



S T O L L · K E E N O N · O G D E N
P L L C

2000 PNC PLAZA
500 WEST JEFFERSON STREET
LOUISVILLE, KY 40202-2828
MAIN: (502) 333-6000
FAX: (502) 333-6099
www.skofirm.com

DOUGLAS F. BRENT
DIRECT DIAL: 502-568-5734
douglas.brent@skofirm.com

March 30, 2010

RECEIVED

Mr. Jeff DeRouen
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

MAR 30 2010

PUBLIC SERVICE
COMMISSION

*RE: 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*

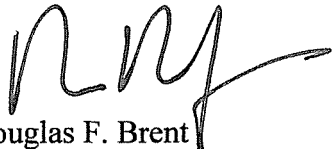
Dear Mr. DeRouen:

Enclosed are an original and ten copies of MCImetro Access Transmission Services LLC's (1) Responses to Data Requests of Brandenburg Telephone Company and (2) Objections and Responses to Requests for Admissions and Data Requests of Windstream Kentucky East, LLC. These are being filed pursuant to an agreed procedural schedule proposed by the parties.

Please indicate receipt of this filing by placing your file stamp on the extra copies and returning to me via our runner.

Very truly yours,

STOLL KEENON OGDEN PLLC


Douglas F. Brent

DFB:

Enclosures

105138.116493/535497.1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAR 30 2010

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

**VERIZON'S RESPONSES TO
DATA REQUESTS OF BRANDENBURG TELEPHONE COMPANY**

MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services ("MCImetro"), by its undersigned counsel, responds to the Initial Data Requests (the "Discovery Requests") served by Brandenburg Telephone Company ("Brandenburg") on March 16, 2010.

GENERAL OBJECTIONS

1. MCImetro objects to the Discovery Requests and all Definitions associated with the Discovery Requests to the extent they purport to impose obligations that are different from, or go beyond, the obligations imposed by the Kentucky Rules of Civil Procedure and the Commission's Rules of Procedure.

2. MCImetro objects to the Discovery Requests to the extent they seek documents or information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or doctrines. Any inadvertent disclosure of such privileged documents or information shall not be deemed to be a waiver of the attorney-client privilege, attorney work-product doctrine, or other applicable privileges or doctrines.

3. MCImetro objects to the Discovery Requests to the extent that they are vague and ambiguous, particularly to the extent that it uses terms that are undefined or vaguely defined.

4. MCImetro objects to the Discovery Requests to the extent they seek confidential business, financial, or other proprietary documents or information. MCImetro further objects to the Discovery Requests to the extent they seek documents or information protected by the privacy protections of the Kentucky or United States Constitutions, or any other law, statute, or doctrine.

5. MCImetro objects to the Discovery Requests to the extent they seek documents or information equally available to Brandenburg as to MCImetro through public sources or records or which are already in the possession, custody or control of Brandenburg.

6. To the extent MCImetro responds to the Discovery Requests, MCImetro reserves the right to amend, replace, supersede, or supplement its responses as may become appropriate in the future, but it undertakes no continuing or ongoing obligation to update its responses.

7. MCImetro objects to the Discovery Requests to the extent that they seek to impose an obligation on MCImetro to provide documents or information concerning its affiliates.

8. MCImetro objects to the Discovery Requests to the extent they seek information that is not reasonably calculated to lead to the discovery of admissible evidence and not relevant to the subject matter of this proceeding.

DATA REQUESTS

REQUEST 1. State whether MCImetro is willing to enter a traffic exchange agreement in either of the forms attached hereto as Exhibit 1 and Exhibit 2. If your response to this request is affirmative, identify which of the agreement MCImetro is willing to enter with Brandenburg Telephone.

RESPONSE 1. MCImetro objects to Data Request No. 1 because it is not relevant to the claims of Windstream Kentucky East, LLC (“Windstream”) in this phase of the proceeding and because it seeks to force MCImetro to negotiate via the discovery process, which is an improper use of discovery. Subject to and without waiving these objections or the General Objections, MCImetro states that it is not willing to enter into either of the forms attached as Exhibit 1 and Exhibit 2 to Brandenburg’s data requests.

