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February 12, 2010

**RECEIVED**

FEB 12 2010

**PUBLIC SERVICE  
COMMISSION**

**Via Hand-Delivery**

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

Re: In the matter of MCI Communications Services, Inc., et al., v. Windstream  
Kentucky West, Inc., et al ("Windstream"), Case #2007-00503

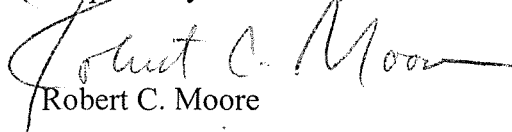
Dear Mr. Derouen:

Please find enclosed for filing in the above referenced case the original and five (5)  
copies of the following papers:

- 1) Windstreams' Reservation of Rights and Data Requests To BellSouth  
Telecommunications, Inc., et al;
- 2) Windstreams' Reservation of Rights and Data Requests To Sprint  
Communications Company, L.P., et al; and,
- 3) Windstreams' Reservation of Rights and Data Requests To MCI  
Communications Services, Inc., et al.

Please call me if you have any questions concerning this filing, and thank you for your  
attention to this matter.

Respectfully submitted,

  
Robert C. Moore

RCM/db

Enclosures

cc: Kimberly Bennett

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB 12 2010

PUBLIC SERVICE  
COMMISSION

In the Matter of:

MCI COMMUNICATIONS SERVICES, INC., BELL )  
ATLANTIC COMMUNICATIONS, INC., NYNEX LONG )  
DISTANCE COMPANY, TTI NATIONAL, INC., )  
TELECONNECT LONG DISTANCE SERVICES & )  
SYSTEMS COMPANY AND VERIZON SELECT )  
SERVICES, INC. )

Complainants

CASE 2007-00503

v.

WINDSTREAM KENTUCKY WEST, INC., )  
WINDSTREAM KENTUCKY EAST, INC. – LEXINGTON )  
AND WINDSTREAM KENTUCKY EAST, INC. – LONDON )

Defendants

WINDSTREAM KENTUCKY EAST, LLC AND WINDSTREAM KENTUCKY WEST, LLC'S RESERVATION OF RIGHTS AS ALTERNATIVELY REGULATED CARRIERS AND DATA REQUESTS TO BELL SOUTH TELECOMMUNICATIONS, INC., D/B/A AT&T KENTUCKY AND AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, LLC

Windstream Kentucky East, LLC ("Windstream East") and Windstream Kentucky West, LLC submit that they are alternatively regulated local exchange carriers who are statutorily exempt from this proceeding. Without waiving and upon express reservation of all of their rights as alternatively regulated carriers, Windstream East and Windstream West submit the following Data Requests to BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky and AT&T Communications of the South Central States, LLC (collectively, "AT&T") to be answered in accord with the following:

**DEFINITIONS**

- "Windstream East" means Windstream Kentucky East, LLC f/k/a Windstream Kentucky East, Inc., and "Windstream West" means Windstream Kentucky West, LLC f/k/a Windstream Kentucky West, Inc.

- “You” and “your” refer to BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky and AT&T Communications of the South Central States, LLC, individually or collectively. As used herein, the terms "you" and "your" are intended to reflect all territories in which the aforementioned legal entities maintain operations.
- “Affiliate” as defined in Section 3 of the Federal Telecommunications Act of 1996 (“the Act”) means “a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term “own” means to own an equity interest (or the equivalent thereof) of more than 10 percent.” (47 U.S.C. §153(1).) As used herein, unless otherwise stated, the term "affiliate" is intended to reflect only the Kentucky operations of your affiliates.
- “Document” shall have the broadest possible meaning under applicable law and means every writing or record of every type and description that is in your full or partial possession, custody or control, including, by way of illustration and not limitation, correspondence, memoranda, drafts, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, schedules, work sheets, comparisons, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original.
- “Referring” or “relating to” means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

