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August 29, 2008

Stephanie L. Stumbo
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

RECEIVED

SEP - 2 2008

PUBLIC SERVICE
COMMISSION

*RE: 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
Case No. 2008-00203*

Dear Ms. Stumbo:

Enclosed are an original and ten copies of MCImetro Access Transmission Services LLC's Responses to Hearing Requests of Brandenburg Telephone Company.

Please indicate receipt of these filings by placing your file stamp on the extra copy and returning to me via the enclosed, self-addressed, stamped envelope.

Very truly yours,

STOLL KEENON OGDEN PLLC


Douglas F. Brent

DFB:

Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

SEP 02 2008

PUBLIC SERVICE
COMMISSION

In the Matter of:

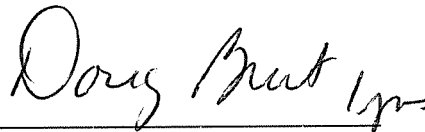
AN INVESTIGATION INTO THE TRAFFIC)
DISPUTE BETWEEN WINDSTREAM)
KENTUCKY EAST, LLC, BRANDENBURG)
TELEPHONE COMPANY AND MCIMETRO)
ACCESS TRANSMISSION SERVICES LLC)
D/B/A VERIZON ACCESS)

CASE NO. 2008-00203

**MCIMETRO'S RESPONSES TO HEARING REQUESTS OF
BRANDENBURG TELEPHONE COMPANY**

MCImetro Access Transmission Services LLC, by counsel, submits its responses to hearing data requests propounded by Brandenburg Telephone Company.

Respectfully submitted,



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*Counsel to MCImetro Access Transmission Services
LLC*

REQUEST NO. 1 Would MCImetro be willing to enter into an agreement with Brandenburg Telephone Company identical to the agreement between MCImetro and South Central Rural Telephone Cooperative?

Responsible Person: Don Price

RESPONSE: No. In 2007 MCImetro entered into an agreement with South Central Rural Telephone Company (“SCRT”) that established a mutually agreed upon “Point of Connection” (“POC”) within the “incumbent service area” of SCRT. MCImetro agreed to the POC under the assumption that MCImetro had access to usable transport facilities (from an affiliate) within the building where the POC would be established. After executing the agreement MCImetro learned that its assumption had been incorrect, and that there were no usable transport facilities at the POC. MCImetro had already made the agreement when it learned of the mistake, and therefore honored its agreement. MCImetro was required to lease additional transport from Glasgow to Lexington, Kentucky, and absorbed the expense of doing so. MCImetro would not have voluntarily entered the agreement absent the mistake of fact.

REQUEST NO. 2 Assume Brandenburg Telephone Company were to require its subscribers to make a toll call in order to reach the ISP access numbers ported from Windstream and served by MCImetro. Would MCImetro object?

Responsible Person: counsel for MCImetro and Don Price

RESPONSE: Yes, MCImetro would have several objections to such a plan. First, for approximately fifty years Brandenburg Telephone Company customers have been permitted to dial what is now the 270-769 exchange on a toll-free basis. This exchange includes telephone numbers ported to MCImetro for use by its customers and that MCImetro has assigned to certain Internet Service Providers. In addition, the exchange includes telephone numbers assigned to residential and business customers of Windstream.

Changing the dialing pattern by requiring customers to dial “1+” to reach ISPs within the 270-769 exchange and changing the rating mechanism for only a few numbers within the 270-769 exchange would be at odds with reasonable customer expectations built up over many years, and would likely create confusion in at least two ways. First, customers forced to dial “1+” to reach an ISP number that had been available on a toll-free basis for more than ten years would likely attribute the change to their ISP rather than to Brandenburg Telephone Company, especially since nearly all other numbers in the 769 exchange could still be dialed using only seven digits on a toll-free basis. This might harm the reputation of the ISP, as consumers might perceive its now-more expensive service inferior or less attractive than other alternatives. Moreover, when customers contacted Brandenburg Telephone Company to inquire about the change, this would create a marketing opportunity for Brandenburg Telephone Company to promote its own dial-up Internet service or preferred Internet service provider. Second, customers might mistakenly assume that *all* telephone

numbers in the 270-769 exchange would now require “1+” dialing. This could cause some customers to dial “1+” when dialing other numbers within the 270-769 exchange, thinking them to be toll calls, and this might result in routing problems. Also, confusion over whether some but not all calls to the 270-769 exchange would be treated as toll, rather than local, might cause some customers to refrain from making certain “local” calls out of concern they may be billed toll charges when doing so.

There would be a number of other objections to a “1+” dialing requirement. For example, MCImetro would object if Brandenburg Telephone Company applied toll charges only to calls to numbers ported by MCImetro for use by its ISP customers, and not to ISPs served by other carriers using telephone numbers ported from Windstream. This would raise issues of discrimination under KRS 278.170:

No utility shall, as to rates or service, give any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage, or establish or maintain any unreasonable difference between localities or between classes of service for doing a like and contemporaneous service under the same or substantially the same conditions.

In addition, Brandenburg Telephone Company’s local service tariff for Radcliff and Vine Grove does not define its extended calling areas by geographic location—rather, the calling areas are defined strictly by reference to NPA-NXX pairs. The tariff also does not distinguish between calls to different types of customers within the same NPA-NXX. Carving out a subset of phone numbers within the 270-769 exchange that are assigned to MCImetro customers and subjecting them to different dialing and rating arrangements would conflict with the terms of Brandenburg’s tariff and result in an inappropriate and unfair form of discrimination.

Finally, if the traffic were converted to toll traffic, MCImetro would receive the traffic in Elizabethtown as switched access traffic and would collect tariffed switched access charges from the

toll provider. Even though MCImetro would receive a higher rate for such toll traffic than it would for local or ISP traffic, MCImetro would not support any plan that would both discriminate against MCImetro-provided ISP services and defeat long-standing customer expectations about the local calling areas for Radcliff and Vine Grove.

CERTIFICATE OF SERVICE

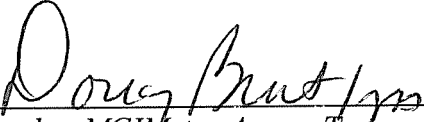
I hereby certify that a true and accurate copy of the foregoing was served on the following by first-class United State mail, sufficient postage prepaid, this 29th day of August, 2008.

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