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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AT&T Corp.

COMPLAINANT

v.

Mountain Rural Telephone Cooperative Corp.

and

Thacker-Grigsby Telephone Co, Inc.

DEFENDANTS

Case No. 2013-00392

**AT&T CORP.'S FIRST DATA REQUESTS TO
THACKER-GRIGSBY TELEPHONE CO., INC.**

AT&T Corp. ("AT&T"), pursuant to the Order of the Kentucky Public Service Commission dated March 10, 2014, hereby serves its First Data Requests on Thacker-Grigsby Telephone Co., Inc. ("Thacker-Grigsby").

INSTRUCTIONS

These data requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. When the information requested by a data request varies over time, state the response for each period of time as to which the response differs, and identify the time periods. If you cannot answer a data request in full after exercising due diligence to secure all the information requested, or do not have precise information with regard to any part of any data request, you should so state in your response, describing in full

your effort to obtain the information requested, and then proceed to respond to the fullest extent possible.

If you object to any part of any data request, answer all parts of the data request to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

These data requests are continuing in nature. Thus, in the event that you obtain additional information with respect to any data request after it has been answered, you are required to supplement your response promptly following receipt of such additional information, providing the additional information to the same extent as originally requested. If you are unwilling to supplement your responses, please so state providing the legal basis for your refusal.

In the event that you assert that any requested information is not available in the form requested, in your written response thereto, you should disclose the following:

1. The form in which the requested information currently exists (identifying documents by title or description); and
2. The earliest dates, time period, and location that representatives of AT&T may inspect your files, records or documents in which the information currently exists.
3. For each data request answered, provide the name, business address(es) and telephone number(s) of the person(s) answering, the title of such person(s), and the name of the witness(es) who will be prepared to testify concerning the matters contained in each response. If you do not intend to call or present a witness who is prepared to testify concerning the matters contained in any response, please so state.
4. Answer each data request on a separate page.

DEFINITIONS

1. "AT&T" shall mean AT&T Corp.
2. "You" or "Your" shall refer to Thacker-Grigsby Telephone Co., Inc. and its owners and employees.
3. "Representative(s)" means those persons, past and present not in your direct employment including outside counsel, who represent or represented your interests in matters related to this proceeding.
4. "Employee(s)" means those persons in your direct employment, past and/or present.
5. "Person" and "persons" include individuals, firms, partnerships, associations, trade associations, corporations, government entities, or other groups, however organized.
6. "Document" or "documentation" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, e-mail, facsimile ("fax"), cable, report, recording, contract, agreement, study, handwritten note, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing tape, disk, file stored on computer, or any other written, recorded, transcribed, punched tape, filmed or graphic matter, however produced or reproduced, which is in your possession, custody, control or otherwise accessible to you or which was, but is no longer, in your possession, custody, or control.
7. "Identification" or "identify" when used in reference to: (i) a document other than a contract or agreement means to state: (1) its date; (2) its author; (3) the type of

document; (4) its title; (5) its present location; (6) the name of each of its present custodians;

(ii) a contract or agreement, means: (1) state the date of its making; (2) identify the parties thereto; (3) state whether the contract is oral or in writing; (4) state fully and precisely and separately all of the terms of said contract; (iii) a person other than an individual, means to state: (1) its full name; (2) its nature of organization, including the name of the state or country under the laws of which it was organized; (3) the address of its principal place of business; and (4) its principal line of business; (iv) a communication, requires you, if any part of the communications was written, to identify the document or documents which refer to or evidence the communication, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

8. "Possession, custody or control" includes actual constructive possession. Any document which is not in your immediate physical possession, but to which you have or had a right to compel or secure production from a third person or which is otherwise subject to your control, shall be obtained and produced as directed.

9. "Relate to" or "relating to" means concern, consist of, refer to, pertain to, reflect, evidence, or to be in any way logically or factually connected with the matter discussed.

10. "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these data requests anything that would not otherwise be brought within their scope.

