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July 20, 2009

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JUL 20 2009
PUBLIC SERVICE
COMMISSION

VIA HAND DELIVERY

Hon. Jeff Derouen
Executive Director
Public Service Commission
of the Commonwealth of Kentucky
211 Sower Blvd.
Frankfort, KY 40601

**Re: *In the Matter of: Complaint of Sprint Communications Company L.P.
against Brandenburg Telephone Company for the Unlawful Imposition of
Access Charges, Case No. 2008-00135***

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case, please find one original and eleven (11) copies of Brandenburg Telephone Company's responses to Sprint Communications Company L.P.'s Third Supplemental Request for Information 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.

Sincerely,

DINSMORE & SHOHL LLP

Edward T. Depp

ETD/kwi

Enclosures

cc: All Parties of Record (w/enclosures)
John E. Selent, Esq. (w/enclosures)

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COMMONWEALTH OF KENTUCKY

JUL 20 2009

BEFORE THE PUBLIC SERVICE COMMISSION

**PUBLIC SERVICE
COMMISSION**

**IN THE MATTER OF COMPLAINT)
OF SPRINT COMMUNICATIONS)
COMPANY L.P. AGAINST)
BRANDENBURG TELEPHONE)
COMPANY FOR THE UNLAWFUL)
IMPOSITION OF ACCESS CHARGES)**

Case No. 2008-00135

**BRANDENBURG TELEPHONE'S RESPONSES TO SPRINT'S THIRD SET OF
REQUESTS FOR INFORMATION**

Brandenburg Telephone Company ("Brandenburg Telephone"), by counsel, and pursuant to the June 30, 2009 Procedural Order of the Public Service Commission of the Commonwealth of Kentucky ("the Commission"), hereby responds to the third set of data requests of Sprint Communications Company L.P. ("Sprint").

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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE:

Once Brandenburg Telephone receives from its switch the transmitted call detail records referred to in its Response to Data Request No. 3, Brandenburg Telephone's billing department takes these call detail records and performs what is essentially a two step process. First, Brandenburg Telephone compares the NPA and NXX of the "call from" and "call to" numbers to the TPM database. This comparison generates a LATA indicator for both ends of the call. The LATA indicator allows Brandenburg Telephone to determine whether each call is inter- or intraLATA. Second, once the calls have been identified as either interLATA or intraLATA, Brandenburg Telephone then compares these calls to the NPA in order to further determine which calls should be jurisdictionalized as intrastate. The remainder of the calls are then jurisdictionalized as interstate. This response is also intended to satisfy Request No. 9 of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

REQUEST NO. 17

Please indicate if Brandenburg Telephone utilizes either the Jurisdiction Information Parameter (JIP) or the 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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone uses neither the JIP nor the LRN for the jurisdictionalization of traffic. This response is also intended to satisfy Request No. 10 of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

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 the applicable switched access tariffs.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects to the extent that the information sought in this request calls for it to draw legal conclusions based upon federal law and regulations. Subject to the objection, and without waiving same, Brandenburg Telephone states that it would jurisdictionalize the call as intrastate pursuant to its tariff. If the scenario were changed so that a CMRS subscriber with a handset that is assigned a telephone number from somewhere outside the state of Kentucky places a call to a landline subscriber in Kentucky while he/she is traveling inside Kentucky, that call would be jurisdictionalized as interstate. This response is also intended to satisfy Request No.11 of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

REQUEST NO. 19

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

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects to the extent that the information sought in this request calls for it to draw a legal conclusion. Subject to the objection, and without waiving same, Brandenburg Telephone refers Sprint to its response to Request No. 18. This response is also intended to satisfy Request No. 12 of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

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.?

