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February 19, 2009

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PUBLIC SERVICE
COMMISSION

via Hand Delivery

Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Blvd
P.O. Box 615
Frankfort, KY 40602-0615

**Re: *In the Matter of: Brandenburg Telephone Company, et al. v. Windstream
Kentucky East, Inc., Case No. 2007-00004***

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case, please find one original and eleven (11) copies of Complainants' Initial Data Requests to Windstream Kentucky East, LLC filed on behalf of Rural Local Exchange Carriers ("RLECs") who are the complainants in the above-referenced case. Please file-stamp one copy, and return it to our courier.

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

Very truly yours,

DINSMORE & SHOHL LLP

Holly C. Wallace

cc: All Parties of Record

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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Brandenburg Telephone Company;)
Duo County Telephone Cooperative)
Corporation, Inc.; Highland Telephone)
Cooperative, Inc.; Mountain Rural)
Telephone Cooperative Corporation,)
Inc.; North Central Telephone)
Cooperative Corporation; South)
Central Rural Telephone Cooperative)
Corporation, Inc.; and West Kentucky)
Rural Telephone Cooperative)
Corporation, Inc.)

Complainants)

v.)

Case No. 2007-00004

Windstream Kentucky East, Inc.)

Defendant.)

COMPLAINANTS' INITIAL DATA REQUESTS TO
WINDSTREAM KENTUCKY EAST, LLC

Brandenburg Telephone Company ("Brandenburg"), Duo County Telephone Cooperative Corporation, Inc. ("Duo County"), Highland Telephone Cooperative, Inc. ("Highland"), Mountain Rural Telephone Cooperative Corporation, Inc. ("Mountain Rural"), North Central Telephone Cooperative Corporation ("North Central"), South Central Rural Telephone Cooperative Corporation, Inc. ("South Central"), and West Kentucky Rural Telephone Cooperative Corporation, Inc. ("West Kentucky") (collectively, the "RLECs"), by counsel, and pursuant to the February 13, 2009 procedural order entered by the Public Service Commission of the Commonwealth of

Kentucky (the "Commission") in this matter, hereby propounds the following initial data requests upon Windstream Kentucky East, LLC ("Windstream").

REQUEST NO. 1: Admit that Section S11.1 Transit Traffic Service of Windstream's General Customer Services Tariff (hereinafter referred to as the "Transit Traffic Tariff") applies only to Telecommunications Service Providers as defined within said tariff.

RESPONSE:

REQUEST NO. 2: Admit that prior to issuing the Transit Traffic Tariff, Windstream provided transit traffic services to telecommunications providers pursuant to interconnection agreements or other inter-carrier traffic exchange agreements.

RESPONSE:

REQUEST NO. 3: If your response to Request No. 2 is anything other than an unqualified denial, please identify the title of the agreements, the parties to the agreements, the effective dates of the agreements, and please state whether the agreements are on file with the Kentucky Public Service Commission (the "Commission"). Please provide a copy of any and all such agreements not on file with the Commission.

RESPONSE:

REQUEST NO. 4: Admit that since issuing the Transit Traffic Tariff, Windstream provides transit traffic services to telecommunications providers pursuant to interconnection agreements or other inter-carrier traffic exchange agreements.

RESPONSE:

REQUEST NO. 5: If your response to Request No. 4 is anything other than an unqualified denial, please identify the title of the agreements, the parties to the agreements, the effective dates of the agreements, and please state whether the agreements are on file with the Commission. Please provide a copy of any and all such agreements not on file with the Commission.

RESPONSE:

REQUEST NO. 6: Please identify and produce all agreements between Windstream and all other telecommunications carriers or customers by which Windstream agrees to provide transit traffic services.

RESPONSE:

REQUEST NO. 7: Please identify and produce all agreements between Windstream and all other telecommunications carriers or customers pursuant to which Windstream has agreed to deliver Windstream-originated traffic at a point of interface that is not located on Windstream's incumbent local exchange carrier network within its incumbent local exchange carrier local service territory.

