COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CASE NO.
2008-00135

COMPLAINT OF SPRINT COMMUNICATIONS
COMPANY LP AGAINST BRANDENBURG
TELEPHONE COMPANY AND REQUEST FOR
EXPEDITED RELIEF

SPRINT COMMUNICATIONS COMPANY L.P.'s OBJECTIONS AND RESPONSES TO BRANDENBURG TELEPHONE COMPANY'S SUPPLEMENTAL DATA REQUESTS

Sprint Communications Company L.P. ("Sprint"), by and through its counsel, and pursuant to the

June 30, 2009 Order entered by the Kentucky Public Service Commission ("KPSC" or "Commission")

in this matter, submits the following Objections and Responses to the data requests propounded by

Brandenburg Telephone Company ("Brandenburg ") on July 13, 2009.

General Objections

Sprint makes the following general objections. Although specifically referred to in some

of Sprint's responses, these General Objections apply to each of the data requests and are

incorporated by reference into Sprint's responses.

1.   Sprint objects to these data requests insofar as they are vague, ambiguous, overly

broad, imprecise, or utilize terms that are subject to multiple interpretations, but are not properly

defined or explained for purposes of these data requests. Sprint objects to such data requests as

irrelevant, overly broad, unduly burdensome, and oppressive.

2.   Sprint objects to these data requests insofar as they are not reasonably calculated to

1

lead to the discovery of admissible evidence and are not relevant to the subject matter of this action.

3.   Sprint objects to providing information to the extent that such information is already available in the public record before the Commission or elsewhere.

4.   Sprint objects to these data requests to the extent that responding would be unduly burdensome, expensive, oppressive, or excessively time-consuming.

5.   Sprint objects to these data requests to the extent the information requested constitutes confidential information. To the extent the data requests seek proprietary confidential information, Sprint will make such information available pursuant to an appropriate protective agreement, subject to any other general or specific objections contained herein.

6.   Sprint Communications Company L.P. is a large corporation with employees located in numerous locations. In the course of business, these companies create countless documents that are not subject to Sprint or Federal Communications Commission ("FCC") retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document will be provided in response to these requests. Rather, Sprint's responses will provide, subject to any applicable objections, all of the information obtained by Sprint after a reasonable and diligent search conducted in connection with these requests. Sprint will conduct a search of those files that are reasonably expected to contain the requested information. To the extent the discovery requests purport to require more,

Sprint objects on the grounds that compliance would impose an undue burden and expense.

7.   Sprint objects to these data requests to the extent that they request information or data not in existence at the time of the request.

8.   Any responses will be provided subject to, and without waiver of, the foregoing objections. Sprint will make full or partial responses to the extent reasonably possible consistent with these objections.

SPECIFIC OBJECTIONS AND RESPONSES

SUPPLEMENTAL DATA REQUEST NO. 1:

For each month from January 2005 through the present date, and with respect to each RLEC to which Sprint terminates roaming traffic in the state of Indiana, identify the percent interstate usage ("PIU") that Sprint believes applies to that traffic. If a specific PIU is not available, identify an average PIU for that traffic.

SPRINT'S OBJECTION/RESPONSE: Sprint objects to this Data Request on the grounds that it is vague, ambiguous, and utilizes terms that are not properly defined (General Objection 1), and on the grounds that the Data Request is not relevant to the subject matter of this action (General Objection 2). In addition, Sprint objects to the Data Request to the extent that the term "roaming" is not properly defined and is therefore subject to interpretation. Sprint further objects to this Data Request on the grounds that it is asking for data that pertaining to the state of Indiana, which is clearly outside the jurisdiction of the KPSC. Subject to and without waiving Sprint's objections, Sprint's response is as follows: The information requested does not exist and is not readily available to Sprint.

SUPPLEMENTAL DATA REQUEST NO. 2:

For each month from January 2005 through the present date, and with respect to each RLEC to which Sprint terminates roaming traffic in the state of Ohio, identify the PIU that Sprint believes applies to that traffic. If a specific PIU is not available, identify an average PIU for that traffic.

SPRINT'S OBJECTION/RESPONSE: Sprint objects to this Data Request on the grounds that it is vague, ambiguous, and utilizes terms that are not properly defined (General Objection 1), and on the grounds that the Data Request is not relevant to the subject matter of this action (General Objection 2). In addition, Sprint objects to the Data Request to the extent that the term "roaming" is not properly defined and is therefore subject to interpretation. Sprint further objects to this Data Request on the grounds that it is asking for data that pertaining to the state of Ohio, which is clearly outside the jurisdiction of the KPSC. Subject to and without waiving Sprint's objections, Sprint's response is as follows: The information requested does not exist and is not readily available to Sprint.

