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February 1, 2008

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

**RE: Case No. 2005-00455**

Dear Ms. O'Donnell:

Enclosed please find an original and ten copies of dPi Teleconnect, L.L.C.'s Request for Information to BellSouth Telecommunications, Inc. Please indicate receipt of this filing by placing your file stamp on the extra copy and returning to me via our runner.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent



The requests which follow are to be considered as continuing, and you are requested to provide, by way of supplemental answers, such additional information as you or any other person acting on your behalf may later obtain which will supplement or modify your answers given to the questions below. You may have a duty to supplement when:

- a. You know the answers were incorrect when made; or
- b. You know that the answers though correct when made are no longer true and the circumstances are such that to fail to amend or supplement your answers would be in substance a knowing concealment.

Further, should you fail to so amend or supplement your answers, this party will ask the Commission to exclude evidence that you or your attorney might wish to offer relating to such matter. Such supplemental responses are to be filed and served upon the undersigned attorney immediately upon receipt of such information and in no event less than thirty (30) days before the date of hearing.

As used, the following terms shall have the meanings indicated below:

#### **DEFINITIONS**

- A. “IDENTIFY” or “IDENTITY” when used in reference to a natural person means his full name, present or last known address, his employer, and his present or last known job title or position. When used in reference to a corporation or legal entity other than a natural person, the term “identify” or “identity” means its name, and the address of its principal place of business. When used in reference to a document, “identify” means the name and date of the document and the identity of the person who prepared it and who signed it. When used for any other purpose, the common dictionary meaning of “identify” applies.

B. "DOCUMENT" means both the plural and the singular, and each term includes, but is not limited to, contracts and agreements, correspondence, advertising materials, memoranda, reports, handwritten notes, surveys, analysis, leases, manuals, questionnaires, computer print-outs, tapes and records of any types, corporate records, minutes of meetings, studies, books, pamphlets, policy manuals, schedules, job descriptions, photographs, voice recordings, and every other device or media on which or through which information of any type is transmitted, recorded, or preserved in your possession, custody or control. The term "documents" also means an authentic copy where the original is not in your possession, custody, or control and every copy of a document where such copy is not an identical duplicate of the original.

"DOCUMENT" also includes any printed, typewritten, handwritten, mechanically or otherwise recorded matter of whatever character, including, but without limitation, letters, purchase orders, memoranda, telegrams, notes, catalogs, brochures, diaries, reports, calendars, interoffice communications, intraoffice communications, statements, investigative reports, announcements, depositions, answers to Interrogatories, pleadings, judgments, newspaper articles, data compilations, photographs, tape recordings, motion pictures and any carbon or photographic copies of any such material if you do not have custody or control of the original. As used, the term "documents" includes, but is not limited to, any note, correspondence, contracts or agreements, financial statements, computer printouts, balance sheets, income statements, real estate documents, records, notices, confirmations, appraisals, prospectuses, notations or memoranda of any

sort of communications, invoices, diaries, analysis, offers, worksheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes and amendments of any of the foregoing), graphic or oral records or representations of any kind, other written, printed, typed or other graphic recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film or record, computer disk, laser disk, compact disk, film, tape, videotape, computer card or magnetic media of any form which are in your possession, custody or control. If any document requested to be identified was in your possession or control or is no longer in existence, please state whether it is:

1. missing or lost;
  2. destroyed;
  3. transferred voluntarily or involuntarily to others, and if so, to whom, or
  4. otherwise disposed of; and in each instance explain the circumstances surrounding an authorization of the disposition and the approximate date of the disposition and describe its contents.
- B. "YOU" and "YOUR" means: BellSouth Telecommunications, Inc. and its divisions, departments, officers, directors, officers, agents, employees, predecessors-in-interest, representatives, assignees, assignors and affiliates; and its subsidiaries and parent company(ies), and their divisions, departments, officers, directors, officers, agents, employees, predecessors-in-interest, representatives, assignees, assignors and affiliates.
- C. "INCIDENT" means that which is the subject of this action.

D. "COMPLAINANT" means dPi Teleconnect, LLC.

NOTICE WITH REGARD TO OBJECTIONS

Please take notice that:

1. Discovery extends to documents or claims either in your actual possession or constructive possession. Constructive possession exists so long as you have a superior right to compel the production of such information or claim from a third party, including an agent, attorney or representative, who has possession, custody or control of such information even though you do not have actual physical possession of such information or claim.


2. If you object to any request on the ground that the request is overly broad, burdensome or is not limited properly in time or scope, please state in your answer or objection the following:

a. The items or categories of items, if any, that you do not object to providing and to provide such items or information in the answers to these requests; and

b. The items or categories of items which are in existence to which you do object to providing and stating the specific reasons why discovery of such items should not be allowed.

3. Claim of Privilege. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

Respectfully Submitted,




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**CERTIFICATE OF SERVICE**

I hereby certify that true copy of the foregoing document has been filed with the Kentucky Public Service Commission and served upon Defendant BellSouth through its below-listed attorneys on this 1<sup>st</sup> day of February 2008.

