



Edward T. Depp
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March 16, 2010

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MAR 16 2010

PUBLIC SERVICE
COMMISSION

VIA HAND DELIVERY

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

***Re: In the Matter of: An Investigation into the Traffic Dispute Between
Windstream Kentucky East, LLC, Brandenburg Telephone Company and
MCI metro Access Transmission Services, LLC d/b/a Verizon Wireless, Case
No. 2008-00203***

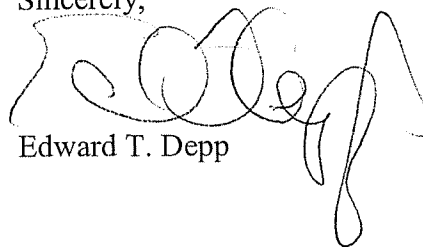
Dear Mr. Derouen:

Enclosed for filing in the above-referenced case, please find one original and eleven (11) copies of Brandenburg Telephone Company's initial data requests to: (I) MCI metro Access Services, LLC, d/b/a Verizon Access; and (II) Windstream Kentucky East, LLC in the above-referenced case.

Please file-stamp one copy of each and return them to our delivery person.

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

Sincerely,



Edward T. Depp

ETD/lb
Enclosures
cc: All parties of record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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MAR 16 2010

PUBLIC SERVICE
COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE TRAFFIC)
DISPUTE BETWEEN WINDSTREAM)
KENTUCKY EAST, LLC, BRANDENBURG)
TELEPHONE COMPANY AND MCIMETRO)
ACCESS TRANSMISSION SERVICES, LLC)
D/B/A VERIZON ACCESS)

CASE NO. 2008-00203

**BRANDENBURG TELEPHONE COMPANY'S INITIAL DATA REQUESTS TO
WINDSTREAM KENTUCKY EAST, LLC**

Brandenburg Telephone Company ("Brandenburg Telephone"), by counsel, and pursuant to the February 5, 2010 Unopposed Motion for Entry of a Procedural Schedule ("Procedural Order Motion") in this matter, hereby propounds the following supplemental data requests upon Windstream Kentucky East, LLC ("Windstream"). In light of the abbreviated procedural schedule in this matter, in the event Windstream believes a complete answer to any of these initial data requests will require the disclosure of confidential data or is otherwise objectionable, please notify counsel to Brandenburg Telephone sufficiently in advance of the date such responses are due so that appropriate interim arrangements can be made pending Commission ruling upon any motion for confidential treatment or motion for protective order that Windstream may believe is necessary.

REQUEST NO. 1: With respect to traffic originated by Windstream's Elizabethtown end-user customers and destined for a Elizabethtown-rated number served by MCImetro, please state whether Windstream routes and delivers that traffic to MCImetro through the AT&T Kentucky tandem located in Louisville.

RESPONSE:

REQUEST NO. 2: If Windstream answers the preceding data request in the negative, please explain the rationale for Windstream's decision not to route the traffic in the manner described in that data request.

RESPONSE:

REQUEST NO. 3: If Windstream answers Request No. 1 in the negative, describe in detail the manner in which Windstream delivers traffic to MCImetro. This description should include, but not be limited to, a narrative description of the location of the point(s) of connection between MCImetro and Windstream, a statement of whether that point of connection is located within Windstream's service territory boundaries, and a description of which party is financially responsible for the facilities on each side of the point(s) of connection.

RESPONSE:

REQUEST NO. 4: To the extent not already produced, produce all documentation describing the arrangements by which Windstream exchanges local and EAS traffic with MCImetro.

RESPONSE:

REQUEST NO. 5: Identify and produce copies of all applicable tariffs, agreements, or other documentation entitling Windstream to interest and attorney's fees on its claims in this matter.

RESPONSE:

REQUEST NO. 6: Please identify and produce copies of all agreements or other authority for Mr. Smith's testimony that the EAS trunks connecting Brandenburg Telephone with Windstream "are designed to carry only EAS traffic between Brandenburg's Radcliff and Vine Grove customers and Windstream East's Elizabethtown customers." (Supplemental Test. of K. Smith at 3:10-12.)

RESPONSE:

REQUEST NO. 7: Please produce a copy of the "initial, high-level audit" that Mr. Smith testified Windstream performed "in 2006." (Supplemental Test. of K. Smith at 8:10-12.) When producing this documentation, identify the date(s) on which the "initial, high-level audit" was performed. If Windstream possesses an electronic copy of this documentation, provide (in addition to hard-copy format) an electronic copy of this documentation in the same file format(s) as that in Windstream's possession.