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

a. Brandenburg Telephone objects to the extent that this request requires it to draw a legal conclusion. Subject to the objection, and without waiving same, Brandenburg Telephone states that the call described would be classified intrastate pursuant to Brandenburg Telephone's tariff. If the scenario were changed, however, so that a Sprint Spectrum L.P. CMRS subscriber who lives in the New York state service territory, and has a wireless handset that is assigned a New York state telephone number with an NPA from New York state, travels from New York into Kentucky and makes a call to a landline customer located in the Brandenburg exchange, the call will be jurisdictionalized as interstate. This response is also intended to satisfy Request No. 13a of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

b. Brandenburg Telephone, in response to this request, refers to its response to Request No. 20a above. This response is also intended to satisfy Request No. 13b of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

c. Brandenburg Telephone, in response to this request, refers to its response to Request No.3 of Sprint's First Request for Information, dated August 29, 2008, and to its response to Request No. 16

above. This response is also intended to satisfy Request No. 13c of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

d. Brandenburg Telephone, in response to this request, refers to its response to Request No. 20 a above. This response is also intended to satisfy Request No. 13d of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

e. Brandenburg Telephone objects on the grounds that the information sought is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the objection, and without waiving same, Brandenburg Telephone states that the method by which it would bill Sprint Spectrum L.P. depends on many factors far outside of the scope of this matter. A single wireless call delivered by Sprint Spectrum L.P. over interconnection trunk groups would be billed pursuant to the terms of the Interconnection Agreement between the two parties. This being said, Brandenburg Telephone notes that a trend toward this manner of gamesmanship by Sprint would necessitate a significant change in the traffic factors currently set out in that Interconnection Agreement. This response is also intended to satisfy Request No. 13e of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

REQUEST NO. 21

Please provide a monthly historical analysis for the years 2005, 2006, 2007 and 2008 that identifies:

1) the percentage of 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 Request 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 Percentage of Interstate Usage (PIU) factors.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects on the grounds that the request is unduly burdensome and oppressive because it seeks a monthly analysis of four years worth of data, and on the grounds that it is premature because Sprint has failed to establish that its claim for alleged overpayments extends to any period prior to the filing of its complaint. Brandenburg Telephone further objects that this request is but an instrument in Sprint's transparent ploy to seek a continuance of the August 11 hearing date in this matter, to Brandenburg Telephone's significant financial detriment. Subject to these objections, and without waiving same, Brandenburg Telephone states that it does not keep the information requested in the ordinary course of its business, and that Sprint can likely create this information through its own juxtaposition of Brandenburg Telephone's bills with Sprint's alleged "PIUs" for the requested period. This response is also intended to satisfy Request No. 14 of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects on the grounds that (i) the information sought is irrelevant and unlikely to lead to the discovery of admissible information because Brandenburg Telephone's tariff does not require the use of PIU factors for all traffic; (ii) Brandenburg Telephone does not keep the information requested in the ordinary course of its business; (iii) the request is unduly burdensome

because it seeks all documents in Sprint's claims over a four year period; (iv) the request is premature because Sprint has failed to establish that its claim for overpayments extends to any period prior to the filing of its complaint; and (v) this request seeks confidential, proprietary information. Brandenburg Telephone further objects that his request is but an instrument in Sprint's transparent ploy to seek a continuance of the August 11 hearing date in this matter, to Brandenburg Telephone's significant financial detriment. Subject to these objections, and without waiving same, Brandenburg Telephone states that all responsive documents will be either attached to the testimony submitted in this case, previously provided by Brandenburg Telephone or supported by Sprint's own records provided by it to Brandenburg Telephone. This response is also intended to satisfy Request No. 15 of Sprint's Second Requests for Information to Brandenburg Telephone, dated February 9, 2009.

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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects on the grounds that the information sought is unduly burdensome and oppressive to the extent that it requires Brandenburg Telephone to provide a monthly historical analysis of four years worth of data that Sprint already has. Brandenburg Telephone further objects on the grounds that the request is overly broad and not reasonably calculated to lead to the discovery

of admissible evidence insofar as Sprint has not established that it is entitled to any recovery with respect to access services received prior to the filing of its complaint. Brandenburg Telephone further objects that this request is but an instrument in Sprint's transparent ploy to seek a continuance of the August 11 hearing date in this matter, to Brandenburg Telephone's significant financial detriment. Subject to these objections, and without waiving same, Brandenburg Telephone states that the information requested has already been provided to Sprint in the form of monthly bills over that same period. Thus, Sprint is capable of providing itself with the information and analysis that it seeks.

