

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:)
)
Petition of Windstream Kentucky)
East, LLC for Arbitration of an)
Interconnection Agreement with New)
Cingular Wireless PCS, LLC, D/B/A)
AT&T Mobility)

NOV 03 2010

PUBLIC SERVICE
COMMISSION

Case No. 2009-00246

WINDSTREAM KENTUCKY EAST, LLC'S
ADDITIONAL REPLY TO AT&T MOBILITY'S ADDITIONAL RESPONSE TO
WINDSTREAM'S REPLY TO AT&T MOBILITY'S RESPONSE TO
WINDSTREAM'S MOTION TO COMPEL

Comes Windstream Kentucky East, LLC ("Windstream East"), by counsel, and hereby files its Additional Reply to respond to certain issues raised in AT&T Mobility's Additional Response ("Additional Response").

One of the issues in this arbitration proceeding is the proper percentage for determining interMTA traffic between Windstream Kentucky East, LLC ("Windstream East") and New Cingular Wireless PCS, LLC, D/B/A AT&T Mobility ("AT&T Mobility"). Windstream East presented a percentage for this traffic to AT&T Mobility in the interconnection agreement which is being arbitrated in this proceeding. AT&T Mobility has produced a traffic study that purportedly supports its position regarding this percentage, but Windstream East has maintained, both prior to the presentation of the study and afterwards, that certain items must be included in the traffic study in order for it to be valid. Much of that required information was not present in AT&T Mobility's traffic study, and AT&T Mobility has not willingly produced the documentation that Windstream East has repeatedly requested in order to confirm the accuracy of the

information in the traffic study. Windstream East and AT&T Mobility have discussed the necessity of such information, but, as AT&T Mobility's Additional Response demonstrates, AT&T Mobility continues to be unwilling or supposedly unable to produce such information. Windstream East therefore files this Additional Reply in an attempt to further underscore the need for AT&T Mobility to provide the proper information enabling validation of the traffic study and to present options for information that AT&T Mobility should be able to provide to resolve these issues.

I. Line Numbers and Raw Data

Windstream East has repeatedly requested the raw data AT&T Mobility used in its queries to create the information in its traffic study. As noted previously, the data that has been provided to Windstream East is not actually raw data, it is data that has been parsed and manipulated, and is not the original data contained in the Call Detail Records that AT&T Mobility uses to create its traffic studies. The raw data should contain line numbers. AT&T Mobility has stated that it considers these line numbers to potentially be customer proprietary network information ("CPNI") that it cannot provide without Commission order. Windstream East has explained in previous filings that line numbers alone should not be considered CPNI pursuant to federal rules, and therefore this information can be provided to Windstream East.

AT&T Mobility has offered to create a new traffic study in this matter. However, AT&T Mobility is still unwilling to provide the information Windstream East needs to validate either the existing traffic study or a new traffic study. While Windstream East appreciates AT&T Mobility's willingness to create a new traffic study, a new study will not cure the issue of the lack of raw data, including line numbers. There is simply no

substitute for this information. Without this information, there is no way to verify that non-Windstream East telephone numbers (numbers that have been ported from Windstream East to other carriers) are not included in the traffic study, irrespective of whether a new study is performed. Inclusion of such non-Windstream East telephone numbers taints the traffic study; Windstream East will never be able to validate the information in the traffic study without the raw data, including line numbers. If the true raw CDR data, including telephone numbers, is provided, Windstream East can – with substantial effort -- attempt to verify that data against its own SS7 records to ensure that only traffic from Windstream East’s customers have been included in the traffic study. Because Windstream East retains SS7 data for one year, an updated traffic study will not be necessary if the telephone numbers associated with the already-performed study are provided.

II. Rate Centers for Cell Towers

Windstream East has requested that AT&T Mobility provide the rate centers for the cell towers in the traffic study to validate whether or not AT&T Mobility correctly identified the MTA locations of the cell towers. AT&T Mobility claims that it cannot identify the location of its cell towers by rate centers. Windstream East disagrees because rate centers are utilized by AT&T Mobility as reflected in LERG. Per LERG, each and every NPA/NXX owned/controlled by AT&T Mobility is listed and assigned an AT&T Mobility rate center. As a result, it is possible for AT&T Mobility to match the address of its cell towers to its rate centers. However, in the interests of getting the information it needs to validate AT&T Mobility’s traffic study, Windstream East is willing to accept AT&T Mobility’s offer to provide the location of its cell towers by city

and to do the substantial amount of extra work that will now be required for Windstream East to convert the city identification to the rate centers and ultimately MTA.

