



Mary K. Keyer
General Attorney
Kentucky Legal Department

AT&T Kentucky
601 W. Chestnut Street
Room 407
Louisville, KY 40203

T 502-582-8219
F 502-582-1573
mary.keyer@att.com

June 14, 2012

VIA OVERNIGHT MAIL

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

RECEIVED

JUN 15 2012

PUBLIC SERVICE
COMMISSION

Re: BellSouth Telecommunications, LLC, d/b/a AT&T
Kentucky, Complainant v. Halo Wireless, Inc., Defendant
PSC 2011-00283

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case are the original and ten (10) copies of Responses to the First Set of Data Requests of Halo Wireless, Inc. to AT&T Kentucky.

Please let me know if you have any questions.

Sincerely,



Mary K. Keyer

Enclosures

cc: Parties of Record

1037243

CERTIFICATE OF SERVICE – PSC 2011-00283

I hereby certify that a copy of the foregoing was served on the following individuals by mailing a copy thereof via U.S. Mail, this 14th day of June 2012.

Russell Wiseman
President & CEO
Halo Wireless, Inc.
2351 West Northwest Hwy., Suite 1204
Dallas, TX 75220

Jennifer M. Larson
McGuire, Craddock & Strother, P.C.
2501 N. Harwood, Suite 1800
Dallas, TX 75201

Katherine W. Ross, Esq.
Regard Law Group, PLLC
269 W. Main Street, Suite 600
Lexington, KY 40507-1759


Mary K. Keyer

INTERROGATORY: State the complete factual basis for your belief that Halo is in breach of the parties' wireless interconnection agreement (ICA), including identification of all Documents and communications that relate to such belief.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that it is unduly burdensome. Subject to and without waiving its objections, and without waiving its right to identify additional bases, documents and communications, AT&T Kentucky states that the factual basis for its belief that Halo is in breach of the parties' wireless interconnection agreement, including identification of documents and communications that relate to such belief, are set forth in AT&T Kentucky's pre-filed testimony in this proceeding and in the pre-filed testimony filed by AT&T incumbent local exchange carriers in proceedings that present the same issues as this one in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri ("Parallel Proceedings") and in post-hearing briefs submitted in the Tennessee, Wisconsin and Georgia proceedings.

INTERROGATORY: Identify all Persons you plan to call as expert witnesses at the trial of the Complaint.

ANSWER: AT&T Kentucky plans to call as witnesses the two AT&T Kentucky witnesses who have pre-filed or will pre-file testimony, namely Mark Neinast and J. Scott McPhee. Each witness will testify to facts and opinions. To the extent that this Interrogatory asks AT&T Kentucky to identify fact witnesses as distinct from expert witnesses, AT&T Kentucky objects to the Interrogatory on the grounds that the information it seeks is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY: Identify all Persons you plan to call as expert witnesses at the trial of the Complaint.

ANSWER: See Answer to Interrogatory 2.

INTERROGATORY: Identify all Documents which you reviewed prior to filing the Complaint.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that it would be unduly burdensome for AT&T Kentucky to research the answer to the Interrogatory and that the information it seeks is (i) protected by the work product doctrine and (ii) neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY: Define "wireline" as used by AT&T and provide the source of the definition.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that the Interrogatory is vague and ambiguous due, among other reasons, to its failure to specify any context for the use of the word "wireline." In addition, the Interrogatory is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Both Halo and AT&T Kentucky, and its affiliate AT&T incumbent local exchange carriers, have submitted or will submit soon pre-filed testimony in this proceeding and have submitted pre-filed testimony in Parallel Proceedings in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri, have participated in evidentiary hearings in Tennessee, Wisconsin, Georgia and South Carolina, and there has been no disagreement concerning the meaning of "wireline." Subject to and without waiving its objections, AT&T Kentucky states that the only traffic that the parties' ICA permits Halo to deliver to AT&T Kentucky is traffic that "originates through wireless transmitting and receiving facilities." Consequently, for purposes of this proceeding, "wireline" means "not wireless." AT&T Kentucky further states that the definition of "wireline" in Newton's Telecom Dictionary, 18th ed., states, "Wireline Communications that require a physical connection, such as wires or cables, between users." AT&T Kentucky's use of the word "wireline" in this proceeding is consistent with that definition.