  
\_\_\_\_\_  
Douglas F. Brent

**Attorneys for Defendant**

J. Philip Carver, Sr. Attorney  
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**EXHIBIT A**  
**DPI TELECONNECT, LLC'S FIRST SET OF RFIS**

Please provide the following information or materials:

- 1-1. Please identify each of the legal theories behind your claims or defenses in this matter.
- 1-2. Please identify in general the factual bases underlying each of your legal theories, claims, or defenses in this matter.
- 1-3. Please identify any and all amounts you are seeking from dPi Teleconnect, LLC, on a month-to-month basis, beginning the first month you claim you are owed money from dPi Teleconnect, LLC. Please explain how these figures are arrived at. (e.g., include amounts owed as recurring fees, non-recurring fees, late fees, etc.).
- 1-4. Please provide a copy of any document, exhibit, electronic file, or item that you intend to introduce into evidence at the hearing of this docket.
- 1-5. Please provide the name, address, and telephone number of persons having knowledge of relevant facts in this case, and a brief statement of each identified person's connection with the case.
- 1-6. Please provide a list of the name, address, and telephone number of any witness who is expected to be called to testify at the hearing of this matter.
- 1-7. For any testifying expert, please provide:
  - a. the expert's name, address, and telephone number;
  - b. the subject matter on which the expert will testify;
  - c. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
  - d. if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
    1. All documents (including all letters and correspondence whatsoever between you [as that term is defined herein] and any person who may be called as an expert witness), tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
    2. the expert's current resume and bibliography.

- 1-8. For any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert, please provide:
- a. the expert's name, address, and telephone number;
  - b. the subject matter on which the testifying expert will testify;
  - c. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
  - d. if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
    1. All documents (including all letters and correspondence whatsoever between you [as that term is defined herein] and the expert), tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
    2. the expert's current resume and bibliography.
- 1-9. Please produce copies of all formal and informal reports and documents in your possession prepared by an officer or employee of any governmental agency that pertains, in any way, to this dispute.
- 1-10. Please produce a listing of each person, including name, address, and telephone number, acting in your behalf who investigated any part of the issues in dispute.
- 1-11. Please identify with particularity each of the promotions that BellSouth has offered its end users or potential new customers since January 1, 2002. Please describe and produce a copy of all of the terms describing the governing eligibility for the promotion, including, but not limited to, effective dates, and any tariff or other regulatory filings made by BellSouth.
- 1-12. Please identify with particularity each of the promotions under which dPi Teleconnect, LLC, sought any credit, which request was denied by BellSouth since January 1, 2002.
- 1-13. For each of the promotions identified in response to RFI 1-12, please identify all BellSouth retail end users with the same order characteristics as dPi's. Please indicate what these end users were charged when first implementing/ordering these services, including any and all recurring charges, non-recurring charges, and promotional charges. This request is limited in time to the period of January 1, 2002 to the present.
- 1-14. For each of the promotions identified in response to RFI 1-12, please provide an actual copy of ten (10) orders and the subsequent billing statement sent to the end users showing what these end users were charged including any and all recurring charges, non-recurring

charges, and promotional charges. This request is limited in time to the period of January 1, 2002 to the present.

- 1-15. For each of the promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please identify and explain each and every reason why dPi Teleconnect, LLC, was not eligible for the credit or why the credit was otherwise denied.
- 1-16. For each of the reasons identified in response to RFI 1-15, as a reason why dPi Teleconnect, LLC, was not eligible for a particular credit, please provide as an example an actual copy of ten (10) of the underlying orders/requests and/or orders establishing the underlying service that was not eligible for the promotion.
- 1-17. For each of the reasons identified as a reason why dPi Teleconnect, LLC, was not eligible for a particular credit in response to RFI 1-15, please identify the total dollar amount of credits applied for but denied for the particular reason given.
- 1-18. For each promotion for which dPi Teleconnect, LLC, applied for credit but was denied, please indicate the amount of credit requested; the amount of credit granted; and the amount of credit denied, from January 1, 2002, to the present.
- 1-19. Please identify any and all occurrences, on a month to month basis beginning January, 2002, of an end user ordering from BellSouth basic service plus any two of the three following features: the call return block (bearing in North Carolina the Universal Service Ordering Code ["USOC"] of "BCR"); the repeat dialing block ("BRD"); and the call tracing block, and "HBG" block. Please indicate what these customers were charged when implementing these services, including any and all recurring charges, non-recurring charges, and promotional charges.
- 1-20. For each of the promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please identify each and every CLEC that also applied for a credit under that promotion and was not denied for any part of their claim.
- 1-21. Please produce copies of all correspondence and/or communications between BellSouth and dPi Teleconnect, LLC, relating to BellSouth's promotions.
- 1-22. Please produce copies of all BellSouth's internal documents relating to BellSouth's promotions.
- 1-23. Please produce copies of all BellSouth's internal documents (e.g., communications between employees; between employees and vendors or consultants) relating to BellSouth's decisions to grant or deny promotion credits to CLECs.
- 1-24. Please produce copies of all documents showing BellSouth's internal communications (including, but not limited to, communications between employees; between employees and vendors or consultants) relating to BellSouth's decisions to grant or deny promotion credits to dPi Teleconnect, LLC.

- 1-25. Please produce copies of all BellSouth's internal training, billing dispute, and policy documents relating to BellSouth granting or denying promotion credits to CLECs, including, but not limited to, directions or training materials to account managers, billing department employees, employees involved in CLEC dispute resolution, etc.
- 1-26. On a month-by-month basis since January 2003, please indicate what percentage of AT&T's new orders in Kentucky were either win-backs or reacquisitions.
- 1-27. On a month-by-month basis since January 2003, please indicate what percentage of AT&T's new orders in Kentucky resulted from the split of an existing account.
- 1-28. On a month-by-month basis since January 2003, please indicate what percentage of AT&T's new orders in Kentucky were the re-establishment of service after a disconnection in error.
- 1-29. On a month-by-month basis since January 2003, please indicate what percentage of AT&T's new orders in Kentucky were the re-establishment of service after disconnect by incident of force majeure.
- 1-30. On a month-by-month basis since January 2003, please indicate what percentage of AT&T's new orders in Kentucky were the re-establishment of service following a disconnect for non-pay.

It may be easier for you to summarize some of the information requested in this RFI using a table such as the one below.

Promotion name	Promotion terms/eligibility reqs	Effective dates	Amt. of credit applied for	Amt. credit denied	Reason for denial