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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMMISSION

In the Matter of:

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

Case No. 2008-00203

WINDSTREAM KENTUCKY EAST, LLC'S REQUESTS FOR ADMISSION AND DATA
REQUESTS TO BRANDENBURG BASED ON THE SUPPLEMENTAL TESTIMONY

Windstream Kentucky East, LLC ("Windstream East") submits the following Requests
for Admission and Data Requests to Brandenburg Telephone Company ("Brandenburg") to be
answered in accord with the following:

DEFINITIONS

- "Windstream East" means Windstream Kentucky East, LLC f/k/a Windstream Kentucky
East, Inc.
• "Verizon" means MCI metro Access Transmission Services, LLC d/b/a Verizon.
• "You" and "your" refer to Brandenburg Telephone Company.
• "Brandenburg-Windstream EAS facilities" refer to the extended area service trunks between
Brandenburg and Windstream East established to carry EAS traffic between your Radcliff
and Vine Grove customers and Windstream East's Elizabethtown customers.
• "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 Data 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 Data 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 Data 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.

## **REQUESTS FOR ADMISSION**

1. Admit that you should be compensated by parties using your network.
2. Admit that the traffic at issue in this proceeding does not originate from or terminate to any Windstream East customer.

## **DATA REQUESTS**

1. Please explain in detail the basis for any denial by you of the foregoing Requests for Admission.

2. Please refer to your witness's supplemental testimony on page 5, lines 3-6. Produce all documents and correspondence establishing your counsel's interpretation as referenced in your testimony that the interconnection agreement between Windstream East and Verizon (which provides in Attachment 4, Section 1.1 that neither Windstream East nor Verizon shall deliver traffic to the other that originates on a third party's network) absolves you of paying Windstream East for the traffic at issue in this case which originates with your customers and terminates to Verizon's customers but which you have routed over the Brandenburg-Windstream EAS facilities.

3. Please refer to your witness's supplemental testimony on pages 9-12 alleging that you were unaware that Verizon had even entered the Elizabethtown market. Please produce records sufficient to demonstrate, by month from December 2003 to the present, the total number of minutes of use ("MOUs") that you originated and that you delivered through the Brandenburg-Windstream EAS facilities for termination to Verizon.

4. Please refer to your witness's supplemental testimony on page 12, line 7. Please produce copies of the traffic records or other documents that you reviewed in 2005 which formed the basis for your belief that the traffic between you and Verizon at that time was *de minimus*.

5. Please refer to your witness's supplemental testimony on pages 9-12 alleging that you were unaware that Verizon had even entered the Elizabethtown market. Please describe in detail the translations work that you performed in your switch to enable the traffic at issue in this proceeding to continue routing to Verizon through the Brandenburg-Windstream EAS facilities after the time that you began performing the LNP queries in April of 2007.

6. Please refer to your witness's supplemental testimony on pages 9-12 alleging that you were unaware that Verizon had even entered the Elizabethtown market. Please describe in detail

the translations tables and the specific parameters you use in each of your tables to route and rate the telephone calls placed from your customers to a Windstream East customer in Elizabethtown, Kentucky.

7. Please refer to your witness's supplemental testimony on pages 9-12 alleging that you were unaware that Verizon had even entered the Elizabethtown market. Please describe in detail the translations tables and the specific parameters you use in each of your tables to route and rate the telephone calls placed from one of your customers to a Verizon customer in Elizabethtown, Kentucky.

8. Please refer to footnote 6 in your witness's supplemental testimony regarding wholesale payment terms discussed between you and Verizon regarding your traffic dispute. Please provide the total retail revenues that you have billed and/or received from your Radcliff and Vine Grove end users associated with their subscription to or surcharges associated with EAS plans or other of your calling plans that enable them to place telephone calls to customers in Elizabethtown.

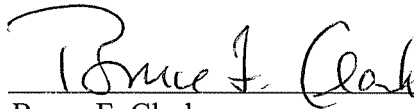
9. Please refer to page 7, lines 13 through 17, of your supplemental testimony in this proceeding. Please produce copies of all contracts, internal affiliate agreements, and other agreements between you and your CLEC affiliate pertaining to the terms and conditions under which your CLEC affiliate has interconnected with you since the time your CLEC affiliate began operating in Windstream East's territory in 2002.

10. Please refer to page 13, lines 1-4 of your witness's supplemental testimony. Provide copies of all correspondence and other documents exchanged between you and Verizon since September 2005 to the present addressing the traffic at issue in this proceeding.

11. Please refer to page 13, lines 1-4 of your witness's supplemental testimony. Provide copies of all internal documents since January 2005 to the present which address or quantify the financial impacts to you of having to exchange the traffic at issue directly with Verizon.

12. Please refer to page 13, lines 1-4 of your witness's supplemental testimony. Provide copies of all internal documents since January 2005 which address or quantify the financial impacts to you of having to exchange the traffic at issue indirectly with Verizon through AT&T's tandem in Louisville.

Respectfully submitted,



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COUNSEL FOR WINDSTREAM KENTUCKY  
EAST, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served by first class mail on those persons whose names appear below this 16th day of March, 2010.

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