INTERROGATORY: Define "wireless" as used by AT&T and provide the source of the definition.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that the Interrogatory is vague and ambiguous due, among other reasons, to its failure to specify any context for the use of the word "wireless." In addition, the Interrogatory is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Both Halo and AT&T Kentucky, and its affiliate AT&T incumbent local exchange carriers, have submitted or will submit soon pre-filed testimony in this proceeding and have submitted pre-filed testimony in Parallel Proceedings in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri and have participated in evidentiary hearings in Tennessee, Wisconsin, Georgia and South Carolina, and there has been no disagreement concerning the meaning of "wireless." Subject to and without waiving its objections, AT&T Kentucky states that the only traffic that the parties' ICA permits Halo to deliver to AT&T Kentucky is traffic that "originates through wireless transmitting and receiving facilities." Because the ICA does not define "wireless," it is given its common and ordinary meaning in the telecommunications industry. The definition of "wireless" in Newton's Telecom Dictionary, 18th ed., states, in part "without wires." AT&T Kentucky's use of the word "wireless" in this proceeding is consistent with that definition.

INTERROGATORY: Define "landline" as used by AT&T and provide the source of the definition.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that the Interrogatory is vague and ambiguous due, among other reasons, to its failure to specify any context for the use of the word "landline." In addition, the Interrogatory is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Both Halo and AT&T Kentucky, and its affiliate AT&T incumbent local exchange carriers, have submitted or will submit soon pre-filed testimony in this proceeding and have submitted pre-filed testimony in Parallel Proceedings in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri and have participated in evidentiary hearings in Tennessee, Wisconsin, Georgia and South Carolina, and there has been no disagreement concerning the meaning of "landline." Subject to and without waiving its objections, AT&T Kentucky states that when it uses "landline" in this proceeding, it intends the same meaning as when it uses "wireline."

INTERROGATORY: Define "end point" as used by AT&T and provide the source of the definition.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that (i) the absence of context makes the Interrogatory vague and ambiguous; and (ii) to the best of AT&T Kentucky's knowledge, AT&T Kentucky has not used the term "end point" in this proceeding, with the exception of a reference to a use of that term by Halo.

INTERROGATORY: Define "originate" as used by AT&T and provide the source of the definition.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that the Interrogatory is vague and ambiguous due, among other reasons, to its failure to specify any context for the use of the word "originate." In addition, the Interrogatory is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Both Halo and AT&T Kentucky and its affiliate AT&T incumbent local exchange carriers have submitted or will submit soon pre-filed testimony in this proceeding and have submitted pre-filed testimony in Parallel Proceedings in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri and have participated in evidentiary hearings in Tennessee, Wisconsin, Georgia and South Carolina, and there has been no disagreement concerning the meaning of "originate." Subject to and without waiving its objections, AT&T Kentucky states that the only traffic that the parties' ICA permits Halo to deliver to AT&T Kentucky is traffic that "originates through wireless transmitting and receiving facilities." Because the ICA does not define "originates," it is given its common and ordinary meaning in the telecommunications industry. AT&T Kentucky further states that Webster's Encyclopedic Unabridged Dictionary of the English Language (1996 ed.) defines "originate," in part, as "to take its origin or rise; begin; start," and states that its understanding of the word "originates," as that term is used in the ICA, is consistent with that definition.

INTERROGATORY: State the complete factual basis for your belief that Halo is sending wireline originated traffic to AT&T, including identification of all Documents and communications that relate to such belief.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that it is unduly burdensome. Subject to and without waiving its objection, and without waiving its right to identify additional bases, documents and communications, AT&T Kentucky states that the factual basis for its belief that Halo is sending wireline-originated traffic to AT&T Kentucky, including identification of documents and communications that relate to such belief, are set forth in AT&T Kentucky's prefiled testimony in this proceeding and in the pre-filed testimony filed by AT&T incumbent local exchange carriers in Parallel Proceedings in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri and in post-hearing briefs submitted in the Tennessee, Wisconsin and Georgia proceedings.