- “And” and “or” as used herein shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction shall serve to bring within the scope of these discovery requests any information that would otherwise not be brought within their scope.
- “Identify” or “identifying” or “identification” when used in reference to a document means to provide, with respect to each document requested to be identified by these discovery requests, a description of the document that is sufficient for purposes of a request to produce or a subpoena *duces tecum*, including the following:
  - a. the type of document (*e.g.*, letter, memorandum, etc.);
  - b. the date of the document;
  - c. the title or label of the document;
  - d. the identity of the document originator;
  - e. the identity of each person to whom the document was sent;
  - f. a summary of the contents of the document; and
  - g. if any such document was, but is no longer, in your presence, custody or control or is no longer in existence, state whether the document is missing or lost, destroyed, or has been transferred voluntarily or involuntarily.
- The singular as used herein shall include the plural, and vice versa, and the masculine gender shall include the feminine and the neuter.

### **GENERAL INSTRUCTIONS**

These discovery requests are to be answered with reference to all information in your full or partial possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody or control.

To the extent that the specific document, work paper, or information as requested does not exist, but a similar document, work paper, or information does exist, provide the similar document, work paper, or information.

If any request cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

These requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these requests subsequently become known.

For each request, provide the name of your witness(es) or employee(s) or other representative(s) responsible for compiling and providing the information contained in each answer.

### **DATA REQUESTS**

1. Identify the date on which you last reduced your intrastate switched access rates in Kentucky and the specific circumstances under which and the reason(s) why you made the reductions.
2. State whether your intrastate switched access rates are cost-based rates.
3. State whether your interstate switched access rates are cost-based rates.
4. Explain in detail all benefits, including forbearance from regulatory proceedings and oversight, that you obtained from the Kentucky Public Service Commission as a result of any reductions you made to your intrastate switched access rates from 2000 to the present.
5. Provide all documents, agreements, internal memoranda, etc. relating to or documenting the activities referenced in and your response to No. 4 above.
6. Provide all documents and information you maintain relating to the respective market share of Sprint long distance affiliates in your incumbent local exchange carrier's service territories.

7. Provide all documents and information you maintain relating to the respective market share of Verizon long distance affiliates in your incumbent local exchange carrier's service territories.

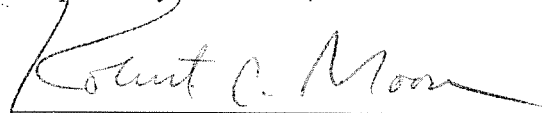
8. Provide, by exchange or wire center in Windstream East's territory, the number of customers subscribed to your wireless affiliate(s).

9. Provide, by exchange or wire center in Windstream West's territory, the number of customers subscribed to your wireless affiliate(s).

10. For each year from 2006 to the present, provide, by local exchange carrier ("LEC") in Kentucky, the originating access minutes of use ("MOUs") for which you compensated each LEC or, in a case where you did not remit the compensation, for which you were billed by each LEC. Please answer separately for each BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky and AT&T Communications of the South Central States, LLC.

11. For each year from 2006 to the present, provide, by local exchange carrier ("LEC") in Kentucky, the terminating access minutes of use ("MOUs") for which you compensated each LEC or, in a case where you did not remit the compensation, for which you were billed by each LEC. Please answer separately for each BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky and AT&T Communications of the South Central States, LLC.

Respectfully submitted,



Robert C. Moore  
HAZELRIGG & COX, LLP  
415 West Main Street, 1<sup>st</sup> Floor  
P. O. Box 676  
Frankfort, Kentucky 40602-0676  
(502) 227-2271

And

Kimberly K. Bennett  
Windstream Communications  
4001 Rodney Parham Road  
Little Rock, AR 72212-2442

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon Douglas F. Brent and C. Kent Hatfield, Stoll, Keenon Ogden, PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, Dulaney L. O' Roark III, Vice President and General Counsel - Southern Region, Verizon, 5055 North Point Parkway, Alpharetta, Georgia 30022, John N. Hughes, 124 West Todd Street, Frankfort, Kentucky, 40601 and Mary K. Keyer, General Counsel/AT & T Kentucky, 601 West Chestnut Street, Room 407, Louisville, Kentucky, 40203, by placing same in the U.S. Mail, postage pre-paid, this the 22<sup>nd</sup> day of February, 2010.

  
Robert C. Moore