RESPONSE:

REQUEST NO. 8: With respect solely to communications with Brandenburg Telephone, please produce a copy of all documentation corroborating Mr. Smith's testimony that "Windstream

East's translations engineer began working with the ILECs in late 2006 to early 2007 to move their transit traffic away from Windstream East's end offices (and to the appropriate Windstream East tandem."

RESPONSE:

REQUEST NO. 9: With respect to Mr. Smith's testimony that he "captured a sample month's worth of total minutes of use and messages from Brandenburg," please provide a copy of the captured sample and all documentation related to the same. (Supplemental Test. of K. Smith at 16:6-7.) Please state the specific date(s) and time frame(s) to which the captured sample relates.

RESPONSE:

REQUEST NO. 10: With respect to Mr. Smith's testimony that he calculated "the average number of messages (*i.e.*, LNP queries)" "based on" the sample described in the preceding request, please admit or deny the following statement: Windstream does not have documentation of the actual (as opposed to estimated) total minutes of use and total number of messages it claims underpin its right to compensation for performing LNP queries for the MCI metro-bound traffic originated by Brandenburg Telephone end-users.

RESPONSE:

REQUEST NO. 11: If, in response to Request No. 10 above, Windstream has denied the statement in question or given anything other than an unqualified admission, explain in detail the basis for Windstream's inability to admit the statement without qualification.

RESPONSE:

REQUEST NO. 12: Admit or deny the following statement: From January of 2005 to the present, Windstream has been capable of capturing the actual (as opposed to estimated) total minutes of use and total number of messages it has delivered to MCImetro from Brandenburg Telephone.

RESPONSE:

REQUEST NO. 13: If, in response to Request No. 12 above, Windstream has denied the statement in question or given anything other than an unqualified admission, explain in detail the basis for Windstream's inability to admit the statement without qualification, and reconcile the inability to admit the statement without qualification with Mr. Smith's testimony that he was able to "capture[] a sample month's worth of total minutes of use and messages from Brandenburg." (Supplemental Test. at 16:6-7.)

RESPONSE:

REQUEST NO. 14: To the extent not already produced, produce all documentation that Windstream alleges supports its calculation of the total amount of compensation owed to it by Brandenburg Telephone.

RESPONSE:

REQUEST NO. 15: With respect solely to the exchange of local and/or EAS traffic, identify and describe in detail all instances in which, and arrangements by which, Windstream pays for the cost of facilities lying outside its service territory.

RESPONSE:

REQUEST NO. 16: In the event Windstream did not have a dedicated facility by which it exchanged local and EAS traffic with MCImetro, describe the circumstances under which Windstream would agree to: (i) deliver its MCImetro-bound traffic to the AT&T Kentucky tandem in Louisville; and (ii) pay for the cost of the facilities used to deliver that traffic to the AT&T Kentucky tandem in Louisville. (For purposes of this request, assume that the "AT&T Kentucky tandem in Louisville" refers to the tandem Windstream claims is the proper routing point for traffic destined for MCImetro.)

RESPONSE:

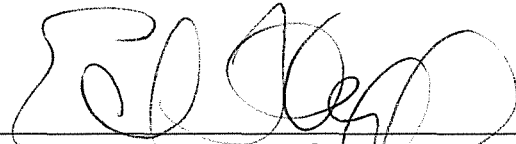
REQUEST NO. 17: Admit or deny the following statement: Prior to MCImetro porting the AOL phone numbers at issue in this case from Windstream, Windstream neither demanded nor collected any compensation from Brandenburg Telephone with respect to traffic originated by Brandenburg Telephone's end-users and destined for the AOL phone numbers in question.

RESPONSE:

REQUEST NO. 18: If, in response to Request No. 17 above, Windstream has denied the statement in question or given anything other than an unqualified admission, explain in detail the basis for Windstream's inability to admit the statement without qualification.

RESPONSE:

Respectfully submitted,



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Holly C. Wallace (holly.wallace@dinslaw.com)

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500 W. Jefferson Street
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Fax: (502) 585-2207

Counsel to Brandenburg Telephone Company

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served on the following by first-class United State mail, sufficient postage prepaid, this 16th day of March, 2010.

Bruce F. Clark Esq.
Stites & Harbison, PLLC
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Frankfort KY 40602-0634

Counsel to Windstream

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Louisville KY 40202-2874

Counsel to MCI metro



Counsel to Brandenburg Telephone Company