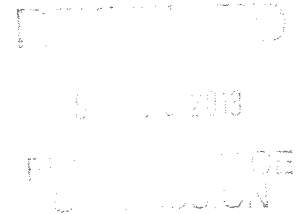


John E. Selent  
502-540-2315  
john.selent@dinsmore.com

September 30, 2013

**Via Hand Delivery**

Hon. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601



**Re: *In the Matter of Ballard Rural Telephone Cooperative Corporation, Inc., et al., v BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky and Halo Wireless, Case No. 2011-00199***

Dear Mr. Derouen:

With this letter I am enclosing one (1) original and eleven (11) copies of the RLECs' First Request for Information to AT&T Kentucky in regard to the above matter.

Please return a file stamped copy to our courier.

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

Very truly yours,

DINSMORE & SHOHL LLP

John E. Selent

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
SEP 10 2013  
PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

BALLARD RURAL TELEPHONE COOPERATIVE )  
CORPORATION, INC., ET AL. )

COMPLAINANTS )

v. )

CASE No. 2011-00199

BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A )  
AT&T KENTUCKY )

DEFENDANT )

v. )

HALO WIRELESS, INC. )

DEFENDANT )

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**RLECS FIRST REQUESTS FOR INFORMATION  
TO AT&T KENTUCKY**

The RLECs, by counsel, and pursuant to the September 10, 2013 procedural order entered by the Commission in this matter, hereby submit these first requests to AT&T Kentucky to be answered in accordance with the following Definitions and Instructions.

**DEFINITIONS**

1. Whenever it is necessary to bring within the scope of these information requests documents that otherwise might be construed to be outside their scope (1) the use of “and” as well as “or” shall be construed both disjunctively and conjunctively; (2) the use of a word in its singular form shall be construed to include within its meaning its plural form as well, and vice versa; (3) the

use of “include” and “including” shall be construed to mean “without limitation”; and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all other tenses and voices.

2. “RLECs” collectively means Ballard Rural Telephone Cooperative Corporation, Inc. (“Ballard Rural”); Brandenburg Telephone Company (“Brandenburg”); Duo County Telephone Cooperative Corporation, Inc. (“Duo County”); Foothills Rural Telephone Cooperative, Inc. (“Foothills”); Gearheart Communications Co., Inc. (“Gearheart”); Highland Telephone Cooperative, Inc. (“Highland”); Logan Telephone Cooperative, Inc. (“Logan Telephone”); Mountain Rural Telephone Cooperative Corporation, Inc. (“Mountain Rural”); North Central Telephone Cooperative Corporation (“North Central”); Peoples Rural Telephone Cooperative, Inc. (“Peoples”); South Central Rural Telephone Cooperative Corporation, Inc. (“South Central”); Thacker-Grigsby Telephone Company, Inc. (“Thacker-Grigsby”); and West Kentucky Rural Telephone Cooperative Corporation, Inc. (“West Kentucky”), and “RLEC” means any of the RLECs individually.

3. “AT&T Kentucky,” “you,” or “your” means BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky; any entity under common control or ownership with AT&T Kentucky; or AT&T Kentucky’s agents, officers, directors, employees, and consultants.

4. “Halo Wireless” means Halo Wireless, Inc.; any entity under common control or ownership with Halo Wireless, Inc.; or Halo Wireless, Inc.’s agents, officers, directors, employees, and consultants.

5. “Transcom” means Transcom Enhanced Services, Inc.; any entity under common control or ownership with Transcom Enhanced Services, Inc.; or Transcom Enhanced Services, Inc.’s agents, officers, directors, employees, and consultants.

6. “Commission” means the Kentucky Public Service Commission.

7. “Document” means any written, recorded, transcribed, printed or impressed matter of whatever kind, however produced, stored or reproduced, including, but not limited to, sound or pictorial recordings, computerized information, books, pamphlets, letters, memoranda, telegrams, electronic or mechanical transmissions, communications of all kinds, reports, notes, working papers, handwritings, charts, papers, writings, printings, transcriptions, tapes and records of all kinds. Document includes, without limitation, all workpapers produced by or relied upon by the witness.

