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March 30, 2010

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MAR 30 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 responses to MCI metro Access Transmission Services, LLC's supplemental requests for information to Brandenburg Telephone Company and requests for production of documents in the above-referenced case.

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

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

Very Truly Yours,

John E. Selent

JES/kwi  
Enclosures  
cc: All parties of record

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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 RESPONSES TO  
MCIMETRO'S SUPPLEMENTAL REQUESTS FOR INFORMATION  
TO BRANDENBURG TELEPHONE COMPANY  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Brandenburg Telephone Company ("Brandenburg"), by counsel, and pursuant to the July 11, 2008 procedural order entered by the Public Service Commission of the Commonwealth of Kentucky (the "Commission") in this matter, hereby files its responses to MCImetro Access Transmission Services, LLC d/b/a Verizon Access ("MCImetro") Supplemental Requests for Information to Brandenburg Telephone Company. In response to those requests, Brandenburg states as follows.

**INTERROGATORIES**

18. Does Brandenburg claim that MCImetro must indemnify it for any amounts Brandenburg is ordered to pay Windstream Kentucky East LLC ("Windstream") in this proceeding? If so:
- a. If the indemnity claim is based on one or more tariff provisions, please identify each such provision, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
  - b. If the indemnity claim is based on one or more statutory provisions, please identify each such provision, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
  - c. If the indemnity claim is based on one or more FCC or Commission rules or regulations, please identify each such rule or regulation, the basis for Brandenburg's

claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.

- d. If the indemnity claim is based on one or more FCC or Commission orders, please identify each such order, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
- e. If the indemnity claim is based on one or more contractual provisions, please identify each such provision, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
- f. If the indemnity claim is based on any other legal theory, please identify each such theory, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.

**Responsible Witness:** None. See objection.

**RESPONSE:** Brandenburg objects to this interrogatory on the grounds it requires the production of attorney/work product and, in any event, counsel's theory of the matter may change as further facts emerge. Moreover, Brandenburg has fully explained its legal position to date in this matter in its briefs.

19. Does Brandenburg assert claims against MCImetro in this proceeding other than for indemnification? If so, please state each such claim.

**Responsible Witness:** None. This is a legal question.

**RESPONSE:** As set forth in Brandenburg's Complaint in Kentucky Public Service Commission Case No. 2008-00239, in addition to indemnification, Brandenburg seeks the following forms of injunctive relief against MCImetro:

- "A. Order MCImetro to, at no cost to Brandenburg, establish dedicated trunking facilities to an interconnection point on Brandenburg's network;
- B. Order MCImetro to maintain those dedicated interconnection facilities unless and until the volume of traffic exchanged between Brandenburg and MCImetro falls below a DS-1 level of traffic; [and]
- C. Order that MCImetro shall not collect reciprocal compensation with respect to any traffic originated by Brandenburg's end-user customers and destined for MCImetro's ISP customer(s)[.]"

20. With respect to each claim stated in response to Interrogatory No. 2 [sic]:

- a. If the claim is based on one or more tariff provisions, please identify each such provision, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
- b. If the claim is based on one or more statutory provisions, please identify each such provision, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
- c. If the claim is based on one or more FCC or Commission rules or regulations, please identify each such rule or regulation, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
- d. If the claim is based on one or FCC or more Commission orders, please identify each such order, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
- e. If the claim is based on one or more contractual provisions, please identify each such provision, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.
- f. If the claim is based on any other legal theory, please identify each such theory, the basis for Brandenburg's claim that it requires MCImetro to pay Brandenburg, the amount claimed, and how that amount was calculated.

**Responsible Witness:** None. This is a legal question.

**RESPONSE:** This interrogatory (which presumably intends to refer to Interrogatory No. 19, not Interrogatory No. 2) seeks the basis of claims for damages, the amount of damages alleged, and the methods for calculating damages. It is consequently inapplicable to the claims for injunctive relief detailed in Brandenburg's response to Interrogatory No. 19. Nevertheless, in response, the bases for Brandenburg's claims for injunctive relief have been set forth in its prior filings, including pages 9 through 18 of its Post-Hearing Brief filed on September 12, 2008.

21. Please identify any bills Brandenburg has sent MCImetro relating to the traffic at issue in this proceeding.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg has not sent MCImetro any bills relating to the traffic at issue in this proceeding.

**DOCUMENT REQUESTS**

1. Please produce all documents supporting or otherwise relating to Brandenburg's response to Interrogatory No. 18.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** All such documents were produced prior to this request being made.

2. Please produce all documents supporting or otherwise relating to Brandenburg's response to Interrogatory No. 20.

**Responsible Witness:** Allison T. Willoughby

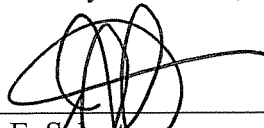
**RESPONSE:** All such documents were produced prior to this request being made.

3. Please produce all documents supporting or otherwise relating to Brandenburg's response to Interrogatory No. 21.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Not applicable.

Respectfully submitted,



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John E. Seibert  
Holly C. Wallace  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
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500 W. Jefferson Street  
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(502) 540-2300  
(502) 585-2207 (fax)

*Counsel to Brandenburg Telephone Company*

**CERTIFICATION**

I hereby certify that I have supervised the preparation of Brandenburg Telephone Company's responses to the supplemental requests for information and documents of MCImetro and that the factual responses contained therein (and for which I am designated the responsible witness) are true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry. (Legal counsel is responsible for any legal objections.)

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

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

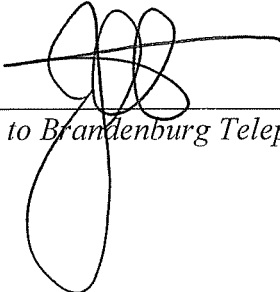
I hereby certify a true and accurate copy of the foregoing was served, by first-class United States mail, sufficient postage prepaid, on the following individuals this 30<sup>th</sup> day of March, 2010.

Bruce F. Clark, Esq.  
Stites & Harbison, PLLC  
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P.O. Box 634  
Frankfort, KY 40602-0634

*Counsel to Windstream*

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Douglas F. Brent, Esq.  
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2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

*Counsel to MCImetro*

  
\_\_\_\_\_  
*Counsel to Brandenburg Telephone Company*