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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects on the grounds that the information sought is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence insofar as the request seeks information regarding the business practices of a separate legal entity, Brandenburg Telecom LLC, not a party to this dispute.

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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

See Brandenburg Telephone's Response to Request No. 24.

REQUEST NO.26

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

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects on the grounds that the information sought is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence insofar as the request seeks information regarding a separate legal entity, Brandenburg Telecom LLC, not a party to this dispute. Brandenburg Telephone further objects to this request to the extent that it seeks information already publicly accessible through the Commission's website.

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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects to the extent that it seeks the production of information protected by the attorney-client and attorney work product privileges. Brandenburg Telephone further objects to the extent that this request seeks the production of proprietary, confidential information. Brandenburg Telephone further objects on the grounds that this request is premature because it has yet to make a final determination regarding the identity of its witnesses and the subject of their testimony. Subject to these objections, and without waiving same, Brandenburg Telephone states that all responsive documents not already provided will be attached as exhibits to such testimony.

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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects to the extent that the request seeks information already publicly available. Subject to the objection, and without waiving same, Brandenburg Telephone states that the bills sent to Sprint during the period in question evidence the applicable NTSR, which is calculated as described in Section 3.9 of Duo County Telephone Cooperative Corp., Inc. tariff Public Service Commission Ky. No. 2A, which Brandenburg Telephone has adopted.

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.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

Brandenburg Telephone objects on the grounds that the information sought is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the objection, and without waiving same, Brandenburg Telephone states that it does not have any responsive documents.

REQUEST NO. 30

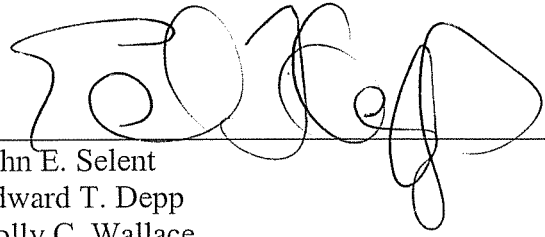
Provide copies of all documents upon which the Company relies to support any response to any Request for Information.

RESPONSIBLE WITNESS: Allison T. Willoughby

RESPONSE

All such documents (if any) have been produced in connection with each data request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Selent", written over a horizontal line.

John E. Selent

Edward T. Depp

Holly C. Wallace

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500 West Jefferson St.

Louisville, KY 40202

Tel.: (502) 540-2300

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Counsel to Brandenburg Telephone Company

VERIFICATION

I hereby verify that the foregoing responses are true and accurate to the best of my knowledge and belief.

Allison T. Willoughby,
Assistant General Manager of Brandenburg Telephone
Company

COMMONWEALTH OF KENTUCKY)
)SS
COUNTY OF _____)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by ALLISON T. WILLOUGHBY, to me known, in her capacity as Assistant General Manager of Brandenburg Telephone Company, this ___ day of July, 2009.

My commission expires: _____.

Notary Public

CERTIFICATE OF SERVICE

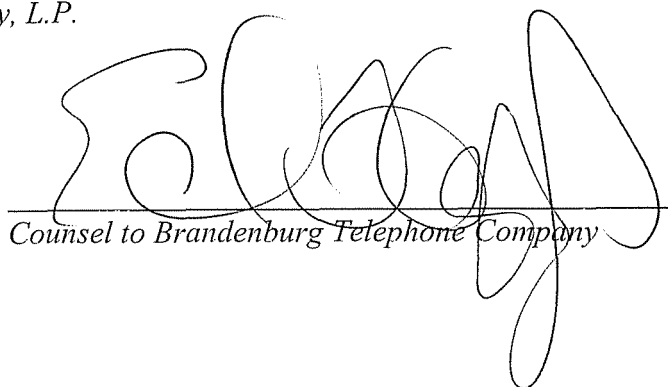
I hereby certify a copy of the foregoing was mailed by first-class United States mail, sufficient postage prepaid on this 21st day of July, 2009, to:

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