11. "Concerning" shall mean comprising, describing, evidencing, referring to, responding to, quoting, or pertaining in any way to any part of a specified subject matter and/or to the contents or subject matter of any document including the specified subject matter.

12. "Communication" includes, without limitation of its generality, correspondence, statements, agreements, contracts, discussions, conversation, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as e-mail, intercoms, telephones, television or radio, data systems, and electronic reproductions and delivery systems.

13. "LATA" shall refer to a Local Access and Transport Area.

14. "InterLATA" shall refer to non-wireless traffic that originates in one LATA and terminates in a different LATA.

15. "IntraLATA" shall refer to non-wireless traffic that originates in one LATA and terminates in the same LATA.

17. "Interstate" traffic shall refer to traffic that originates in one state and terminates in a different state." Intrastate" traffic shall refer to traffic that originates in one state and terminates in the same state.

18. "NTSR" shall mean Non-Traffic Sensitive Revenue.

19. "RLECs" or "RLEC Defendants" shall mean the named defendants and counter-claimants in this proceeding.

DATA REQUESTS

1. Please refer to the counterclaim asserted by Thacker-Grigsby in this proceeding.

Is it your contention that AT&T is liable to pay Thacker-Grigsby NTSR charges for 2011 and 2012, whether true-up charges or otherwise. If your answer is anything other than an unqualified "no," please identify, by year (in the case of any true-up charges), or month if otherwise:

- a. the total amount you contend AT&T owes you for this traffic and for which you are seeking recovery by your counterclaim;
- b. the specific provisions of any tariff, plan, contract, or other document(s) that support each amount identified in sub-item a above;
- c. any bill or invoice rendered to AT&T relating to the amounts you contend AT&T owes you and for which you are seeking recovery in this action;
- d. All communications between Thacker-Grigsby and AT&T concerning the amounts Thacker-Grigsby is claiming in this proceeding; and
- e. All documents in the possession of Thacker-Grigsby or its representatives concerning the amounts Thacker-Grigsby is claiming in this proceeding.

2. Please identify:

- a. the intraLATA and interLATA intrastate minutes of use you used to bill NTSR charges and true-up charges, if any, for 2009, 2010, 2011 and 2012;
- b. explain the methodology used in each of the years identified in sub-item (a), including, without limitation, a description of all categories of traffic used to calculate the NTSR, and provide the calculations in each of the years identified in sub-item (a) used to derive the NTSR charges, including true-ups, identified in sub-item a;
- c. the specific provisions of any tariff, plan, contract, or other document(s) that support each charge identified in sub-item b above;
- d. for each year listed in sub-item a, separately identify the total intraLATA and interLATA intrastate minutes of use you used to bill NTSR charges and true-up charges to interexchange carriers and ILECs; and
- e. for each year listed in sub-item a, separately identify the total intraLATA and interLATA intrastate NTSR charges and true-ups you billed to carriers other than AT&T, including ILECs and interexchange carriers.

3. Do you contend that the Federal Communications Commission's "Intercarrier Compensation Reform Order," Report and Order and Further Notice of Proposed Rulemaking, *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92, 96-45; WT Docket No. 10-208; and FCC 11-161, rel. Nov. 18, 2011 (the "Intercarrier Compensation Reform Order"), affects, directs or otherwise modifies the calculation of the NTSR charges or other amounts for which you seeking an order in this proceeding "directing AT&T to immediately pay" Mountain Rural?

4. If your answer to the immediately preceding data request is anything other than an unqualified "no," please provide a detailed description of any modifications to or effects on the calculation of the NTSR charges at issue in this proceeding, including specific citations to the pertinent provisions of the "Intercarrier Compensation Reform Order" affecting or modifying the calculation of the NTSR charges at issue in this proceeding, as well as the effective dates of such modifications or effects.

5. Do you contend that the Federal Communications Commission's "Intercarrier Compensation Reform Order" requires, directs or permits Thacker-Grigsby to "back-out," eliminate, reduce, or otherwise modify the treatment of Voice Over Internet Protocol ("VoIP") traffic from the denominator of the calculation of the NTSR charges at issue in the proceeding?