RESPONSE:

REQUEST NO. 8: With respect to each agreement identified in response to Request No. 7, identify whether each agreement was either the product of voluntary negotiations with the carrier or the product of an arbitration or other proceeding before the Commission. (If a particular

agreement was the product of arbitration before the Commission, please identify the corresponding case number.)

RESPONSE:

REQUEST NO. 9: Identify all Kentucky-certificated local exchange carriers that have ordered Windstream's transit traffic services pursuant to Windstream's Transit Traffic Tariff, and identify the amount of charges incurred to date for each such local exchange carrier.

RESPONSE:

REQUEST NO. 10: Admit that, with respect to the exchange of traffic destined for competitive local exchange carriers ("CLECs"), Windstream has no obligation to bear the cost of delivering traffic outside of Windstream's network (with the exception of the payment of appropriate reciprocal compensation for transport and termination of traffic as defined in Subpart H of the Federal Communications Commission's Part 51 Rules). If you do not so admit, please explain in detail the basis for that refusal.

RESPONSE:

REQUEST NO. 11: Admit that, with respect to exchange of local and/or Extended Area Service local traffic destined for incumbent local exchange carriers ("ILECs"), Windstream has no obligation to bear the cost of delivering traffic outside of Windstream's network. If you do not so admit, please explain in detail the basis for that refusal.

RESPONSE:

REQUEST NO. 12: Admit that, with respect to the exchange of traffic destined for Commercial Mobile Radio Service (“CMRS”) providers, Windstream has no obligation to bear the cost of delivering traffic outside of Windstream's network (with the exception of the payment of appropriate reciprocal compensation for transport and termination of traffic as defined in Subpart H of the Federal Communications Commission’s Part 51 Rules). If you do not so admit, please explain in detail the basis for that refusal.

RESPONSE:

REQUEST NO. 13: Identify and produce all agreements or other arrangements in Kentucky, if any, whereby Windstream has agreed to bear the cost of delivering traffic (other than the payment of reciprocal compensation for the transport and termination of traffic as defined in Subpart H of the Federal Communications Commission’s Part 51 rules) to a CLEC, ILEC or CMRS provider outside of Windstream's network.

RESPONSE:

REQUEST NO. 14: Explain in detail the circumstances, if any, under which you believe it is appropriate for Windstream to bear the entire cost of delivering traffic to an ILEC, CLEC or CMRS provider at a point of interface located outside of Windstream's network (with the exception of payment of reciprocal compensation for transport and termination of traffic as defined in Subpart H of the Federal Communications Commission’s Part 51 rules).

RESPONSE:

REQUEST NO. 15: Please identify any and all Commission-approved tariffs in Kentucky that obligate Windstream to pay the tariffed rates of another telecommunications carrier for transit traffic services.

RESPONSE:

REQUEST NO. 16: Does Windstream or an ILEC affiliate of Windstream provide transit traffic services in states other than Kentucky? If the answer is yes, please describe in detail the arrangements (such as tariffs or agreements) pursuant to which it provides such services.

RESPONSE:

REQUEST NO. 17: Please identify any and all intraLATA circuit switched traffic that would not be subject to Windstream's Transit Traffic Tariff and that: (1) transits Windstream's network; (2) originates from and terminates to carriers other than Windstream; (3) for which Windstream does not collect toll charges or access charges; and (4) is not otherwise subject to a traffic exchange agreement between Windstream and another carrier.

RESPONSE:

REQUEST NO. 18: For the traffic identified in response to Data Request No. 17, please explain in detail why that traffic is not subject to Windstream's Transit Traffic Tariff.

RESPONSE:

REQUEST NO. 19: Admit that Windstream did not file cost support data with the Commission at the time it filed its Transit Traffic Tariff with the Commission.

RESPONSE:

REQUEST NO. 20: If your response to Request No. 19 is anything other than an unqualified admission, provide a copy of all cost support data Windstream filed with the Commission at the time Windstream filed its Transit Traffic Tariff.

