

COMMONWEALTH OF KENTUCKY

PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE COMMISSION

In the matter of:

COMPLAINT OF SPRINT	)	
COMMUNICATIONS COMPANY L.P.	)	
AGAINST BRANDENBURG	)	CASE NO.
TELEPHONE COMPANY AND	)	2008-00135
REQUEST FOR EXPEDITED RELIEF	)	
	)	

**SPRINT’S THIRD SET OF REQUESTS FOR INFORMATION TO BRANDENBURG TELEPHONE COMPANY**

Sprint Communications Company L.P. (“Sprint”), by counsel, serves and files its Third set of Requests for Information to Brandenburg Telephone Company (“Brandenburg” or “Company”).

**DEFINITIONS**

1. "And" and "Or" shall mean "and/or."
2. “Affiliate” shall have the meaning as defined in 47 U.S.C. § 153(1).
3. “Company” shall mean Brandenburg Telephone Company.
4. “Communication" or "communications" shall mean all meetings, conversations, conferences, discussions, correspondence, messages, telegrams, telefax, mailgrams, and all oral and written expressions or other occurrences whereby thoughts, opinions or data are transmitted between two or more persons.
5. The term or terms “you,” or “your” shall refer to the Company, its predecessor(s), if any, as well as its divisions, parent and subsidiary entities, all related companies for which the incumbent local exchange carrier has partial or full ownership or control, all other companies sharing management with the Company, and the officers, directors,

employees, agents, representatives, and other personnel thereof, any entity through which the Company provides telecommunications service, and all Affiliates.

6. "CMRS" and "Commercial Mobile Radio Service" shall have the meaning defined and used by the Federal Communications Commission. *See* 47 C.F.R. §§ 20.3, 20.9(a)(4), (7), (11).
7. "Concerning" and "concern" shall mean memorializing, mentioning, to be connected with, comprising, consisting, indicating, describing, referring, relating to, evidencing, showing, discussing, or involving in any way whatsoever the subject matter of the Request for Information.
8. "Describe" when used with respect to an occurrence, event, activity, or any transaction, means to provide a complete and detailed list of its nature, its time and place and to identify the persons present and involved. The term "describe" when used with respect to a document, means to provide a complete and detailed description of its nature and content. The term "describe," when used with respect to a communication other than a document, means to provide a complete and detailed description of its nature and content.
9. The term or terms "document", "documentation", "data", "material" and "information" shall include, but are not limited to, the following-regardless of format (*e.g.*, electronic, paper copy or other form of audio, electronic or visual recording items: correspondence, memoranda, financial data, reports, investigations, studies, analyses, calculations, plans, communications, notes, notebooks, marginalia, telephone logs, recordings, opinions, decisions, photographs, drawings, sketches, graphic renderings, bulletins, pamphlets, circulars, articles, press releases, video tapes, data compilations, drafts, brochures, and other documents or tangible things of whatever description that may constitute or contain

information within the scope of the Request for Information, which are in the possession, custody and control of the Company - including without limitation, any officers, directors, employees, agents, attorneys or other representatives or Company's Affiliates.

10. "Identify" or "state the identity of" means:

(a) In the case of a person, to state the name; last known residence; employer or business affiliation; and occupation and business position held.

(b) In the case of a company, to state the name; if incorporated, the place of incorporation; the principal place of business; and the identity of the person(s) having knowledge of the matter with respect to which the company is named.

(c) In the case of a document, to state the identity of the person(s) who prepared it; the sender and recipient; the title or a description of the general nature of the subject matter; the date of preparation; the date and manner of distribution and publication; the location of each copy and the identity of the present custodian; and the identity of the person(s) who can identify it.

(d) In the case of a fact, an act or event, to state a complete description of the act or event; when it occurred; where it occurred; the identity of the person(s) performing said act (or omission); the identity of all persons who have knowledge, information or belief about the act; when the act, event, or omission first became known; the circumstances; the manner in which such knowledge was first obtained; and the documents or other writings which memorialize the instance.

11. "Person" or "Persons" shall mean any individual, association, partnership, corporation, firm, organization, or entity.

12. "Refer," "referring to," "relate," "related" and "relating to" shall mean having a legal, factual or logical connection, relationship, correlation, or association with the subject matter of the request.
13. "Telecommunications Carrier" shall have the meaning defined pursuant to 47 USC § 153(44).
14. Words of gender shall be construed as including all genders, without limitation.
15. Words in the singular shall be construed to mean the plural or vice versa as appropriate.