INTERROGATORY: If you contend that Transcom does not provide Enhanced Services, as defined by the Federal Communications Commission (FCC), describe in detail the basis for your contention.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that it is unduly burdensome. Subject to and without waiving its objection, and without waiving its right to identify additional bases for its contention, AT&T Kentucky states that the basis for its contention that Transcom does not provide Enhanced Services is set forth in AT&T Kentucky's prefiled testimony in this proceeding and in the pre-filed testimony filed by AT&T incumbent local exchange carriers in Parallel Proceedings in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri and in post-hearing briefs submitted in the Tennessee, Wisconsin and Georgia proceedings.

INTERROGATORY: If you contend that Transcom is a Common Carrier and/or Telecommunications Carrier as defined by the Communications Act, describe in detail the basis for your contention.

ANSWER: AT&T Kentucky has not contended in this proceeding that Transcom is a Common Carrier and/or Telecommunications Carrier, but reserves its right to do so.

INTERROGATORY: Describe in detail every step you contend Halo should have taken to avoid delivering intrastate "wireline" (as you define that term) "originated" (as you define that term) calls to AT&T.

ANSWER: AT&T Kentucky objects to this Interrogatory on the grounds that it is unduly burdensome and the information it seeks is neither relevant to the subject matter of this proceeding nor reasonably likely to lead to the discovery of admissible evidence. Halo has breached its wireless ICA with AT&T Kentucky by delivering to AT&T Kentucky traffic that did not originate through wireless transmitting and receiving facilities. Halo took no step to avoid that breach of the ICA, and has denied any obligation to do so. It is not AT&T Kentucky's responsibility to counsel Halo on how to abide by its contractual obligations, and AT&T Kentucky has not undertaken to identify, and has no duty to identify, steps that Halo should have taken in order to do so.

INTERROGATORY: If you did not unequivocally admit any request for admission, *infra*, state the complete factual basis for your belief for each request for admission that it is not true, including identification of all Documents and communications that relate to such belief.

ANSWER: See AT&T Kentucky's responses to Halo's Requests for Admissions.

REQUEST: It is possible for a single communication to involve more than one "origination" point (as you define that term).

RESPONSE: AT&T Kentucky objects to this Request for Admission on the grounds that (i) its use of the undefined term "communication" renders it vague and ambiguous; and (ii) it seeks a legal conclusion.

REQUEST: If Transcom is an end user, the Transcom-related calls Halo delivers to AT&T in Florida [sic] fall within the definition of "Local Traffic" as defined in Section I.D. of the ICA.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: If Transcom is an end user, the Transcom-related calls Halo delivers to AT&T in Florida [sic] are consistent with the usage contemplated by the definition of "Local Interconnection" in Section I.E. of the ICA.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: If Transcom is an end user, Halo is in compliance with the ICA Amendment provision requiring that its traffic "originates through wireless transmission and receiving facilities before Carrier delivers traffic to AT&T for termination."

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: If Transcom is an end user, Halo is in compliance with the ICA Amendment provision requiring that its traffic "originates through wireless transmission and receiving facilities before Carrier delivers traffic to AT&T for termination."

RESPONSE: AT&T Kentucky objects to this Request for Admission on the grounds that it duplicates Request for Admission 4 and seeks a legal conclusion.

REQUEST: The first point where Halo's High Volume customer's traffic is received by Halo is over the wireless CPE-Base Station airlink at each Halo tower location?

RESPONSE: AT&T Kentucky is without knowledge or information (other than information provided by Halo) sufficient to form a belief as to the truth of the stated proposition, because only Halo possesses the information needed to determine the truth of the proposition. To the extent a further response is required, AT&T Kentucky denies the proposition.

REQUEST: When a call "originates" (as defined by you) in IP format and stays in IP format until it is converted to "TDM" by Halo prior to handoff to AT&T in Florida [sic] then the call "originates" on the Public Switched Telephone Network at Halo's Base Station.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: It is AT&T's official position that telephone numbers are an accurate and appropriate way to rate calls for billing purposes.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that its reference to AT&T Kentucky's "official position" renders it vague and ambiguous. Subject to and without waiving its objection, AT&T Kentucky states that its position in this proceeding with respect to the appropriateness of using telephone numbers to rate calls for billing purposes is set forth in AT&T Kentucky's pre-filed testimony in this proceeding and in the pre-filed testimony filed by AT&T incumbent local exchange carriers in Parallel Proceedings in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri and in post-hearing briefs submitted in the Tennessee, Wisconsin and Georgia proceedings.