SUPPLEMENTAL DATA REQUEST NO. 3:

For each month from January 2005 through the present date, and with respect to each RLEC to which Sprint terminates roaming traffic in the state of Indiana, identify the terminating intrastate and interstate access rates applicable to that traffic, and further state whether such rate is applicable by tariff or other means. If any rate is not applicable by tariff, please explain the means by which such rate is imposed on Sprint.

SPRINT'S OBJECTION/RESPONSE: Sprint objects to this Data Request on the grounds that

it is vague, ambiguous, and utilizes terms that are not properly defined (General Objection 1), on

the grounds that the Data Request is not relevant to the subject matter of this action (General

Objection 2), and on the grounds that it requests information that is publicly available (General

Objection 3). In addition, Sprint objects to the Data Request to the extent that the term "roaming"

is not properly defined and is therefore subject to interpretation. Sprint further objects to this

Data Request on the grounds that it is asking for data that pertaining to the state of Indiana, which

is clearly outside the jurisdiction of the KPSC. Finally, Sprint objects to this Data Request on the

grounds that Sprint's complaint addresses Brandenburg's ability to calculate the PIU factor based

on the Brandenburg's call detail records, and does not question Brandenburg's applicable tariff

rate.

SUPPLEMENTAL DATA REQUEST NO. 4:

For each month from January 2005 through the present date, and with respect to each RLEC to which Sprint terminates roaming traffic in the state of Ohio, identify the terminating intrastate and interstate access rates applicable to that traffic, and further state whether such rate is applicable by tariff or other means. If any rate is not applicable by tariff, please explain the means by which such rate is imposed on Sprint.

SPRINT'S OBJECTION/RESPONSE: Sprint objects to this Data Request on the grounds that

it is vague, ambiguous, and utilizes terms that are not properly defined (General Objection 1), on

the grounds that the Data Request is not relevant to the subject matter of this action (General

Objection 2), and on the grounds that it requests information that is publicly available (General

Objection 3). In addition, Sprint objects to the Data Request to the extent that the term "roaming"

is not properly defined and is therefore subject to interpretation. Sprint further objects to this

Data Request on the grounds that it is asking for data that pertaining to the state of Ohio, which is

clearly outside the jurisdiction of the KPSC. Finally, Sprint objects to this Data Request on the

grounds that Sprint's complaint addresses Brandenburg's ability to calculate the PIU factor based

on the Brandenburg's call detail records, and does not question Brandenburg's applicable tariff

rate. Subject to and without waiving Sprint's objections, Sprint's response is as follows: The

information requested does not exist and is not readily available to Sprint.

SUPPLEMENTAL DATA REQUEST NO. 5:

For each month from January 2005 through the present date, and with respect to each RLEC to which Sprint terminates roaming traffic in the Commonwealth of Kentucky, identify the percentage of Kentucky-originated roaming traffic originated by Sprint wireless customers with NPA-NXXs not associated with the physical Kentucky address. If NPA-NXXs are not available, please answer this question to the best of your ability with respect to non-Kentucky wireless customers roaming in Kentucky and please describe in detail the manner in which you have determined that the calls in question belong to non-Kentucky wireless customers roaming in Kentucky.

SPRINT'S RESPONSE: Sprint objects to this Data Request on the grounds that it is vague,

ambiguous, and utilizes terms that are not properly defined (General Objection 1), on the grounds

that the Data Request is not relevant to the subject matter of this action (General Objection 2), and

on the grounds that it is unduly burdensome (General Objection 4). In addition, Sprint objects to

the Data Request to the extent that the term "roaming" is not properly defined and is therefore

subject to interpretation. Subject to and without waiving Sprint's objections, Sprint's response is

as follows: The information requested does not exist and is not readily available to Sprint.

DATA REQUEST NO. 6:

Please explain in detail the manner in which Sprint would jurisdictionalize the following call scenario: a Sprint wireless customer with an 812 area code and a physical address in Indiana roams into Brandenburg, Kentucky and calls a Brandenburg Telephone wireline customer physically located in Brandenburg, Kentucky (with a telephone number associated with Brandenburg Telephone's local calling area). If there are any possible exceptions to your answer, please identify and describe them in detail.

