



*Legal Counsel.*

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RECEIVED

OCT 28 2011

PUBLIC SERVICE  
COMMISSION

Edward T. Depp  
502-540-2347  
tip.depp@dinsmore.com

October 28, 2011

**VIA HAND-DELIVERY**

Hon. Jeff R. Derouen  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40602-0615

**Re: *In the Matter of: An investigation into the traffic dispute between Windstream Kentucky East, LLC, Brandenburg Telephone Company and MCIMetro Access Transmission Services, LLC d/b/a Verizon Access, Commonwealth of Kentucky, Case No. 2008-00203***

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case, please find one original and eleven (11) copies each of Brandenburg Telephone Company's Petition for Confidentiality.

Please file-stamp one copy and return them to our delivery person.

Thank you, and if you have any questions, please call me.

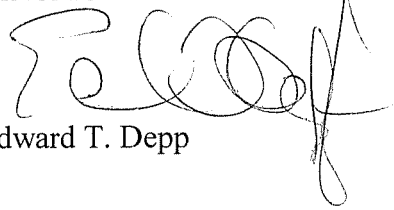
Hon. Jeff R. Derouen  
October 28, 2011  
Page 2

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Sincerely,

DINSMORE & SHOHL LLP

Edward T. Depp

A handwritten signature in black ink, appearing to read 'E. Depp', written over the printed name 'Edward T. Depp'.

ETD/kwi  
Enclosures  
cc: All parties of record

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PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

*In the Matter of:*

AN INVESTIGATION INTO THE TRAFFIC	)	
DISPUTE BETWEEN WINDSTREAM	)	Case No. 2008-00203
KENTUCKY EAST, LLC, BRANDENBURG	)	
TELEPHONE COMPANY AND MCIMETRO	)	
ACCESS TRANSMISSION SERVICES, LLC	)	
D/B/A VERIZON ACCESS	)	

**BRANDENBURG TELEPHONE COMPANY’S RESPONSES TO  
WINDSTREAM KENTUCKY EAST, LLC’S DATA REQUESTS**

Brandenburg Telephone Company (“Brandenburg”), by counsel, and pursuant to the Public Service Commission of the Commonwealth of Kentucky’s (the “Commission”) September 15, 2011 order in this matter, hereby files its responses to Windstream Kentucky East, LLC’s Data Requests. In response to those requests for information, Brandenburg states as follows.

**DATA REQUESTS**

1. Reference: Second Supplemental Direct Testimony of Allison T. Willoughby at p. 6, lines 16-19. Please describe the “Point of Connection” (“POC”) as such term is used in the Brandenburg-Verizon Agreement and defined in Section 1.12 of such agreement. Specifically:
  - a. What are the V&H coordinates, as such term is commonly used in the telecommunications industry, of the POC?

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** This information has already been provided to Windstream as Appendix 1 to the Agreement for Facilities-Based Network Interconnection for Exchange of Information Service Provider Traffic Between MCI Access Transmission Services, LLC and Brandenburg Telephone Company.

b. If there is a Common Language Location Identifier (“CLLI”) code for the POC, please provide it. To the extent that there is no CLLI code for such POC but there is a CLLI code associated with the same physical location as the POC, please provide such CLLI code.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** This information has already been provided to Windstream as Appendix 1 to the Agreement for Facilities-Based Network Interconnection for Exchange of Information Service Provider Traffic Between MCI Access Transmission Services, LLC and Brandenburg Telephone Company.

c. Is the POC at the same physical location as the meet point between Brandenburg and Windstream for the Windstream-Brandenburg EAS Facilities?

**Responsible Witness:** None.

**RESPONSE:** No.

2. Reference: Second Supplemental Direct Testimony of Allison T. Willoughby at p. 6, lines 16-19.

a. As of the date of your response to this data request, has the “traffic in question” as such term is used on p. 7, line 5, been moved off of the Brandenburg-Windstream EAS Facilities?

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** No.

b. If your answer to subpart a is anything other than an unqualified answer in the affirmative, please provide:

- i. An explanation for why the traffic has not yet been moved; and

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** To date, MCImetro has not established the trunking required to move this traffic pursuant to the terms of our interconnection agreement filed July 27, 2011.