REQUEST: AT&T bills Halo for all usage based on traffic factors, and not based on call-by-call rating.

RESPONSE: Denied. The proposition is false because transit usage is not billed based on traffic factors.

REQUEST: It is AT&T's official position that number porting, VoIP services, and mobile voice application services have not rendered call rating using telephone numbers obsolete, error prone, inaccurate and misleading.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that its reference to AT&T Kentucky's "official position" renders it vague and ambiguous. Subject to and without waiving its objections, AT&T Kentucky states that its position in this proceeding with respect to the stated proposition is set forth in AT&T Kentucky's pre-filed testimony in this proceeding and in the pre-filed testimony filed by AT&T incumbent local exchange carriers in Parallel Proceedings in Tennessee, Wisconsin, Georgia, South Carolina, Florida, Illinois and Missouri and in post-hearing briefs submitted in the Tennessee, Wisconsin and Georgia proceedings.

REQUEST: AT&T contends its affiliate that provides voice over Internet Protocol (VoIP) service in association with U-Verse is not a telecommunications carrier.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the grounds that (i) it seeks a legal conclusion and (ii) the information it seeks is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AT&T Kentucky states that to the best of its knowledge, AT&T Kentucky has made no contention that the AT&T entity that provides VoIP service in association with U-Verse is or is not a telecommunications carrier.

REQUEST: AT&T contends its affiliate that provides VoIP service in association with U-Verse is an Enhanced Information Service Provider, as defined by the FCC.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the grounds that (i) it seeks a legal conclusion and (ii) the information it seeks is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AT&T Kentucky states that to the best of its knowledge, AT&T Kentucky has made no contention that the AT&T entity that provides VoIP service in association with U-Verse is or is not an Enhanced Service Provider, as defined by the FCC.

REQUEST: For purposes of call rating, AT&T would not rate "toll" VoIP-TDM calls at the Interstate access price.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the grounds that it (i) is vague and ambiguous; (ii) calls for speculation; and (iii) seeks information that is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AT&T Kentucky states that it rates calls, including "toll" VoIP-TDM calls, in accordance with its applicable interconnection agreements and tariffs. AT&T Kentucky therefore further objects to this Request for Admission on the ground that it would be unduly burdensome to determine the response as it would apply to the many carriers that may deliver "toll" VoIP-TDM calls to AT&T Kentucky.

REQUEST: For purposes of call rating, AT&T would treat a VoIP call starting on a wireless broadband connection as a "wireline" call if the calling number is designated as a wireline number in the Local Exchange Routing Guide (LERG).

RESPONSE: AT&T Kentucky objects to this Request for Admission on the grounds that it (i) is vague and ambiguous; (ii) calls for speculation; and (iii) seeks information that is neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AT&T Kentucky states that it rates calls, including VoIP calls starting on a wireless broadband connection, in accordance with its applicable interconnection agreements and tariffs. AT&T Kentucky therefore further objects to this Request for Admission on the ground that it would be unduly burdensome to determine the response as it would apply to the many carriers that may deliver VoIP calls starting on a wireless broadband connection to AT&T Kentucky.

REQUEST: AT&T contends that a call originated on Level 3's network based solely on the fact that Level 3 is the code holder for the calling number.

RESPONSE: Denied. AT&T Kentucky has not contended in this proceeding that a call originated on Level 3's network based solely on the fact that Level 3 is the code holder for the calling number. To the extent that this Request for Admission intends to inquire into the call studies about which AT&T Kentucky witness Mark Neinast has testified in this proceeding and/or Parallel Proceedings, the methodology of those call studies is described in detail in Mr. Neinast's pre-filed testimony.

REQUEST: An end user cannot be an "intermediate switching point" in a call.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the grounds that it (i) seeks a legal conclusion and (ii) is vague and ambiguous because of its use of the phrase "intermediate switching point" in quotation marks without identifying the source of the quote.

REQUEST: An end user can be an "intermediate switching point" in a call.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the grounds that it (i) seeks a legal conclusion and (ii) is vague and ambiguous because of its use of the phrase "intermediate switching point" in quotation marks without identifying the source of the quote.