RESPONSE:

REQUEST NO. 21: If your response to Request No. 19 is a denial, and you claim that Windstream filed cost support data with the Commission at the time it filed its Transit Traffic Tariff, admit that the cost support data was not approved by the Commission.

RESPONSE:

REQUEST NO. 22: Please identify and provide a copy of any and all notice that Windstream provided to the RLECs regarding the filing of Windstream's Transit Traffic Tariff.

RESPONSE:

REQUEST NO. 23: Please explain in detail whether Windstream's Transit Traffic Tariff applies to end user residential or business customers that are not Telecommunications Service Providers as defined in the Transit Traffic Tariff.

RESPONSE:

REQUEST NO. 24: Please explain in detail whether Windstream's Transit Traffic Tariff applies to interexchange carriers.

RESPONSE:

REQUEST NO. 25: Please identify all non-Windstream-affiliated carriers who subtenant a Windstream tandem.

RESPONSE:

REQUEST NO. 26: Please specify which carriers identified in your response to Data Request No. 25 are parties to this case.

RESPONSE:

REQUEST NO. 27: Please explain how Windstream determines and/or identifies the jurisdiction of traffic delivered to an internet service provider ("ISP").

RESPONSE:

REQUEST NO. 28: Please identify the aggregate number of minutes and the aggregate dollar amount that Windstream billed other carriers in Kentucky in 2008 for transit traffic services. In your response, please identify how much was billed pursuant to the Transit Traffic Tariff, and how much was billed pursuant to any agreements.

RESPONSE:

REQUEST NO. 29: Does Windstream believe that a transit traffic service rate must be based on a TELRIC methodology? Please explain your response.

RESPONSE:

REQUEST NO. 30: Are Windstream's tariffed transit traffic service rates based on a TELRIC methodology? Please provide all underlying cost studies or work papers supporting your response. Please provide any such studies or work papers in their original electronic form and (if not in Excel format) an electronic Excel copy of the same, with all formulae intact.

RESPONSE:

REQUEST NO. 31: Has Windstream performed a TELRIC study for the use of its tandem switch to transit traffic between CLECs and other carriers? If the answer is anything other than an unqualified no, please provide a copy of the study and all underlying work papers. Please provide any such study in its original electronic form and (if not in Excel format) an electronic Excel copy of the same, with all formulae intact.

RESPONSE:

REQUEST NO. 32: If your response to Data Request No. 31 is yes, please identify the network changes reflected in Windstream's TELRIC study, if any, that result in an increase in the transit traffic service rates in Windstream's Transit Traffic Tariff as compared to the transit traffic service rates in the TELRIC study filed by Verizon South, Inc. (Windstream's predecessor in interest), on October 2, 2000 in *In the Matter of: An Inquiry of the Development of the Average Rates for Unbundled Network Elements*, Administrative Case No. 382.

RESPONSE:

REQUEST NO. 33: Explain in detail how Windstream developed the \$0.0030 charge for tandem transit traffic service per minute of use in the Transit Traffic Tariff.

RESPONSE:

REQUEST NO. 34: Explain in detail how Windstream developed the \$0.0045 charge for end office transit traffic service per minute of issue in the Transit Traffic Tariff.

RESPONSE:

REQUEST NO. 35: Please identify any states other than Kentucky in which Windstream or an ILEC affiliate of Windstream has attempted, successfully or unsuccessfully, to tariff transit traffic rates. Your response should include the name of the ILEC affiliate of Windstream, the state, the case number or docket number, whether the attempt was successful, and a copy of the tariff, if any, if the tariff is not readily available online.

RESPONSE:

REQUEST NO. 36: Please identify the monthly volume of traffic that Windstream has transited for each of the Complainants within the last 12 months, and which Windstream claims is subject to the Transit Traffic Tariff.

RESPONSE:

REQUEST NO. 37: Please identify the outstanding balance that Windstream claims each Complainant owes under its Transit Traffic Tariff.

RESPONSE:

Respectfully submitted,

John E. Seibert

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Counsel to Complainants

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served on the following by first-class United States mail, sufficient postage prepaid, this 19th day of February, 2009.

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