



John E. Selent  
502-540-2315  
john.selent@dinslaw.com

July 17, 2008

RECEIVED

JUL 17 2008

PUBLIC SERVICE  
COMMISSION

**Via Hand Delivery**

Hon. Stephanie Stumbo  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

**Re: *In the Matter of: Windstream Kentucky East, LLC v. Brandenburg Telephone Company and MCIMetro Access Transmission Services, LLC d/b/a Verizon Wireless, Case No. 2008-00203***

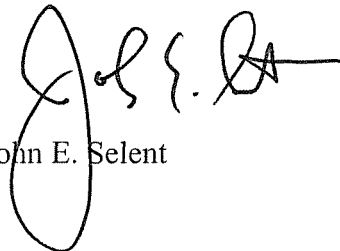
Dear Ms. Stumbo:

Enclosed for filing in the above-referenced case, please find one original and ten (10) copies of Brandenburg Telephone Company's initial data requests to MCIMetro Access Transmission Services, LLC d/b/a Verizon Wireless.

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

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

JES/kwi  
Enclosures

cc: All Parties of Record

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUL 17 2008

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  
MCIMETRO ACCESS SERVICES, LLC, D/B/A VERIZON ACCESS**

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 requests that MCI metro Access Transmission Services, LLC ("MCI metro") produce the initial data requests shall be answered in accordance with the Commission's order of July 11, 2008. In light of the abbreviated procedural schedule in this matter, MCI metro believes a complete answer to any of these initial data requests that may contain confidential data or is otherwise objectionable, please notify counsel in writing 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 MCI metro may believe is necessary.

ORIGINAL

\*\*\*\*\*

**REQUEST NO. 1:** Please identify and produce all agreements between MCI metro and all internet service providers ("ISP's"), including but not limited to America Online or AOL, to which MCI metro directs dial-up traffic originated by Brnadenburg end-users.

**RESPONSE:**

**REQUEST NO. 2:** Please identify and produce all agreements between MCImetro and all other customers, carriers, or ISP's (including, but not limited to America Online or AOL) by which MCImetro agrees to share a percentage of any reciprocal compensation it may recover from an originating carrier (like Brandenburg) with the MCImetro customer/carrier/ISP on whose behalf MCImetro terminates the call.

**RESPONSE:**

**REQUEST NO. 3:** Please identify (by physical address and, if possible, the applicable V&H coordinates) the physical location of all ISP servers and/or modem banks to which MCImetro terminates traffic originated by Brandenburg Telephone end-users.

**RESPONSE:**

**REQUEST NO. 4:** Please identify the MCImetro customer(s) on whose behalf MCImetro terminates the traffic described in Request No. 3, above.

**RESPONSE:**

**REQUEST NO. 5:** Please identify and produce all agreements between MCImetro and all other customers, carriers, or ISP's (including, but not limited to America Online or AOL) by which MCImetro agrees to price its services contingent upon the receipt of any compensation of any nature from an originating carrier.

**RESPONSE:**

**REQUEST NO. 6:** Identify all telephone numbers utilized by MCImetro that use an NPA-NXX that is associated with the rate-center area of Elizabethtown, Kentucky but are designated for routing through an AT&T Louisville tandem.

**RESPONSE:**

**REQUEST NO. 7:** If MCImetro utilizes any telephone numbers that use an NPA-NXX that is associated with the rate-center area of Elizabethtown, Kentucky but are designated for routing through an AT&T's Louisville tandem, please explain why those telephone numbers are homed behind an AT&T Louisville tandem, and please identify the authority by which MCImetro is permitted to home those numbers in that manner.

**RESPONSE:**

**REQUEST NO. 8:** Identify all telephone numbers utilized by MCImetro that use an NPA-NXX that is associated with the rate-center area of Elizabethtown, Kentucky and are designated for routing through Windstream's Elizabethtown tandem.

**RESPONSE:**

**REQUEST NO. 9:** If MCImetro utilizes any telephone numbers that use an NPA-NXX that is associated with the rate-center area of Elizabethtown, Kentucky and are designated for routing through Windstream's Elizabethtown tandem, please explain why those telephone numbers are designated for routing through Windstream's Elizabethtown tandem, and please identify the authority by which MCImetro is permitted to home those numbers in that manner.