III. NRTRDE Records or Other Roaming Traffic Records

Another issue in this arbitration is the reasonable split between intraMTA and interMTA traffic originated by Windstream East customers and terminated to AT&T Mobility customers, including traffic that AT&T Mobility may terminate to its customers via a third party carrier. AT&T Mobility has admitted in its Responses to Windstream East's Request for Admissions that certain traffic originated by a Windstream East customer and terminated to an AT&T Mobility customer has been excluded from their study. A study that does not include all traffic originated by Windstream East customers and terminated to AT&T Mobility customers is a flawed study. This traffic needs to be identified and included in the traffic study in order for the study to be complete. Further, Windstream East needs information that allows it to accurately determine the jurisdictional nature of this type of traffic. AT&T Mobility tries to mislead the Commission into believing that because AT&T Mobility has entered into a transport relationship with some third party carrier that the traffic is now the responsibility of that third party carrier. This is a red herring, since AT&T Mobility is making the choice to use the service of other carriers to terminate traffic to AT&T Mobility end users. Regardless of the relationship between AT&T Mobility and the third party carrier, the traffic is still being terminated to an AT&T Mobility customer and is AT&T Mobility's responsibility. The fact that the third party carrier provides AT&T Mobility a record of the call for AT&T Mobility to use in billing to its customer disproves AT&T Mobility's position. AT&T Mobility is still responsible for proving where calls to its end users terminate.

AT&T Mobility's statement that roaming traffic occurs mostly within the same MTA has not been proven and therefore can not be accepted as a true statement. AT&T Mobility's roaming records should show the termination point of its end users relative to the terminating call and should allow Windstream East and AT&T Mobility to determine the proper jurisdictional nature of the traffic originated by Windstream East callers that terminates to AT&T Mobility end users. AT&T Mobility cannot be allowed to stymie Windstream East's ability to validate this very important aspect of the data that should be included in the traffic study.

Windstream East is not asking that AT&T Mobility provide its contracts with its roaming partners, only that it provide the records required for the proper validation of this issue. If AT&T Mobility's roaming partners want Windstream East to enter into appropriate non-disclosure agreements that will limit Windstream East's use of this information to this arbitration proceeding, Windstream East is willing to work towards establishing such non-disclosure agreements.

It is important for the Commission to realize that without the foregoing information, the traffic study provided by AT&T Mobility is incomplete and further, Windstream East cannot validate the traffic study presented by AT&T Mobility. If AT&T Mobility cannot or will not include all Windstream East-originated and AT&T Mobility-terminated traffic in its study and will not provide information to Windstream East necessary to validate any such traffic study, then the interMTA factor presented by Windstream East in the interconnection agreement being arbitrated in this matter should be considered by the Commission as the proper percentage.

WHEREFORE, Windstream East respectfully requests the following:

1. That AT&T Mobility be ordered to produce the raw data used to formulate the data included in its model for the traffic study, including line numbers; and

2. That AT&T Mobility be ordered to provide the NRTRDE records or other roaming traffic records that will allow the parties to determine the jurisdictional nature of the traffic originating with Windstream East callers and terminating to AT&T Mobility customers, wherever they are located.

Alternatively, if the Commission does not order the production of the information requested above, Windstream East requests that the Commission find that the percentage for determining interMTA traffic presented by Windstream East in the interconnection agreement being arbitrated in this matter is the proper percentage to be included in the interconnection agreement between the parties.

Date: 11/3/10

Respectfully Submitted,

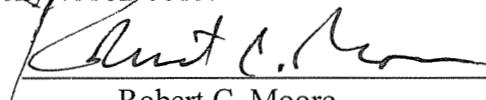
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was sent via hand delivery on this the 3RD day of NOVEMBER, 2010 on Jeff R. Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615 and by first class mail, postage pre-paid on Mary K. Keyer, General Counsel/AT&T Kentucky, 601 West Chestnut Street, Room 407, Louisville, Kentucky 40203, on Paul Walters, Jr., 15 East 1st Street, Edmond, Oklahoma 73034, and on Tiffany Bowman, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615.



Robert C. Moore