- ii. The date by which you expect such traffic to be moved and the basis for such expectation.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg Telephone has received an ASR to establish the facility portion of the interconnection arrangement that currently carries a due date of October 31, 2011. However, subsequent communications from MCImetro indicated that date would likely be in jeopardy.

3. Reference: Second Supplemental Direct Testimony of Allison T. Willoughby at p. 6, lines 16-19. As part of its efforts to implement the Brandenburg-Verizon Agreement, is Brandenburg in any way seeking for traffic to which such agreement pertains to continue to be routed over the Windstream-Brandenburg EAS Facilities? If so, please explain.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** No.

4. Reference: Second Supplemental Direct Testimony of Allison T. Willoughby at p. 3, lines 5-6; p. 3, line 21 through p. 4, line 23 through p. 5, line 1, p. 7, lines 16-17. Please provide all documents, including e-mails and other electronic documents, that form the basis for the referenced claims. To the extent that such documents are readily publicly available, you may merely provide specific reference to such documents, including the section or page number.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** All documents that form the basis for such claims have already been produced. The factual and legal claims have been set forth in Brandenburg's briefs to the Commission, its prefiled testimony, and its previous discovery responses.

5. Reference: Second Supplemental Direct Testimony of Allison T. Willoughby at p. 6, lines 16-19. Section 3.1 of the referenced agreement (Brandenburg-Verizon Agreement) states as follows: "The Agreement sets forth the terms and conditions under which the Parties agree to interconnect their networks and exchange ISP Traffic." "ISP Traffic" is defined in Section 1.12.

a. Does Brandenburg intend to enter into an agreement with Verizon pertaining to traffic that is not "dial-up modem traffic terminated to Verizon customers that are commercial providers of internet access," but nevertheless is traffic for which: "(i) the call originates and terminates from and to, respectively, NPA NXXs assigned to rate centers in the same Local Service Exchange Area; or (ii) originates and terminates from and to, respectively, NPA NXXs assigned to rate centers within different Exchanges that share a common mandatory local calling area, e.g., mandatory Extended Area Service (EAS) or mandatory Extended Local Calling Service (ELCS) as approved by the Commission and defined by Brandenburg's tariffs" (Brandenburg-Verizon Agreement at § 1.12)

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** If MCImetro requests it, Brandenburg Telephone will negotiate an agreement for the exchange of additional traffic.

b. If your answer to subpart a is in any way in the affirmative, please state when Brandenburg intends to enter into such an agreement and the steps that Brandenburg is

taking to do so. If your answer to subpart a is anything other than an unqualified affirmative response, please explain.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** See answer to Data Request 5.a above. Brandenburg Telephone will negotiate with MCImetro in good faith upon receipt of a written request to exchange additional traffic.

6. Reference: Updated Direct Testimony at p. 6, lines 13-19.

a. Please produce all documents in your possession, including e-mails and other electronic files, that discuss or relate to the “traffic in question” as such term is used on p. 5, line 7 of your Second Supplemental Direct Testimony. You need not produce any documents that are known to have been created before August 29, 2009.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg Telephone cannot properly answer this request because no such quote exists on p. 5, line 7 of Allison Willoughby’s Second Supplemental Direct Testimony.

b. To the extent not provided in response to subpart a of this data request or any other Windstream data request, please produce all documents in your possession, including e-mails and other electronic files, that discuss or relate to any other type of traffic originated by Brandenburg end users and bound for Verizon that was traversing the Brandenburg-Windstream EAS Facilities as of August 29, 2009. You need not produce any documents that are known to have been created before August 29, 2009.

