

RECEIVED

MAR 16 2010

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE 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 VERIZON BASED ON THE SUPPLEMENTAL TESTIMONY

Windstream Kentucky East, LLC ("Windstream East") submits the following Requests for Admission and Data Requests to MCImetro Access Transmission Services, LLC d/b/a Verizon ("Verizon") to be answered in accord with the following:

**DEFINITIONS**

- "Windstream East" means Windstream Kentucky East, LLC f/k/a Windstream Kentucky East, Inc.
- "Brandenburg" means Brandenburg Telephone Company.
- "You" and "your" refer to MCImetro Access Transmission Services, LLC d/b/a Verizon.
- "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**

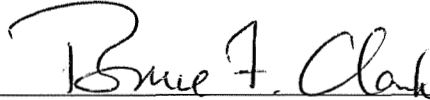
1. Admit that the traffic at issue in this proceeding does not originate from or terminate to any Windstream East customer.
2. Admit that traffic that does not originate with any Windstream or Verizon end user is third-party traffic under your interconnection agreement with Windstream East.

## **DATA REQUESTS**

1. Please explain in detail the basis for any denial by you of the foregoing Requests for Admission.
2. Please update your schedule previously provided in response to Brandenburg's Request No. 14 to include time periods through the present date.
3. Please refer to Brandenburg's supplemental testimony on pages 9-12 alleging that Brandenburg was unaware that you had entered the Elizabethtown market. Please state the date on which you first began providing facilities-based service to any business or residential customer in Elizabethtown, Kentucky.
4. Please refer to Brandenburg's supplemental testimony on pages 9-12 alleging that Brandenburg was unaware that you had entered the Elizabethtown market. Please state the date on which you first received contact from Brandenburg regarding your presence or operation in the Elizabethtown, Kentucky area.
5. Please refer to your answer to the foregoing data request, and provide the name and contact information for the Brandenburg representative initiating such contact to you.
6. Please refer to page 13, lines 1-4 of Brandenburg's supplemental testimony. Provide copies of all correspondence and other documents exchanged between you and Brandenburg since September 2005 to the present addressing the traffic at issue in this proceeding.
7. Please refer to page 13, lines 1-4 of Brandenburg'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 Brandenburg.

8. Please refer to your response to the foregoing data request and provide an estimate of the annual cost you would have incurred to establish direct interconnection with Brandenburg for each 2005, 2006, 2007, 2008, and 2009.

Respectfully submitted,



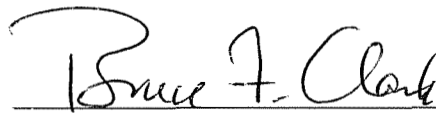
Bruce F. Clark  
STITES & HARBISON, PLLC  
421 West Main Street  
P.O. Box 634  
Frankfort, KY 40602-0634  
Telephone: (502) 223-3477  
COUNSEL FOR WINDSTREAM KENTUCKY  
EAST, LLC

**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.

John E. Selent  
Edward T. Depp  
Holly C. Wallace  
DINSMORE & SHOHL, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
*Counsel to Brandenburg Telephone Company*

Douglas F. Brent Esq.  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202-2874  
*Counsel to Verizon*



Bruce F. Clark