6. If your answer to the immediately preceding data request is anything other than an unqualified "no," please provide specific citations to the pertinent provisions of the "Intercarrier Compensation Reform Order" affecting or modifying the treatment of VoIP traffic in the calculation of the NTSR charges at issue in this proceeding.

7. If your answer to data request 5 is anything other than an unqualified “no,” please provide by individual carrier whose VoIP traffic was “backed out,” reduced, eliminated or otherwise modified in calculating the NTSR charges at issue in this proceeding:

- a. the VoIP minutes or other units of traffic for 2011 and 2012 that were “backed out,” reduced, eliminated, or otherwise modified in calculating the NTSR charges at issue in this proceeding;
- b. all documents relating to the VoIP minutes or other units of traffic, of any type, for 2011 and 2012 that were “backed out,” reduced, eliminated, or otherwise modified, in calculating the NTSR charges at issue in this proceeding; and
- c. all correspondence and other communications concerning, between, or among Thacker-Grigsby and other carriers regarding the calculation of NTSR charges for 2011 and 2012, including, but not limited to, the minutes or other units of traffic for 2011 and 2012 that were “backed out,” reduced, eliminated, or otherwise modified in calculating the NTSR charges at issue in this proceeding. Without limitation, please provide all notices to AT&T, or to any other carrier(s), indicating that the methodology being used to calculate the NTSR charge was being modified.

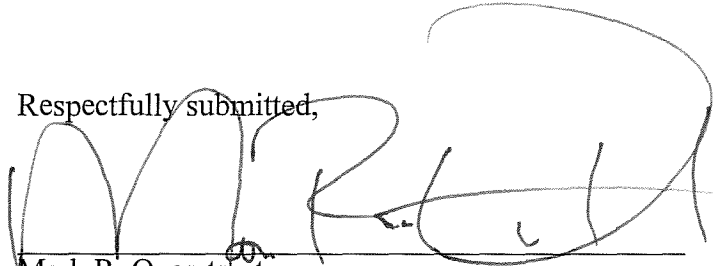
8. Please identify all facts upon which Thacker-Grigsby relies, or intends to rely, in alleging in paragraph 2 of its counterclaim that “[t]he amounts charged to AT&T are accurate and authorized under the terms of the Tariff....”

9. Please provide copies of any and all correspondence or other communications between you and any other of the RLEC Complainants in Case No. 2011-00199 regarding the issues raised by AT&T’s Complaint in this case or Thacker-Grigsby’s counterclaim.

10. Other than as identified in responses to questions 1 through 9, please provide a full listing of all changes Thacker-Grigsby made in its methodology for calculating its NTSR charges between 2008 and 2012, inclusive, and provide a copy of all notices, correspondence, or other information Thacker-Grigsby provided to AT&T or to any other carrier informing AT&T and/or other carriers about the change in methodology. For any and all such changes in methodology,

please identify the order, regulation, or other authorization which permitted or mandated that Thacker-Grigsby implement the change.

Respectfully submitted,



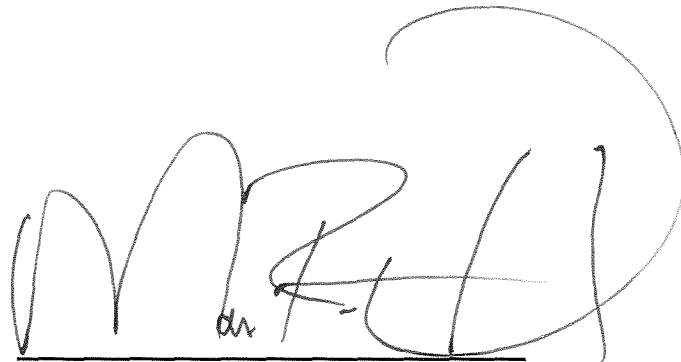
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COUNSEL FOR AT&T CORP.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by first class mail, postage prepaid, and by e-mail transmission on counsel, upon the following parties, this 17th April, 2014.

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