### **INSTRUCTIONS**

1. These Requests for Information are continuing in nature, requiring you to change, supplement, and correct all responses to conform to available information, including such information as first becomes available to you after the responses hereto are filed and made, should additional information become known or should information supplied in the responses prove to be incorrect or incomplete.
2. Each Request for Information shall be answered separately. The Response to each Request for Information provided should first restate the Request for Information. In producing documents in response to these Requests for Information, you should number each document and indicate the specific Request for Information in response to which the document is being produced. To the extent that any document falls within the scope of multiple Requests for Information, multiple productions are not contemplated; one production with reference to each of the multiple Requests for Information is sufficient.

3. In answering these Requests for Information, furnish all information that is available to you or may be reasonably ascertained by you or otherwise subject to your Company's knowledge, possession, custody or control.
4. As part of each of response to a Request for Information, identify the person or persons most knowledgeable about such response, the person or persons responsible for the preparation of such response, and the name of the witness in this proceeding who will sponsor the answer and can vouch for its accuracy.
5. If any document inquired about has been lost or destroyed, identify the document by author, date, subject matter, place, manner, reason and the circumstances of the loss or destruction, the last known location of the document, and the person who has knowledge concerning the manner in which it was lost or destroyed.
6. If you object to any part of a Request for Information, answer all parts of such requests to which you do not object, and as to each part to which the Company does object, separately set forth the specific basis for the objection.
7. If form of privilege or other protection from disclosure is claimed as a ground for withholding information within a document that is responsive to a Request for Information, set forth with respect to such document:
  - (a) the date and number of pages of the document;
  - (b) the identity of the author(s) and or preparer(s);
  - (c) the identity of the addressee, if any;
  - (d) the title;
  - (e) the type of tangible thing (e.g., letter, memorandum, telegram, chart, report, recording disc);

- (f) the subject matter (without revealing the information as to which privilege or protection from non-disclosure is claimed);
- (g) the identity of each person who has received the document or to whom knowledge of the contents of the document was communicated;
- (h) the identity of the present custodian(s);
- (i) the nature of your claim of non-discoverability (e.g., attorney client privilege); and,
- (j) each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Sprint to make a full determination as to whether the claim is valid.

## **REQUESTS FOR INFORMATION**

### **Request No. 16**

In its response to Request No. 3 of Sprint's First Requests for Information to Brandenburg Telephone Company, dated August 29, 2008, Brandenburg described the process it uses to jurisdictionalize switched access traffic exchanged with interexchange carriers. Brandenburg Telephone states, "The CABS system utilizes jurisdiction indicators in the LSSGR AMA records and checks them against the Terminating Point Master database ("TPM") to jurisdictionalize and rate the traffic." Please provide the field name and description for each of the specific "jurisdiction indicators" being referenced, and explain how each indicator is used in the jurisdiction determination process. Also describe the specific data retrieved from the TPM database and how it is utilized in the jurisdiction determination process.

**Request No. 17**

Please indicate if Brandenburg Telephone utilizes either the Jurisdiction Information Parameter (JIP) or Originating Local Routing Number (LRN) field in the process it uses to jurisdictionalize traffic exchanged with other interexchange carriers as described in its response to Request No. 3 of Sprint's First Requests for Information to Brandenburg Telephone Company, dated August 29, 2008.

**Request No. 18**

Please indicate the correct jurisdictional category, either Interstate or Intrastate, under applicable federal laws and/or regulations for the following call scenario, as well as the jurisdictional category that would be assigned to the call by Brandenburg's process to jurisdictionalize traffic exchanged with interexchange carriers described in its response to Request No. 3 of Sprint's First Requests for Information to Brandenburg Telephone Company, dated August 29, 2008:

A CMRS subscriber with a handset that is assigned a Kentucky telephone number assigned in the Brandenburg service area places a call to a landline subscriber with a Kentucky telephone number assigned in the Brandenburg service area while he/she is traveling outside of Kentucky and outside of the Louisville-Lexington Major Trading Area. That call is delivered by the CMRS provider to Sprint to be delivered in accordance with applicable switched access tariffs.

### **Request No. 19**

With regard to Request No. 18 above, please admit or deny that the call described is an interstate call.