8. “Person” includes a natural person, a business organization of any type, an unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

9. Wherever in these information requests you are asked to “identify,” you are requested:

a. when identifying a person, to give such person’s:

- (1) full name,
- (2) business address, residence address, and telephone number,
- (3) his or her present or last known position and business affiliation at the time in question, and
- (4) the nature of such person’s participation in, and the scope of his responsibility with regard to, the facts and events underlying the present case;

b. when identifying an oral communication, to:

- (1) identify the author thereof and the parties thereto,
- (2) state the date of the communication,
- (3) state the place of the communication,
- (4) state the substance of the communication, and

- (5) state whether such communication has been reduced to writing and, if so, identify each document and the present custodian thereof;
- c. when identifying other information, to state:
- (1) the source thereof,
  - (2) any oral communications pertaining thereto,
  - (3) any documents pertaining thereto, and
  - (4) the substance of the information;
- d. when identifying a document, to:
- (1) identify the author thereof and the parties thereto,
  - (2) state its title or other identifying data,
  - (3) state the date of the document or if no date appears thereon, the approximate date,
  - (4) state the exact nature and substance thereof;
  - (5) identify each person having possession, care, custody or control of the original and any copies thereof; and
  - (6) if such document was, but no longer is, in your possession or subject to your control, state what disposition was made of it.

### **INSTRUCTIONS**

1. If any document called for by any of these data requests is withheld based upon a claim of privilege or work product, please produce so much of the document as to which you do not claim privilege or protection, and for each document or part of a document for which you claim privilege or protection, describe or identify:

- a. The nature, subject matter and substance of the document or part of the document withheld;
- b. The nature of the privilege or protection claimed;
- c. The date, author or authors, addressee or addressees, and distribution of the document;
- d. Each person in whose possession, custody or control any copy of the document is or has been; and
- e. Paragraph number of the schedule of documents to which the document or part of the document is responsive.

2. If, for reasons other than a claim of privilege or work product, you refuse to answer any data request or to produce any document requested, state the grounds upon which the refusal is based with sufficient specificity to permit a determination of the propriety of such refusal.

3. If any copy of any document requested herein or any record which refers or relates to any document requested herein has been destroyed or lost, set forth to the extent possible the content of each such document, the date such document and its copies were destroyed or lost and, if destroyed, the identity of the person authorizing such destruction, and the identity of the last known custodian of such document prior to its destruction.

4. These data requests shall be deemed continuing and you should serve upon the RLECs' counsel (1) supplemental responses to these data requests if additional information or information that changes your response to any data request is obtained during the course of this proceeding, and (2) any documents requested herein that become available or that are discovered after the date your responses to these data requests are due.

5. The RLECs request that AT&T Kentucky respond to each Discovery Request by first listing each RLEC and then responding to each Discovery Request as that Discovery Request applies to each individual RLEC.

6. To the extent that any Discovery Request requires that AT&T Kentucky produce any documents, the RLECs request that AT&T Kentucky separate the responsive documents with appropriate cover sheets identifying the RLEC or RLECs to which those documents apply and the Discovery Request to which those documents are responsive.

7. To the extent that AT&T Kentucky provides information or produced documents that are responsive to a Request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

8. To the extent that any request refers to traffic from or relating to Halo Wireless and/or Transcom, please treat that request as referring to traffic that AT&T Kentucky alleges was originated by Halo Wireless, Transcom, or others, notwithstanding the RLECs’ allegations that – for purposes of this matter – the traffic was originated by AT&T Kentucky and AT&T Kentucky is responsible for the charges associates with that traffic.