**RESPONSE:**

**REQUEST NO. 10:** Please identify the physical address and V&H coordinates of the point(s) of interface within the Louisville LATA where Windstream Kentucky East, LLC ("Windstream") delivers MCImetro traffic that is both originated by Windstream end-users and is routed to MCImetro customers using an NPA-NXX that is associated with the rate-center area of Elizabethtown.

**RESPONSE:**

**REQUEST NO. 11:** Please identify and produce all agreements by which Windstream delivers the traffic that is the subject of Request No. 10, above, to MCImetro.

**RESPONSE:**

**REQUEST NO. 12:** Please identify all MCImetro telephone numbers that use an NPA-NXX that is associated with a rate-center area served by Brandenburg.

**RESPONSE:**

**REQUEST NO. 13:** Identify the monthly volume of traffic that MCImetro has delivered to Brandenburg during each of the past thirty-six months.

**RESPONSE:**

**REQUEST NO. 14:** Identify the monthly volume of traffic that MCImetro has received from Brandenburg during each of the past thirty-six months.

**RESPONSE:**

**REQUEST NO. 15:** Admit that MCImetro currently terminates (on behalf of its ISP customer(s)) greater than 300,000 minutes of traffic monthly from Brandenburg's end-users. If you do not so admit, please explain in detail the basis for your denial.

**RESPONSE:**

**REQUEST NO. 16:** Admit that MCImetro is currently terminating (on behalf of its ISP customer(s)) greater than two million minutes of traffic monthly from Brandenburg's end-users. If you do not so admit, please explain in detail the basis for your denial.

**RESPONSE:**

**REQUEST NO. 17:** Identify all Kentucky incumbent local exchange carriers ("ILECs") from whom MCImetro receives traffic at a point of interface that is not located on that ILEC's network, at a point within that ILEC's local service territory, and identify which carrier is financially responsible for any portion of the facilities lying outside of the ILEC's network.

**RESPONSE:**

**REQUEST NO. 18:** Identify and produce all traffic exchange agreements pursuant to which MCImetro exchanges traffic with any ILEC identified in response to Request No. 17, above.

**RESPONSE:**

**REQUEST NO. 19:** With respect to each agreement identified in response to Request No. 18, above, identify whether each agreement was either the product of voluntary negotiations with the

ILEC or the product of an arbitration proceeding before the Commission. (If a particular agreement was the product of an arbitration before the Commission, please identify the corresponding case number.)

**RESPONSE:**

**REQUEST NO. 20:** Identify the number of MCImetro customers for whom MCImetro currently terminates Brandenburg-originated traffic.

**RESPONSE:**

**REQUEST NO. 21:** Identify each of the MCImetro customers for whom MCImetro currently terminates Brandenburg-originated traffic.

**RESPONSE:**

**REQUEST NO. 22:** Admit that all of the Brandenburg-originated traffic being received by MCImetro is destined for (an) ISP customer(s) of MCImetro. If you do not so admit, please explain in detail the basis for your denial.

**RESPONSE:**



**REQUEST NO. 23:** Identify the date upon which MCImetro first began receiving Brandenburg-originated traffic.

**RESPONSE:**

**REQUEST NO. 24:** Identify and describe in detail all efforts that MCImetro undertook to secure a traffic exchange agreement with Brandenburg upon entering Windstream's Elizabethtown rate-centered service territory.

**RESPONSE:**

**REQUEST NO. 25:** Identify all carriers from whom MCImetro is receiving Kentucky-originated traffic notwithstanding the absence of any written agreement for the exchange of the same traffic.

**RESPONSE:**

**REQUEST NO. 26:** Explain in detail why MCImetro believes that, in the absence of dedicated trunking facilities for the exchange of traffic between MCImetro and Brandenburg, Brandenburg-originated calls homed behind the Louisville tandem should not be delivered to MCImetro as toll calls.

**RESPONSE:**

**REQUEST NO. 27:** Identify and produce all agreements between MCImetro and any other party (including, but not limited to Windstream) whereby MCImetro and that party agree that Brandenburg-originated traffic will be delivered to MCImetro at no cost to MCImetro.