### **Request No. 20**

For the purpose of responding to this request, please consider the following scenario:

A Sprint Spectrum L.P. CMRS subscriber who lives within the Brandenburg Telephone service territory, and has a wireless handset that is assigned a Kentucky telephone number with an NPA of 270 (the same as wireline numbers for the Brandenburg exchange), travels from the Brandenburg service territory to New York state. The CMRS subscriber calls back to a landline customer located within the Brandenburg exchange with a landline telephone number with an NPA of 270.

- a. Is the call described an interstate call or an intrastate call?
- b. Under such circumstances, what jurisdiction (interstate or intrastate) would Brandenburg's process to jurisdictionalize traffic exchanged with other telecommunications carriers, described in its response to Request No. 3 of Sprint's First Requests for Information to Brandenburg Telephone Company, dated August 29, 2008, apply to that call?
- c. Upon what specific criteria would this determination be made?
- d. How would Sprint be billed for that call if the call were delivered by Sprint?



- e. How would Sprint Spectrum L.P. be billed for that call if the call were delivered by Sprint Spectrum L.P.?

**Request No. 21**

Please provide a monthly historical analysis for the years 2005, 2006, 2007 and 2008 that identifies: 1) the percentage of the Brandenburg's minutes of use / traffic that are jurisdictionalized based on information retrieved from the TPM database as described in Brandenburg's response to Request No. 3 of Sprint's First Requests for Information to Brandenburg Telephone Company, dated August 29, 2008; and 2) the percentage of Brandenburg's minutes of use / traffic that are jurisdictionalized based on Percent of Interstate Usage (PIU) factors.

**Request No. 22**

For the years 2005, 2006, 2007, and 2008, please provide all documents that support Brandenburg's claims that the quarterly PIU factors submitted by Sprint are invalid.

**Request No. 23**

Please provide a monthly historical analysis of the Minutes of Use (MOU) billed, and dollar amounts billed, by the Company to Sprint. Please provide such monthly billing information separately for Intrastate MOU and dollar amounts billed, and Interstate MOU and dollar amounts billed for the years 2005, 2006, 2007, and 2008.

**Request No. 24**

Please describe with specificity the process, including the types of technology (i.e. systems, programs, calculations), used by the Company's affiliate, Brandenburg Telecom LLC, to identify the jurisdiction of any and all switched access traffic billed to Sprint's interexchange carrier operation.

**Request No. 25**

Please describe in detail how the process described in your response to Request No. 24 above differs, if at all, from the process described in the Company's previous response to Sprint's Request No. 3, dated August 29, 2008.

**Request No. 26**

Please provide copies of Brandenburg Telecom LLC's interstate and intrastate switched access tariffs.

**Request No. 27**

For each testifying witness in this matter, provide all documents reviewed by the witness in preparing such testimony, and all documents relied upon to support any statement of fact, conclusion of law, or recommendation.

**Request No. 28**

With respect to paragraphs 28-29 of your Answer and Counterclaim, dated April 25, 2008, please explain in detail how Brandenburg Telephone Company calculated the

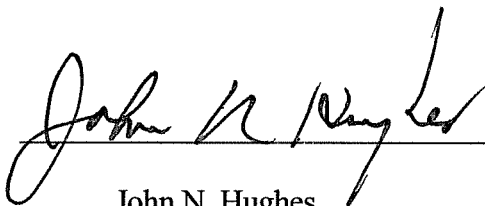
NTSR for the 2007 and 2008 calendar years. Identify what that per minute rate was for those two years and state whether the minutes Sprint claims are interstate were used by Brandenburg Telephone Company to calculate the NTSR.

**Request No. 29**

Please provide any communications the Company has received from NECA at any time in the past 5 years related to the jurisdictionalization of switched access traffic, and/or the application of, or the auditing of, PIU factors.

**Request No. 30**

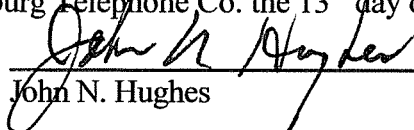
Provide copies of all documents upon which the Company relies to support any response to any Request for Information.



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Attorney for Sprint

**CERTIFICATE OF SERVICE**

I certify that this pleading of Sprint Communications Company L.P., has been served by first class mail and email to John Selent, Dinsmore & Shohl, 1400 PNC Plaza, Louisville, KY 40202, counsel for Brandenburg Telephone Co. the 13<sup>th</sup> day of July, 2009.



John N. Hughes