### **DATA REQUESTS**

1. For the period from December of 2009 to the present, please identify all types of traffic that AT&T Kentucky has terminated, transited, or otherwise transported to the RLECs on its own behalf and on behalf of other carriers. For each type of traffic, identify if it was for AT&T Kentucky, for affiliates of AT&T Kentucky, CMRS traffic, or for other carriers. If the type of traffic was for a CMRS provider or other carrier, identify the carrier(s) and the carrier’s corresponding volume of traffic. To the extent that AT&T Kentucky provides information that is responsive to the

request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

2. For the period from December of 2009 to present, by RLEC and by the type of traffic, please describe the capacity, the number of trunks, and the nature of the facility (for example, DS1, DS3, etc.) used to terminate, transit, or otherwise transport the traffic identified in response to Request 1. To the extent that AT&T Kentucky provides information that is responsive to the request but differentiates between the terms “terminate,” “transit,” or “otherwise transport,” provide the requested data separately for each category (terminate, transit, or otherwise transport).

3. For the period from December of 2009 to present, please identify any carriers other than the RLECs to which AT&T Kentucky terminated, transited, or otherwise transported traffic on behalf of Halo Wireless. To the extent that AT&T Kentucky provides information that is responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

4. For the period from December of 2009 to present, please identify any carriers other than the RLECs to which AT&T Kentucky terminated, transited, or otherwise transported traffic on behalf of Transcom. To the extent that AT&T Kentucky provides information that is responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

5. With regard to those carriers identified in response to Request 3, for the period from December of 2009 to present, please identify those carriers who have received any compensation



from AT&T Kentucky for traffic terminated, transited, or otherwise transported by AT&T Kentucky on behalf of Halo Wireless, and the amount of compensation paid to those carriers. To the extent that AT&T Kentucky provides information that is responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

6. For each calendar month from December of 2009 to present, please identify any amount of compensation or payment received by AT&T Kentucky from Halo Wireless; the dates on which those specific amounts of compensation were received; the specific traffic to which that the compensation or payment applied; and the reason for the compensation or payment.

7. For each calendar month since December of 2009 to present, please identify any Person who has claimed that AT&T Kentucky owes any amount, or is otherwise seeking any compensation from AT&T Kentucky, for traffic terminated, transited, or otherwise transported by AT&T Kentucky on behalf of Halo Wireless, and the amount of compensation owed to those Persons. To the extent that AT&T Kentucky provides information that is responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

8. For each calendar month from December of 2009 to present, please identify any Person that owes AT&T Kentucky for traffic terminated, transited, or otherwise transported by AT&T Kentucky on behalf of Halo Wireless, and the amount of compensation owed by those Persons. To the extent that AT&T Kentucky provides information that is responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

9. For the period from December of 2009 to present, please list by billing account number:

- (a) with regard to Halo Wireless,
  - (i) any amount AT&T Kentucky billed;
  - (ii) the corresponding date on which that amount was billed;
  - (iii) the corresponding total amount credited by AT&T Kentucky against the amount that was billed; and
  - (iv) the total amount paid to AT&T Kentucky.
  
- (b) with regard to Transcom,
  - (i) any amount AT&T Kentucky billed;
  - (ii) the corresponding date on which that amount was billed;
  - (iii) the corresponding total amount credited by AT&T Kentucky against the amount that was billed; and
  - (iv) the total amount paid to AT&T Kentucky.

10. Please explain in detail the basis of AT&T Kentucky's contention that the traffic involved in this matter is commercial mobile radio service ("CMRS") traffic.

11. Please explain in detail the basis of AT&T Kentucky's refusal to compensate the RLECs for traffic AT&T Kentucky transported to the RLEC's networks related to Halo Wireless.

12. Please explain in detail:

- (a) the basis of AT&T Kentucky's "concerns about [the Halo Wireless] traffic" cited in Paragraph 18 of the RLEC's Formal Complaint;

- (b) the date on which AT&T Kentucky first became concerned about the Halo Wireless traffic; and
- (c) any actions that AT&T Kentucky took on or around the date on which AT&T Kentucky first became concerned about the Halo Wireless traffic; and
- (d) please produce all documents which evidence, relate to, or refer to AT&T Kentucky's concerns about the Halo Wireless traffic.