**RESPONSE:**

**REQUEST NO. 28:** Describe in detail MCImetro's understanding of its obligation(s), if any, to make contractual arrangements for the exchange of non-toll traffic with a rural ILEC in Kentucky.

**RESPONSE:**

**REQUEST NO. 29:** Identify all Kentucky-certificated local exchange carriers that MCImetro is billing for reciprocal compensation on traffic MCImetro terminates to an ISP.

**RESPONSE:**

**REQUEST NO. 30:** Identify all Kentucky-certificated local exchange carriers that are paying MCImetro for reciprocal compensation on traffic MCImetro terminates to an ISP.

**RESPONSE:**

**REQUEST NO. 31:** Identify all Kentucky-certificated local exchange carriers from whom MCImetro is terminating more than 300,000 minutes of traffic per month.

**RESPONSE:**

**REQUEST NO. 32:** Identify and produce all agreements (and the relevant provisions thereof) that obligate MCImetro to establish dedicated trunking facilities to a carrier or end-office once the volume of traffic being exchanged between MCImetro and that carrier or end-office exceeds a defined volume during a defined period of time.

**RESPONSE:**

**REQUEST NO. 33:** Admit that it is appropriate for carriers to establish dedicated trunking facilities for the exchange of traffic once the volume of traffic being exchanged by the companies reaches 300,000 minutes per month. If you do not so admit, explain in detail the basis for your denial and explain in detail whether and when MCImetro believes it is appropriate to establish dedicated trunking facilities for the exchange of traffic with another carrier.

**RESPONSE:**

**REQUEST NO. 34:** Admit that it is appropriate for MCImetro and Brandenburg to exchange traffic by means of dedicated facilities given the current volume of traffic being exchanged between the companies. If you do not so admit, explain in detail the basis for your denial and

explain in detail the circumstances pursuant to which MCImetro believes it would be appropriate to establish dedicated trunking facilities for the exchange of traffic with Brandenburg.

**RESPONSE:**

**REQUEST NO. 35:** Identify the monthly volume of traffic that MCImetro has delivered (over Windstream facilities) to Brandenburg during each of the past thirty-six months.

**RESPONSE:**

**REQUEST NO. 36:** Identify the monthly volume of traffic that MCImetro has received (over Windstream facilities) from Brandenburg during each of the past thirty-six months.

**RESPONSE:**

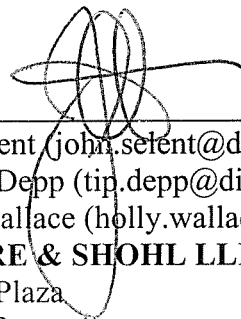
**REQUEST NO. 37:** Identify all tariffs and/or agreements pursuant to which MCImetro seeks recovery of charges for the transport and termination of traffic originated by Brandenburg end-users that is destined for (an) MCImetro customer(s).

**RESPONSE:**

**REQUEST NO. 38:** Identify the authority pursuant to which MCImetro believes that it may tariff charges for the transport and termination of traffic originated by Brandenburg end-users that is destined for (an) MCImetro customer(s)

**RESPONSE:**

Respectfully submitted,



---

John E. Selent (john.selent@dinslaw.com)  
Edward T. Depp (tip.depp@dinslaw.com)  
Holly C. Wallace (holly.wallace@dinslaw.com)  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 W. Jefferson Street  
Louisville, KY 40202  
Telephone: (502) 540-2300  
Fax: (502) 585-2207

*Counsel to Brandenburg Telephone Company*

**CERTIFICATE OF SERVICE**

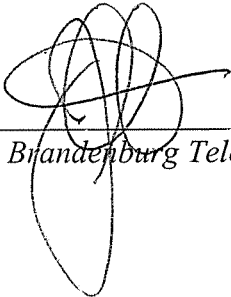
I hereby certify that a true and accurate copy of the foregoing was served on the following by first-class United State mail, sufficient postage prepaid, this 17th day of July, 2008.

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

*Counsel to Windstream*

Douglas F. Brent Esq.  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville KY 40202-2874  
douglas.brent@skofirm.com

*Counsel to MCImetro*

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