SPRINT'S OBJECTION/RESPONSE: Sprint objects to this Data Request on the grounds that it is vague, ambiguous, and utilizes terms that are not properly defined (General Objection 1). Specifically, Sprint objects to the Data Request to the extent that the phrase "roams into" is not properly defined and is therefore subject to interpretation. Subject to and without waiving Sprint's objections, Sprint's Response is as follows:

The question asks how "Sprint," which is an IXC and the Complainant, would jurisdictionalize a particular call. However, because the call in question would be made by a "Sprint wireless customer," it would be a Sprint wireless network that would first handle the call. Sprint has two wireless networks in Kentucky – one that uses CDMA technology, and a second that uses iDEN technology. (iDEN technology is the technology utilized by NEXTEL brand service).

An iDEN call made by a Sprint wireless customer with an 812 area code but physically located in Brandenburg would be routed via the wireless switch and to local interconnection trunks in accordance with the NPCR, Inc.-Brandenburg interconnection agreement. Brandenburg would bill Sprint's wireless affiliate the local interconnection rate (as this would be a local intraMTA call). The call would not route over the Sprint long distance network, and thus would not be "jurisdictionalized" by Sprint in its capacity as an IXC.

An exception to this routing occurs when the local interconnection trunks are at full capacity. In this case the wireless switch would route overflow to Sprint's the long distance network. The call

9

would be assigned a jurisdictional indicator parameter (JIP) indicating origination in Kentucky. The resulting call detail record would be jurisdicitonalized as intrastate in Sprint's Jurisdiction Reporting System.

For CDMA traffic, Sprint' CDMA network does not have coverage in Brandenburg, Kentucky. Therefore, if a CDMA Sprint wireless customer was physically located in Brandenburg, Kentucky, the call described in the data request would be picked up by the network of a wireless carrier with which Sprint has a roaming agreement, and delivered by that wireless carrier to Brandenburg Telephone Company. The delivering carrier would be responsible to compensate Brandenburg, presumably at a local/intraMTA interconnection rate. The call would never touch the Sprint long distance network, and would thus not be jurisdictionalized by Sprint.

DATA REQUEST NO. 7:

Please explain the manner in which Sprint would jurisdictionalize the following call scenario: a Sprint wireless customer with an 812 area code and a physical address in Indiana roams into Covington, Kentucky and calls a Brandenburg Telephone wireline customer physically located in Brandenburg, Kentucky (with a telephone number associated with Brandenburg Telephone's local calling area). If there are any possible exceptions to your answer, please identify them and describe them in detail.

SPRINT'S OBJECTION/RESPONSE: Sprint objects to this Data Request on the grounds that

it is vague, ambiguous, and utilizes terms that are not properly defined (General Objection 1).

Specifically, Sprint objects to the Data Request to the extent that the phrase "roams into" is not

properly defined and is therefore subject to interpretation. Subject to and without waiving Sprint's

objections, Sprint's Response is as follows:

Covington Kentucky is part of the Cincinnati metropolitan area, and Sprint's cell towers located

in Covington are connected to a wireless switch located in Cincinnati. This area is in a different

MTA than most of Kentucky, and Sprint PCS does not trunk traffic from Cincinnati into

Kentucky to be terminated on local interconnection trunks. Instead, it hands such traffic off to

Sprint's long distance network to be delivered over long distance trunks.

Consistent with industry standards set forth by the Alliance for Telecommunications Industry

Solutions ("ATIS") Network Interconnection Interoperability Forum ("NIIF"), Sprint PCS

jurisdictionalizes this call by assigning it a jurisdiction information parameter (JIP) that represents

the location of the wireless switch, i.e., Cincinnati, Ohio. As a result, Sprint's methodology

would assign this to the interstate jurisdiction within the Jurisdiction Reporting System. It should

be noted, however that this industry standard methodology requires the use of JIP in this way, and

the vast majority of cell sites connected to the Cincinnati MSC are located in Ohio. Covington is

one of the few exceptions.
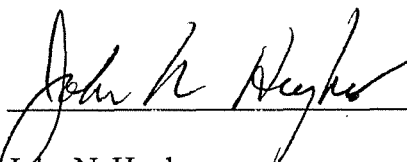
This 20th day of July, 2009.

_____
John N. Hughes
Attorney at Law
124 West Todd Street
Frankfort, Kentucky 40601
(502) 227-7270 (o)
(502) 875-7059 (fax)

Attorney for Sprint

CERTIFICATE OF SERVICE

I certify that the Responses of Sprint Communications Company L.P. have been served by first class mail and email on John Selent and Edward Depp, Dinsmore & Shohl, 1400 PNC Plaza, 400 West Jefferson Street, Louisville, KY 40202, this 20th day of July, 2009.

This 20th day of July, 2009.

_____
John N. Hughes
Attorney at Law
124 West Todd Street
Frankfort, Kentucky 40601
(502) 227-7270 (o)
(502) 875-7059 (fax)

Attorney for Sprint