13. Please explain in detail the basis of AT&T Kentucky's contention that it is a "financial victim" in this matter as stated on Page 2 of AT&T Kentucky's Answer. Specifically identify any damages that AT&T Kentucky claims to have suffered related to its termination, transit, or transportation of traffic for Halo Wireless, and please identify and produce all documents that evidence, relate to, or refer to AT&T Kentucky's contention that it is a "financial victim" in this matter. To the extent that AT&T Kentucky provides information that is, or produces documents that are, responsive to the request but differentiates between the terms "termination," "transit," or "transportation," provide the requested data separately for each category (termination, transit, or transportation).

14. For the period from December of 2009 to present, please list all agreements between AT&T Kentucky and Halo Wireless, as well as AT&T Kentucky and Transcom. Provide a copy of any such agreements. Identify and produce all other documents that evidence, relate to, or refer to any agreements between AT&T Kentucky and Halo Wireless, as well as AT&T Kentucky and Transcom.

15. Please admit that, since December of 2009 to the present, AT&T Kentucky received payment from Halo Wireless for traffic that AT&T Kentucky has terminated, transited, or otherwise transported on behalf of Halo Wireless. Identify and produce all documents which evidence, relate

to, or refer to such payment. To the extent that AT&T Kentucky provides information that is, or produces documents that are, responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported). If AT&T Kentucky responds to this request with anything other than an unqualified admission, please state all facts and identify and provide all documents upon which you rely in support of such response.

16. Please admit that, since December of 2009 to the present, AT&T Kentucky has terminated, transited, or otherwise transported traffic on behalf of Halo Wireless to any of the RLECs’ networks. Identify and produce all documents that evidence, relate to, or refer to any communications with, or evidence the termination, transit, or transportation of that traffic. To the extent that AT&T Kentucky provides information that is, or produces documents that are, responsive to the request but differentiates between the terms “termination,” “transit,” or “transportation,” provide the requested data separately for each category (termination, transit, or transportation). If AT&T Kentucky responds to this request with anything other than an unqualified admission, please state all facts and identify all documents upon which you rely in support of such response.

17. Please admit that, since December of 2009 to the present, AT&T Kentucky has received or recovered compensation for any traffic related to Halo Wireless. If admitted, identify the type(s) of traffic, and produce all documents pertaining to same. If AT&T Kentucky responds to this request with anything other than an unqualified admission, please state all facts and identify all documents upon which you rely in support of such response.

18. With respect to each of the RLECs, individually, please admit that AT&T Kentucky has, at any time since December of 2009, invoiced Halo Wireless for traffic terminated, transited, or otherwise transported to that RLEC’s network. Identify and produce all documents that evidence,

relate to, or refer to any communications with or amounts invoiced to Halo Wireless. To the extent that AT&T Kentucky provides information that is, or produces documents that are, responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported). If AT&T Kentucky responds to this request with anything other than an unqualified admission, please state all facts and identify all documents upon which you rely in support of such response.

19. With respect to each of the RLECs, individually, please admit that AT&T Kentucky was entitled to receive compensation for traffic terminated, transited, or otherwise transported on behalf of Halo Wireless to that RLEC, and identify those Persons from whom AT&T Kentucky is entitled to receive compensation. To the extent that AT&T Kentucky provides information that is responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported). If AT&T Kentucky responds to this request with anything other than an unqualified admission, please state all facts and identify all documents upon which you rely in support of such response.

20. For the period from December of 2009 to present, please produce all documents reflecting communications between AT&T Kentucky and Halo Wireless.

21. For the period from December of 2009 to present, please produce all documents reflecting communications between Transcom and AT&T Kentucky.

22. Please produce all documents which evidence, relate to, or are referred to in any response to any request for information herein.

23. For the period from December of 2009 to present, please produce all documents which evidence, relate to, or refer to any traffic forecast (a) requested by AT&T Kentucky from Halo Wireless, or (b) that Halo Wireless provided to AT&T Kentucky.