REQUEST 2. Admit that the language MCImetro has proposed in the (e-mail attached hereto as Exhibit 3) for section 4.1.1 of a traffic exchange agreement is - - as of the date these data requests have been propounded - - MCImetro's current proposal for section 4.1.1 of a traffic exchange agreement with Brandenburg Telephone. If you will not admit this, explain in detail the basis for your refusal to do so.

RESPONSE 2. MCImetro objects to Data Request No. 2 because it is not relevant to Windstream's claims in this phase of the proceeding and because it seeks to force MCImetro to negotiate via the discovery process, which is an improper use of discovery. Subject to and without waiving these objections or the General Objections, MCImetro states that Exhibit 3 reflects the most recent settlement proposal MCImetro had made to Brandenburg with respect to section 4.1.1 of the traffic exchange agreement under negotiation as of March 16, 2010. MCImetro further states that its most recent proposal since March 16, 2010 does not include the language the parties previously disputed in section 4.1.1.

REQUEST 3. With respect to the language contained in section 4.1.1 of Exhibit 3 to these requests, explain in detail how – in the event MCImetro were to “disconnect facilities that were established at the POC” – any remaining traffic originated by Brandenburg Telephone end-users and destined for MCImetro customers would be delivered to MCImetro consistent with the other terms of Exhibit 3 to these requests.

RESPONSE 3. MCImetro objects to Data Request No. 3 because it is not relevant to Windstream’s claims in this phase of the proceeding and because it seeks to force MCImetro to negotiate via the discovery process, which is an improper use of discovery. Subject to and without waiving these objections or the General Objections, MCImetro states that its most recent proposal does not include the language the parties previously disputed in section 4.1.1.

REQUEST 4. Assuming: (i) that the draft agreement attached as Exhibit 3 were executed by MCI metro and Brandenburg Telephone; and (ii) traffic volumes dropped below the threshold identified in section 4.1.1 such that MCI metro was entitled to (and, in fact, did) disconnect “facilities that were established at the POC,” identify the point of connection that would apply to the parties exchange of traffic from that time forward. In identifying this point of connection, state whether it would be within Brandenburg Telephone’s service territory, explain in detail which parties would be responsible for establishing, maintaining, operating, and paying for facilities on each side of that point of connection.

RESPONSE 4. MCI metro objects to Data Request No. 4 because it is not relevant to Windstream’s claims in this phase of the proceeding and because it seeks to force MCI metro to negotiate via the discovery process, which is an improper use of discovery. Subject to and without waiving these objections or the General Objections, MCI metro states that its most recent proposal does not include the language the parties previously disputed in section 4.1.1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Hatfield', with a long horizontal stroke extending to the right.

C. Kent Hatfield
Douglas F. Brent
STOLL KEENON OGDEN PLLC
2000 PNC PLAZA
500 W. Jefferson Street
Louisville, KY 40202
Telephone: (502) 568-5375
Fax: (502) 333-6099

*Counsel to MCImetro Access Transmission Services
LLC*

CERTIFICATE OF SERVICE

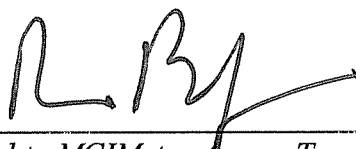
I hereby certify that a true and accurate copy of the foregoing was served on the following by first-class United State mail, sufficient postage prepaid, this 30th day of March, 2010.

Bruce F. Clark
Stites & Harbison, PLLC
421 West Main Street
P.O. Box 634
Frankfort KY 40602-0634
bclark@stites.com

Counsel to Windstream

John E. Selent
Edward T. Depp
Holly C. Wallace
DINSMORE & SHOHL LLP
1400 PNC Plaza
500 W. Jefferson Street
Louisville, KY 40202
john.selent@dinslaw.com
tip.depp@dinslaw.com
holly.wallace@dinslaw.com

Counsel to Brandenburg Telephone Company



Counsel to MCIMetro Access Transmission Services LLC