REQUEST: If the calls in issue do not "originate" on Halo's network, then the calls in issue meet the definition of "Intermediary Traffic" in Section I.C. of the ICA.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: For the calls that AT&T asserts constitute a breach, Halo is providing "telephone exchange service" as defined in § 153(54) of the Communications Act.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: For the calls that AT&T asserts constitute a breach, Halo is providing "exchange access service" as defined in § 153(20) of the Communications Act.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: For the calls that AT&T asserts constitute a breach, Halo is providing "telephone toll service" as defined in § 153(55) of the Communications Act.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: For the calls that AT&T asserts constitute a breach, Halo is providing "Interconnected VoIP Service" as defined in § 153(25) of the Communications Act.

RESPONSE: AT&T Kentucky objects to this Request for Admission on the ground that it seeks a legal conclusion.

REQUEST: Since turning up service with AT&T in 2010, Halo has paid AT&T nearly \$7.5M for termination and facility charges nationally.

RESPONSE: Admitted. Further responding, AT&T Kentucky states that Halo has failed to pay AT&T incumbent local exchange carriers more than approximately \$23,000,000 that Halo owes for termination and facility charges.

REQUEST: All Documents that evidence any communications between AT&T and the Commission, other than publicly filed documents listed on the docket in this proceeding.

RESPONSE: AT&T Kentucky objects to this Request for Production on the grounds that it is overly broad, lacks specificity, is unduly burdensome and seeks information that is neither relevant to the subject matter of this proceeding nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AT&T Kentucky is producing the documents responsive to this request.

From: Pinney, Jeb (PSC) [Jeb.Pinney@ky.gov]
Sent: Monday, May 21, 2012 1:23 PM
To: KEYER, MARY K (Legal)
Cc: Jennifer Larson
Subject: RE: Halo Procedural Schedule

Go ahead and file the motion. I'm fine with granting the new dates. I apologize when that the Order came out so close to the filing dates. We were short of Commissioners for several days in May.

-----Original Message-----

From: KEYER, MARY K (Legal) [<mailto:mk3978@att.com>]
Sent: Monday, May 21, 2012 12:49 PM
To: Pinney, Jeb (PSC)
Cc: Jennifer Larson; KEYER, MARY K (Legal)
Subject: Halo Procedural Schedule
Importance: High

JEB

We received the attached Commission Order last week setting forth the procedural schedule for Case No. 2011-00283 and would like to request that the dates for testimony be moved out two weeks. Otherwise, AT&T Kentucky's testimony would be due this Friday. The newly revised dates for testimony are as follows:

AT&T Kentucky Prefiled Direct Testimony
June 8, 2012

Halo Prefiled Response Testimony
June 26, 2012

AT&T Kentucky Prefiled Rebuttal Testimony
July 6, 2012

I have consulted with Jennifer Larson, counsel for Halo, whom I've copied on this email, and these dates are agreeable to her. Would these dates be agreeable to the Commission and, if so, do I need to file a motion or can the Commission issue an order with a revised schedule?

Thanks.

Mary

Mary K. Keyer
General Attorney - AT&T Kentucky
601 W. Chestnut Street - Room 407
Louisville, KY 40203
502/582-8219
mary.keyer@att.com<<mailto:mary.keyer@att.com>>

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From: KEYER, MARY K (Legal)
Sent: Monday, May 21, 2012 12:49 PM
To: Pinney, Jeb (PSC)
Cc: Jennifer Larson; KEYER, MARY K (Legal)
Subject: Halo Procedural Schedule

Importance: High

JEB

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Thanks.

Mary



EAST-#1035262-v
1-2011-00283; A...

Mary K. Keyer

General Attorney - AT&T Kentucky
601 W. Chestnut Street - Room 407
Louisville, KY 40203
502/582-8219
mary.keyer@att.com

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, LLC)	
D/B/A AT&T KENTUCKY)	
)	
COMPLAINANT)	CASE NO.
)	2011-00283
V.)	
)	
HALO WIRELESS, INC.)	
)	
DEFENDANT)	

ORDER

On April 16, 2012, BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T Kentucky") filed with the Commission a motion for an expedited procedural schedule in this case. As grounds for its motion, AT&T Kentucky states that this case has been proceeding for approximately nine months and alleges that, over those nine months, Halo Wireless, Inc. ("Halo") has been sending large volumes of non-wireless traffic over AT&T Kentucky's network in violation of their interconnection agreement.¹ AT&T Kentucky alleges that, as a result of this violation, Halo owes AT&T Kentucky significant amounts of money that are increasing rapidly.²

AT&T Kentucky notes that this case has been remanded to the Commission by the United States District Court for the Eastern District of Kentucky. In ordering the remand, the District Court relied in part on the fact that the Commission would move expeditiously on remand. The District Court noted that, "[t]he KPSC proceedings are

¹ AT&T Kentucky's Motion for Expedited Procedural Schedule at 1.

