a commercial or governmental entity, to state its full name, type of entity (e.g., corporation, partnership, single proprietorship) and its present or last known address;
  - c) when used in reference to a document, to state the date, author, title, type of document (e.g., letter, memorandum, photograph, tape recording, etc.) and its present or last known location and custodian;
  - d) when used in reference to a communication, to state the type of communication (i.e., letter, personal conversation, etc.), the date thereof, and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identify of other persons in the presence of each party thereto; and

- e) when used in reference to an act, to state the substance of the act, the date, time and place of performance, and the identity of the actor and all other persons present.
2. The term "document" as used in the Requests contained herein is used in its customary broad sense, and includes, without limitation, any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and inter-office communications, correspondence, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, workpapers, graphs, sketches, computer printouts, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, pamphlets, books, articles, advertisements, circulars, press releases, graphic records or representations or publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic, mechanical and electrical records of any kind (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes and amendments to the forgoing, and all other documents or tangible things of whatever description that constitute or contain information within the scope of a Request that are in the possession of the respondent. A Request seeking the identification or production of documents addressing, relating or referring to, or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or provided; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and the like shall be deemed to be distinct documents requiring separate identification or production.
3. "Communication" shall mean any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams and personal conversations. A Request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.
4. The "substance" of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.

5. Words expressing the singular number shall be deemed to express the plural number; those expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.
6. The unqualified term "or" shall be construed either conjunctively or disjunctively to bring within the scope of these Requests any matters that might otherwise be construed to be outside their scope.
7. The unqualified term "person" shall mean an individual, corporation, partnership, unincorporated association or other business or governmental entity.
8. The term "e.g.," indicates illustration by example, not limitation.
9. "Commission" means the Kentucky Public Service Commission.

### INSTRUCTIONS

For each response, identify the individual who prepared the response or directly supervised the preparation of the response.

Provide each response under oath or affirmation.

Each request shall be deemed continuing in nature and requires supplemental responses immediately upon receipt of any new, further or different information that is responsive to the request.

Complete copies of all responses, including documents produced should be provided to:

C. Kent Hatfield  
Douglas F. Brent  
Stoll, Keenon & Park, LLP  
2650 AEGON Center  
400 W. Market Street  
Louisville, KY 40202

and

Carol Keith  
Attorney  
NuVox Communications, Inc.  
16090 Swingley Ridge Road  
Chesterfield, Missouri 63017

In answering each Request, please state the text of the Request prior to providing the response. Each Request and applicable response should be on a separate page. For each Request, list all assumptions made in answering said Request.

In the event that any of the requested information is claimed to be privileged, then the document shall be identified by author, date, number of pages and general content. Identify all persons who participated in the preparation of the document and all persons who have received, read or examined any such document. In addition, state the basis for the claim of privilege with particularity. State the present location of the document and all copies thereof and identify each person having custody or control of the document and said copies.

To the extent that the Company claims that any requested information is not reasonably calculated to result in the production of any relevant information or any information that may lead to any relevant information, in the written response hereto indicate the basis for the claim in the context of all issues arising in this proceeding.

In the event the Company asserts that any requested information is not available in the form requested, in the written response thereto, state the following:

the form in which the requested data currently exists (identifying documents by title);

whether it is possible under any circumstances to provide the data in the form requested;

the procedures or calculation necessary to provide the data in the form requested;

the length of time (in hours or days) necessary to prepare the data in the form requested;

and

the earliest dates, time period, and location that representatives of the requester may inspect the files, records or documents in which the requested information currently exists.

To the extent any Request cannot be fully satisfied, a response shall be provided to the extent possible, with an indication of what portion of the Request is not being satisfied and the reasons for satisfying the Request.

All documents shall be provided in the same order as they are kept or maintained by the Company. To the extent they are attached to each other, documents should not be separated.

#### **DATA REQUESTS**

1. With reference to Exhibit A (UNE Price List), are there UNEs for which ALLTEL will charge that are not contained in the exhibit? If so, please identify what those UNEs and rates are. Additionally, are the rates associated with the UNEs in Exhibit A comprehensive or will additional rates apply to any of the UNEs specified? If additional rates will be applied to any of those UNEs, specify which UNEs and what additional rates will apply to each.
2. What UNE rates does ALLTEL propose for collocation? Why are these rates not included in Exhibit A?
3. What UNE rates does ALLTEL propose for EELs? Why are these rates not included in Exhibit A?
4. Please provide a list of states in which ALLTEL has proposed the use of the same “internally

developed TELRIC cost model” filed in this proceeding.

5. Please provide a list of states which have approved the “internally developed cost model” filed in this proceeding and used it to determine UNE rates; include references to commission orders approving the model.
6. Provide all documents related to fill factors for ALLTEL Kentucky plant of any kind (e.g., “actual,” “objective,” “engineered,” “forecasted”) after 2000.
7. With reference to Section B. 4. g. of Exhibit A, describe “ALLTEL’s non-regulated operations.”
8. With reference to Section B. 1. of Exhibit A, provide any workpapers supporting ALLTEL’s use of a five-percent reduction in historical maintenance ratios over the five-year forecast period.
9. With reference to Section E. 7. of Exhibit A, are the discounts applied to the cost model only for equipment purchased from ALLTEL Communications Products, or do the discounts apply in the model for all switch equipment?
10. With reference to Section K. 3. of Exhibit A, provide workpapers supporting the assumption that “10% of business is subject to resale.”
11. Please define “economic depreciation” as that term is used in Exhibit A.
12. Does ALLTEL contend that the depreciation lives proposed in its cost study are consistent with depreciation lives for BellSouth approved by the Commission in its Order dated December 18, 2001, Appendix C?
13. With reference to Ordering Paragraph 1. d. of the Commission’s February 10, 2004 Order in this proceeding, please identify the documents responsive to this ordering paragraph.

Respectfully submitted,



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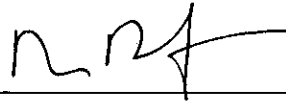
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16090 Swingley Ridge Road  
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*COUNSEL FOR NUVOX COMMUNICATIONS, INC.*



**Certificate of Service**

A copy of the foregoing was served this 21<sup>st</sup> day of May, 2004, by first class, United States mail, postage prepaid, upon all parties of record. On this same date, a copy was delivered by email to Kimberly Bennett and James Newberry, counsel to Kentucky ALLTEL.



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