**Responsible Witness:** Allison T. Willoughby

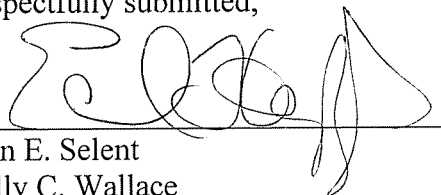
**RESPONSE:** See Response to Data Request 6.a above.

c. To the extent not provided in response to subparts a or b of this data request or any other Windstream data request, please also produce all other documents in your possession, including e-mails and other electronic files, relating to implementation of the Kentucky Public Service Commission's August 29, 2009 order in this docket. This request includes but is not limited to negotiation of a traffic exchange agreement (or attempts at such negotiation) and implementation of the Brandenburg-Verizon Agreement.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** This request seeks confidential information. The parties are exchanging all responsive documents pursuant to their confidentiality agreement. Because of the volume of documentation involved, the documents are not attached to this filing, pending the Commission's resolution of Brandenburg Telephone's petition for confidentiality filed simultaneously herewith.

Respectfully submitted,



John E. Selent  
Holly C. Wallace  
Edward T. Depp  
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500 W. Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300  
(502) 585-2207 (fax)

*Counsel to Brandenburg Telephone Company*



**CERTIFICATION**

I hereby certify that I have supervised the preparation of Brandenburg Telephone Company's responses to Windstream Kentucky East, LLC's Data Requests based on the supplemental testimony and that the factual responses contained therein (and for which I am designated the responsible witness) are true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry. (Legal counsel is responsible for any legal objections.)

\_\_\_\_\_  
Allison T. Willoughby  
Assistant General Manager of Brandenburg  
Telephone Company

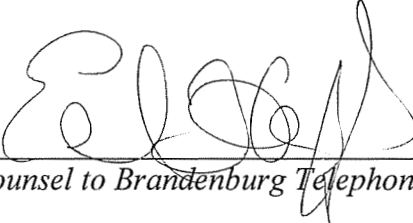
Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify a true and accurate copy of the foregoing was served, by first-class United States mail, sufficient postage prepaid, on the following individuals this 28th day of October, 2011.

Mark Overstreet, Esq.  
R. Benjamin Crittenden, Esq.  
STITES & HARBISON, PLLC  
421 West Main Street  
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*Counsel to Windstream Kentucky East, LLC*

C. Kent Hatfield, Esq.  
Douglas F. Brent, Esq.  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
*Counsel to MCImetro*

  
\_\_\_\_\_  
*Counsel to Brandenburg Telephone Company*

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DISPUTE BETWEEN WINDSTREAM	)	Case No. 2008-00203
KENTUCKY EAST, LLC, BRANDENBURG	)	
TELEPHONE COMPANY AND MCIMETRO	)	
ACCESS TRANSMISSION SERVICES, LLC	)	
D/B/A VERIZON ACCESS	)	

**BRANDENBURG TELEPHONE COMPANY’S RESPONSES TO  
MCIMETRO’S THIRD SET OF REQUESTS FOR INFORMATION**

Brandenburg Telephone Company (“Brandenburg”), by counsel, and pursuant to the Public Service Commission of the Commonwealth of Kentucky’s (the “Commission”) September 15, 2011 order in this matter, hereby files its responses to MCI metro’s Third Set of Requests for Information to Brandenburg Telephone Company. In response to those requests for information, Brandenburg states as follows.

**INTERROGATORIES**

- 22. On page 2 of her Oct. 4, 2011 Direct Testimony, Ms. Willoughby states that “Any compensation owed should be paid by MCI metro Access Transmission Services, LLC (“MCI metro”).
  - a. To the extent not previously provided in prefiled testimony or discovery, please provide the complete factual and legal basis for this statement.
  - b. To the extent not previously provided in discovery, please provide all documents or other evidence that supports, relates to, or was relied upon by Ms. Willoughby in making this statement.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** The complete factual and legal basis for the quoted testimony has been set forth in Brandenburg’s briefs before the Commission, its prefiled testimony, and previous

discovery responses. All documents on which this factual and legal basis rely have been produced or are otherwise in the possession of MCImetro.

23. On page 3 of her testimony, Ms. Willoughby states that “Windstream and MCImetro agreed to serve, at no cost, as the intermediary for non-toll traffic originated by a third-party carrier like Brandenburg Telephone.”
- a. To the extent not previously provided in prefiled testimony or discovery, please provide the complete factual and legal basis for this statement.
  - b. To the extent not previously provided in discovery, please provide all documents or other evidence that supports, relates to, or was relied upon by Ms. Willoughby in making this statement.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** The complete factual and legal basis for the quoted testimony has been set forth in Brandenburg’s briefs before the Commission, its prefiled testimony, and previous discovery responses. All documents on which this factual and legal basis rely have been produced or are otherwise in the possession of MCImetro.