² Id. at 1-2.

also 'capable of timely adjudication,' as counsel for the Commission indicated at oral argument that they would be expedited upon remand."³ AT&T Kentucky argues that this also merits expedited treatment of its complaint against Halo.

AT&T Kentucky also argues that another proceeding at the Commission warrants expedited treatment of its complaint. Currently, several rural local incumbent carriers ("RLEC") have a complaint at the Commission against AT&T Kentucky that involves the same traffic that Halo is sending over AT&T Kentucky's network.⁴ AT&T Kentucky claims that once its complaint against Halo is resolved, the Commission may proceed in Case No. 2011-00199 and resolve the RLECs' claims against AT&T Kentucky.

Based on the foregoing, the Commission finds that sufficient grounds exist to grant AT&T Kentucky's motion for an expedited procedural schedule. IT IS THEREFORE ORDERED that:

1. AT&T Kentucky's Motion is granted.
2. The parties shall follow the procedural schedule provided in the Appendix to this Order.

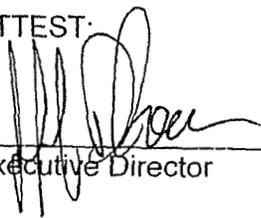
³ In re: Halo Wireless, Inc., Case No. 11-42464-btr-11, U.S. Bankruptcy Court (E.D. Tex.); Ballard Rural Telephone Cooperative Corporation, et al. v. BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky and BellSouth Telecommunications, LLC d/b/a AT&T Kentucky v. Halo Wireless Inc., Case No. 3:11-CV-0058-DCR, U.S. District Court (E.D. Ky.); and BellSouth Telecommunications, LLC d/b/a AT&T Kentucky v. Halo Wireless Inc., Case No. 3:11-CV-0059-DCR U.S. District Court (E.D. Ky.) (Apr. 9, 2012).

⁴ See Case No. 2011-00199, Ballard Rural Telephone Cooperative Corporation, Inc., et. al. v. BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky v. Halo Wireless, Inc., filed May 24, 2011.

By the Commission

ENTERED *78*
MAY 17 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2011-00283

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2011-00283 DATED **MAY 17 2012**

AT&T Kentucky shall file its Prefiled Direct Testimony May 25, 2012

Halo shall file its Prefiled Response Testimony June 12, 2012

AT&T Kentucky shall file its Prefiled Rebuttal Testimony June 22, 2012

Formal Hearing in Hearing Room 1 of the Commission's
Office shall begin at 10:00 a.m., Eastern Daylight Time
and continue until concluded July 18, 2012

Simultaneous Post-Hearing Briefs 30 Days After Conclusion of the Hearing

Dennis G Friedman
Mayer Brown LLP
71 South Wacker Drive
Chicago, ILLINOIS 60606

Honorable Mary K Keyer
General Counsel/Kentucky
BellSouth Telecommunications, LLC dba AT&T
601 W. Chestnut Street
4th Floor East
Louisville, KY 40203

Russell Wiseman
President & CEO
Halo Wireless, Inc.
2351 West Northwest HWY, Suite 1204
Dallas, TX 75220

From: KEYER, MARY K (Legal)
Sent: Monday, April 23, 2012 12:24 AM
To: Pinney, Jeb (PSC)
Cc: Jennifer Larson; KEYER, MARY K (Legal)
Subject: Halo Hearing Dates (Case No. 2011-00283)

JEB

On Friday, I talked with Jennifer Larson, attorney for Halo, whom I've copied on this email, and exchanged emails with her regarding the hearing date of June 20-21 that AT&T proposed in its motion for an expedited procedural schedule in the AT&T/Halo case, Case No. 2011-00283. Due to a conflict with one of Halo's witnesses, both parties are agreeable to moving the hearing date to June 21, and if needed June 22, although as far as I know none of the previous hearings has gone into a second day. The one caveat is that Halo's witness Russell Wiseman will not be available until after 2 p.m. on June 21 to testify. This is acceptable to AT&T as I understand in previous hearings Mr. Wiseman has not been called before then.