24. For the period from December of 2009 to present, please produce all documents that evidence, relate to, or refer to any of the traffic terminated, transited, or otherwise transported by AT&T Kentucky on behalf of Halo Wireless to the RLECs' networks including, but not limited to, all call detail records. To the extent that AT&T Kentucky produces documents that are responsive to the request but differentiates between the terms "terminated," "transited," or "otherwise transported," provide the requested data separately for each category (terminated, transited, or otherwise transported).

25. For the period from December of 2009 to present, please produce all documents that evidence, relate to, or refer to any amounts that AT&T Kentucky billed Halo Wireless and/or Transcom. If AT&T Kentucky has invoices for both, please segregate the response accordingly.

26. For the period from December of 2009 to present, please produce all documents that evidence, relate to, or refer to any and all disputes issued by Halo Wireless to AT&T Kentucky for amounts billed to Halo Wireless by AT&T Kentucky.

27. For the period from December of 2009 to present, please produce all documents that evidence, relate to, or refer to all access service requests ("ASRs") and/or purchase order numbers ("PONs") submitted by, or on behalf of, Halo Wireless to AT&T Kentucky.

28. For the period from December of 2009 to present, please produce all documents that evidence, relate to, or refer to any investigation of Halo Wireless by AT&T Kentucky as a result of AT&T Kentucky's "concerns" referenced in Paragraph 18 of the RLECs' Formal Complaint or for any other reason.

29. For the period from December of 2009 to present, please produce all documents that evidence, relate to, or refer to the email or communication referenced in Paragraph 18 of the Complaint whereby AT&T Kentucky acknowledged that AT&T Kentucky had “concerns” about Halo Wireless and the traffic being terminated, transited or otherwise transported on behalf of Halo Wireless. To the extent that AT&T Kentucky produces documents that are responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

30. For the period from December of 2009 to present, please produce all documents that evidence, relate to, or refer to internal emails or communications related to Halo Wireless, Transcom, or the RLECs’ invoices pertaining to the AT&T Kentucky traffic that AT&T Kentucky alleges was originated by Halo Wireless.

31. For the period from December of 2009 to present, please produce all documents that evidence, relate to, or refer to records and/or traffic studies showing call detail records (CDRs) for Halo Wireless and/or Transcom traffic being terminated, transited, or otherwise transported to the RLECs’ networks. To the extent that AT&T Kentucky produces documents that are responsive to the request but differentiates between the terms “terminated,” “transited,” or “otherwise transported,” provide the requested data separately for each category (terminated, transited, or otherwise transported).

32. If AT&T Kentucky does not have all records or studies that are responsive to Request 31 in its possession, please explain which records AT&T Kentucky does not possess and why AT&T Kentucky does not have those records.

33. If AT&T Kentucky has purged or otherwise destroyed records or studies that are responsive to Request 31, please list specifically what records were purged or otherwise destroyed;

the relevant date on which those records were purged or otherwise destroyed; and the reason why those records were purged or otherwise destroyed.

34. For the period from December of 2009 to present, please produce all policies and documents which governed or related to AT&T Kentucky's retention or destruction of those CDRs.

35. Identify all tariff provisions, if any, by which AT&T Kentucky alleges that it agreed to transport traffic it received from Halo Wireless and/or Transcom to the RLECs.

Respectfully submitted,



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John E. Selent

Edward T. Depp

Jerrad T. Howard

**DINSMORE & SHOHL LLP**

101 South Fifth Street, Suite 2500

Louisville, Kentucky 40202

(502) 540-2300 (Telephone)

(502) 585-2207 (Facsimile)

*Counsel to the RLECs*



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by U.S. mail this 30th day of September, 2013.

**BELLSOUTH TELECOMMUNICATIONS, INC.**  
**D/B/A AT&T KENTUCKY:**

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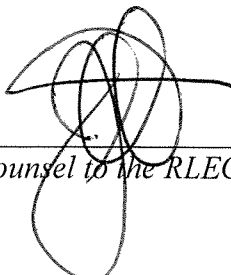
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\_\_\_\_\_  
*Counsel to the RLECs*