24. On page 5 of her testimony, Ms. Willoughby states “MCImetro could have averted this entire problem, but it instead deliberately decided to ignore its responsibilities, to enter the Elizabethtown market without investigation, and to repeatedly refuse the necessary arrangements to exchange traffic.
- a. To the extent not previously provided in prefiled testimony or discovery, please provide the complete factual and legal basis for this statement.
  - b. To the extent not previously provided in discovery, please provide all documents or other evidence that supports, relates to, or was relied upon by Ms. Willoughby in making this statement.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** The complete factual and legal basis for the quoted testimony has been set forth in Brandenburg’s briefs before the Commission, its prefiled testimony, and previous discovery responses. All documents on which this factual and legal basis rely have been produced or are otherwise in the possession of MCImetro.

25. On page 5 of her direct testimony, Ms. Willoughby states that MCImetro “started this entire problem by intentionally disregarding its obligations to investigate the traffic exchange arrangements it would need before entering the Elizabethtown market.”
- a. Please explain in detail the legal basis for the obligation referenced in this statement.
  - b. To the extent not previously provided in discovery, please provide all documents or other evidence that supports, relates to, or was relied upon by Ms. Willoughby in making this statement.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** The complete factual and legal basis for the quoted testimony has been set forth in Brandenburg’s briefs before the Commission, its prefiled testimony, and previous discovery responses. All documents on which this factual and legal basis rely have been produced or are otherwise in the possession of MCImetro.

26. To the extent not already provided in discovery, please provide all documents that evidence, relate to, support, or were relied upon by Ms. Willoughby in making the claim on page 6 of her direct testimony that MCImetro “became aware of the problem it had created.”

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** All such documents have already been produced or are otherwise in the possession of MCImetro.

27. To the extent not already provided in discovery, please provide all documents that evidence, relate to, support, or were relied upon by Ms. Willoughby in making the claim on page 6 of her direct testimony that MCImetro “continued to refuse to enter an appropriate traffic exchange agreement or to move the traffic onto dedicated facilities.”

**Responsible Witness:** Allison T. Willoughby

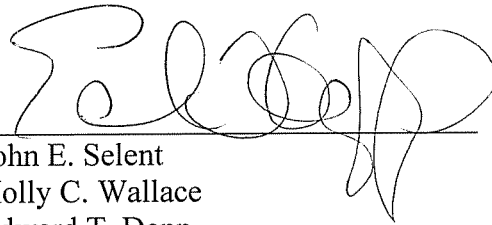
**RESPONSE:** All such documents have already been produced or are otherwise in the possession of MCImetro.

28. To the extent not already provided in discovery, please provide all documents that evidence, relate to, support, or were relied upon by Ms. Willoughby in making the claim on page 6 of her direct testimony that “MCImetro refused to negotiate in good faith.”

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** All such documents have already been produced or are otherwise in the possession of MCImetro.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Depp', written over a horizontal line.

John E. Selent  
Holly C. Wallace  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 W. Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300  
(502) 585-2207 (fax)

*Counsel to Brandenburg Telephone Company*

**CERTIFICATION**

I hereby certify that I have supervised the preparation of Brandenburg Telephone Company's responses to the MCImetro's Third Set of Requests for Information based on the supplemental testimony and that the factual responses contained therein (and for which I am designated the responsible witness) are true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry. (Legal counsel is responsible for any legal objections.)

---

Allison T. Willoughby  
Assistant General Manager of Brandenburg  
Telephone Company


Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify a true and accurate copy of the foregoing was served, by first-class United States mail, sufficient postage prepaid, on the following individuals this 28th day of October, 2011.

C. Kent Hatfield, Esq.  
Douglas F. Brent, Esq.  
Stoll Keenon Ogden, PLLC  
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Frankfort, KY 40602-0634  
*Counsel to Windstream*



*Counsel to Brandenburg Telephone Company*