Hopefully, this date will be acceptable to the Commission.

Mary

Mary K. Keyer

General Attorney - AT&T Kentucky
601 W. Chestnut Street - Room 407
Louisville, KY 40203
502/582-8219
mary.keyer@att.com

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From: Pinney, Jeb (PSC) [Jeb.Pinney@ky.gov]
Sent: Monday, April 23, 2012 5:55 AM
To: KEYER, MARY K (Legal)
Cc: Jennifer Larson; KEYER, MARY K (Legal)
Subject: Re: Halo Hearing Dates (Case No. 2011-00283)

I will submit a hearing request to the Commission this morning requesting the 21st and the 22nd.

Sent from my iPhone

On Apr 23, 2012, at 12:24 AM, "KEYER, MARY K (Legal)" <mk3978@att.com> wrote:

> JEB

>

> On Friday, I talked with Jennifer Larson, attorney for Halo, whom I've copied on this email, and exchanged emails with her regarding the hearing date of June 20-21 that AT&T proposed in its motion for an expedited procedural schedule in the AT&T/Halo case, Case No. 2011-00283. Due to a conflict with one of Halo's witnesses, both parties are agreeable to moving the hearing date to June 21, and if needed June 22, although as far as I know none of the previous hearings has gone into a second day. The one caveat is that Halo's witness Russell Wiseman will not be available until after 2 p.m. on June 21 to testify. This is acceptable to AT&T as I understand in previous hearings Mr. Wiseman has not been called before then.

>

> Hopefully, this date will be acceptable to the Commission.

> Mary

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>

> Mary K. Keyer
> General Attorney - AT&T Kentucky
> 601 W. Chestnut Street - Room 407
> Louisville, KY 40203
> 502/582-8219
> mary.keyer@att.com<mailto:mary.keyer@att.com>

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REQUEST: All correspondence between AT&T and the Commission, including but not limited to letters and emails that mention Halo or Transcom.

RESPONSE: AT&T Kentucky objects to this Request for Production on the grounds that it is overly broad, lacks specificity, is unduly burdensome and seeks information that is neither relevant to the subject matter of this proceeding nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AT&T Kentucky has produced documents responsive to this request in response to Request for Production 1.

REQUEST: All Documents AT&T provided to any third party, excluding legal counsel for AT&T, that reference Halo or Transcom.

RESPONSE: AT&T Kentucky objects to this Request for Production on the grounds that it is overly broad, lacks specificity, is unduly burdensome and seeks information that is neither relevant to the subject matter of this proceeding nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AT&T Kentucky states that to the best of its knowledge there are no such documents other than those produced in response to Request for Production 1.

REQUEST: All Documents that you claim evidence any breach of the ICA.

RESPONSE: See AT&T Kentucky's Answer to Halo's Interrogatory 1.

REQUEST: All Documents that any witness proffered by AT&T reviewed or referred to in connection with any testimony or opinions being submitted in this proceeding.

RESPONSE: AT&T Kentucky will provide documents responsive to this Request after it files its direct testimony in this case.

REQUEST: All Documents that support your answers to the First Set of Interrogatories.

RESPONSE: AT&T Kentucky objects to this Request for Production on the grounds that its use of the word "support" renders it vague and ambiguous and that it is overly broad and unduly burdensome. Subject to and without waiving its objections, see AT&T Kentucky's Response to Halo's Interrogatory 1.

REQUEST: All Documents you rely on in prosecuting your Complaint.

RESPONSE: See AT&T Kentucky's Response to Halo's Interrogatory I.

REQUEST: Any and all reports, summaries, or other Documents prepared, reviewed, relied upon, or which may be reviewed or relied upon, by any expert whom you expect to call to testify in the trial of the Complaint.

RESPONSE: See AT&T Kentucky's Response to Halo's Request for Production 5.

REQUEST: All Documents reviewed, relied upon or used in responding to Halo's first set of interrogatories directed to AT&T, served contemporaneously herewith.

RESPONSE: AT&T Kentucky did not review, rely upon or use any Documents in responding to Halo's First Set of Interrogatories other than Documents referenced in its Responses.

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