

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

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

WINDSTREAM KENTUCKY EAST, LLC'S FIRST SET OF DATA REQUESTS AND
REQUESTS FOR PRODUCTION OF DOCUMENTS TO MCIMETRO ACCESS
TRANSMISSION SERVICES, LLC

Windstream Kentucky East, LLC ("Windstream") submits the following First Set of Data Requests and Requests for Production of Documents to MCIMetro Access Transmission Services, LLC d/b/a Verizon Access ("Verizon") to be answered in accordance with the following:

DEFINITIONS

- "Windstream" means Windstream Kentucky East, LLC and its subsidiaries, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of Windstream.
- "You," "your," and "Verizon" refer to Verizon as well as any predecessors in interest, subsidiaries, and their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of Verizon.
- "Brandenburg" means Brandenburg Telephone Company and its predecessors in interest, subsidiaries, and their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of Brandenburg.
- "Document" means every writing or record of every type and description that is in the full or

partial possession, custody or control of Verizon, including, by way of illustration and not limitation, correspondence, memoranda, drafts, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, schedules, work sheets, comparisons, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files and copies of such writings or records containing any notation that does not appear in the original.

- “Identify” or “identifying” or “identification” means to provide, with respect to each document requested, a description of the document that is sufficient for purposes of a request to produce or a subpoena *duces tecum*, including the following:
 - a. the type of document (e.g., letter, memorandum, etc.);
 - b. the date of the document;
 - c. the title or label of the document;
 - d. the identity of the document originator;
 - e. the identity of each person to whom the document was sent;
 - f. a summary of the contents of the document; and
 - g. if any such document was, but is no longer, in your presence, custody or control or is no longer in existence, state whether the document is missing or lost, destroyed, or has been transferred voluntarily or involuntarily.

GENERAL INSTRUCTIONS

If You contend that any response to any request for information or production of document may be withheld under the attorney-client privilege or the attorney work product doctrine, please state the following with respect to each such response:

- a. the privilege asserted and its basis;
- b. the nature of the information withheld; and
- c. the subject matter of the document, except to the extent that You claim it is privileged.

Please answer these discovery requests with reference to all information in your full or partial possession, custody or control or reasonably available to You. These discovery requests

are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documentation may be obtained.

If any request cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully. If any request appears confusing, please request clarification directly from counsel for Windstream.

These requests are continuing in nature and require supplemental responses should information unknown to You at the time You serve your responses to these requests subsequently become known.

For each request, provide the name of the Verizon witness(es) or employee(s) or other representative(s) responsible for compiling and providing the information contained in each answer.

DATA REQUESTS

1. Please identify the date when Verizon began providing its dial-up ISP customer(s) with telephone numbers (for dial-up internet access) for use in Elizabethtown, Kentucky.
2. Please identify all actions taken by Verizon with respect to the rate centering of such telephone numbers referenced in the foregoing data request.
3. Please identify the average monthly revenue received by Verizon since 2005 to date with respect to the dial-up ISP traffic exchanged between Brandenburg and Verizon through the use of Windstream's network.
4. Please identify all information demonstrating that Verizon's facilities and network in Kentucky are homed behind the Louisville tandem.
5. Please identify Verizon's determinations, calculations, or estimates with respect to the rate that would or should be paid to Windstream for the use of Windstream's network in the

routing of traffic from Brandenburg to Verizon. Please include your explanation for the basis of your proposed rate (and show calculations, if any).

6. Please identify all calculations, memoranda, and other documents estimating or determining the costs to be incurred by Verizon to establish direct connections with Brandenburg for exchange of the parties' traffic. Please identify in detail each interconnection point considered by Verizon in its analyses.

7. Please identify all instances in which Brandenburg has acknowledged to Verizon that Brandenburg's routing of traffic through Windstream's Elizabethtown end office is contrary to industry routing protocols. Please provide in detail the circumstances surrounding such acknowledgement.

8. Please identify all instances in which Verizon has acknowledged to Brandenburg or any other entity, including Windstream, that Brandenburg's routing of traffic through Windstream's Elizabethtown end office is contrary to industry routing protocols. Please provide in detail the circumstances surrounding such acknowledgement.

9. Please identify all instances in which Brandenburg has acknowledged to Verizon any responsibility on Brandenburg's part to compensate Windstream for the use of Windstream's network used to route dial-up traffic from Brandenburg to Verizon. Please describe in detail the circumstances involved in such acknowledgement.

10. Please identify the date on which Verizon first learned of a dispute regarding the routing of traffic from Brandenburg to Verizon through Windstream's network and describe the circumstances and communications involved.

11. Please describe how Verizon's Kentucky facilities are identified in the Local Exchange Routing Guide ("LERG").

12. Please identify and explain in detail the reasons and/or disputes that have kept, and are presently preventing, Verizon and Brandenburg from reaching a traffic exchange agreement regarding the traffic being exchanged between Brandenburg and Verizon.

13. Please describe in detail all arrangements - whether direct or indirect - between Verizon and any other telecommunications provider in Kentucky. Please include the CLLI code of the originating carriers switching office, the CLLI code of Verizon's terminating switch and the CLLI code of the switch from which Verizon receives the traffic. Please identify all compensation arrangements associated with the traffic.

14. Please identify the name and contact information for each Verizon employee, contractor, or consultant responsible for, or that otherwise has participated in, negotiations between Brandenburg and Verizon from 2005 to date with respect to routing of traffic between them.

15. Please identify in detail all memoranda and other documents dated from 2005 to date describing Verizon's use of virtual NXXs. Please include all documents referencing Verizon's use of such virtual NXXs as a means to avoid or minimize its network or facilities costs. For purposes of this data request, "virtual NXX" refers to a circumstance where the routing point in the LERG for a given telephone number differs from the LERG rating point for that same telephone number.

16. Please identify in detail all memoranda and other documents dated from 2005 to date describing Verizon's service to dial-up ISPs and include Verizon's calculations as to the anticipated profitability of serving dial-up ISPs and the basis for the calculations.

REQUESTS FOR PRODUCTION OF DOCUMENTS

17. Please produce all documents identified, referenced, or otherwise implicated by the foregoing data requests and your responses to those data requests.

18. Please produce all correspondence or other documents exchanged from January 2005 to date between You and Brandenburg or prepared by You in consideration of your negotiations with Brandenburg regarding delivery of traffic between You and Brandenburg. Please include dates of your discussions with Brandenburg and all requests made by You to Brandenburg regarding establishment of direct connections between your network and that of Brandenburg.

19. Please produce all spreadsheets, calculations, and other documents related to or otherwise setting forth Verizon's estimates and determinations as to the anticipated costs Verizon would incur to establish direct connections between its network and that of Brandenburg to route the traffic in question away from Windstream's network.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of WINDSTREAM KENTUCKY EAST, LLC'S FIRST SET OF DATA REQUESTS AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO MCImetro ACCESS TRANSMISSION SERVICES, LLC was served by electronic mail and United States First Class Mail, postage prepaid, on this 17th day of July, 2008 upon:

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