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July 31, 2008

RECEIVED
AUG 01 2008
PUBLIC SERVICE
COMMISSION

Stephanie L. Stumbo
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

*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*

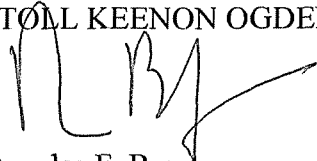
Dear Ms. Stumbo:

Filed today are MCImetro Access Transmission Services, LLC's responses to data requests from the Commission staff, Brandenburg Telephone Company, and Windstream Kentucky East, LLC.

Please indicate receipt of these filings 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

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 01 2008

PUBLIC SERVICE
COMMISSION

In the Matter of:

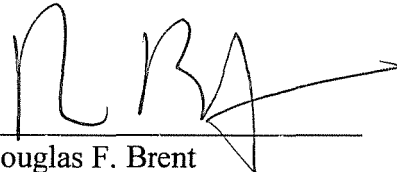
AN INVESTIGATION INTO THE TRAFFIC)
DISPUTE BETWEEN WINDSTREAM)
KENTUCKY EAST, LLC, BRANDENBURG)
TELEPHONE COMPANY AND MCIMETRO)
ACCESS TRANSMISSION SERVICES LLC)
D/B/A VERIZON ACCESS)

CASE NO. 2008-00203

**MCIMETRO ACCESS SERVICES, LLC D/B/A VERIZON ACCESS RESPONSES TO
INITIAL DATA REQUESTS of BRANDENBURG TELEPHONE COMPANY**

MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (“MCImetro” or “Verizon”), by its undersigned counsel, responds to the Brandenburg Telephone Company’s data requests issued July 17, 2008.

Respectfully submitted,



Douglas F. Brent
STOLL KEENON OGDEN PLLC
2000 PNC PLAZA
500 W. Jefferson Street
Louisville, KY 40202
Telephone: (502) 568-5375
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*Counsel to MCImetro Access Transmission Services
LLC*

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

Responsible Person: counsel for MCImetro

RESPONSE:

Objection. MCImetro's contractual relationships with its customers, including Internet Service Providers, are irrelevant to the Commission's investigation of the traffic routing dispute in this matter. The agreements are also highly confidential and proprietary and constitute trade secrets.

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.

Responsible Person: counsel for MCImetro

RESPONSE:

Objection. MCImetro's rates, terms and conditions for service to ISPs are irrelevant to the Commission's investigation of the traffic routing dispute in this matter. Subject to that objection and without waiving it, MCImetro states that there are no such agreements. Further in response, MCImetro states that it has no agreements with other customers or carriers by which MCImetro agrees to share a percentage of any reciprocal compensation.

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.

Responsible Person: Lee M. Olson

RESPONSE:

Objection. This request is vague and unduly burdensome. In addition, the technical configuration and location of ISP servers operated by MCImetro's customers, the locations of modem banks, and destinations where MCImetro terminates telecommunications services is Customer Proprietary Network Information. Subject to that objection and without waiving it, MCImetro states that dial-up traffic from Brandenburg Telephone end users to AOL is currently routed to MCImetro's interconnection point in Elizabethtown, then routed to modems outside of Kentucky.

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

Responsible Person: Steve Dearman

RESPONSE:

Objection. This information is not only irrelevant, it is proprietary and highly confidential. The provision of service to Internet service providers is highly competitive. Brandenburg Telephone Company provides dial up Internet Service, and Brandenburg Telecom is a competitor of MCImetro in Elizabethtown, Kentucky. Furthermore, MCImetro competes with other carriers, such as Level 3 Communications, in providing services to dial up providers. Publicly disclosing the customers served by MCImetro would enable other carriers to identify and target these customers. MCImetro disclosed its customer relationship with AOL only because of the urgent situation created when Windstream took actions that prevented customers in Radcliff from accessing AOL. Subject to that objection and without waiving it, MCImetro states that it terminates traffic for approximately ten Internet service providers with numbers rated locally to Elizabethtown.

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.

Responsible Person: counsel for MCImetro

RESPONSE:

Objection. MCImetro's contractual relationships with its customers, including Internet Service Providers, are irrelevant to the Commission's investigation of the traffic routing dispute in this matter. The agreements are also highly confidential and proprietary and constitute trade secrets. Subject to that objection and without waiving it, there are no such agreements.

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.

Responsible Person: Steve Dearman

RESPONSE:

Objection. This request is vague and argumentative in its assumption that numbers “are designated for routing” through an AT&T (BellSouth) Louisville tandem. Subject to that objection and without waiving it, with respect to MCImetro numbers associated with the Elizabethtown rate center, MCImetro has established a point of interconnection in Elizabethtown. The following numbers are assigned to MCImetro customers and use an NPA-NXX that is associated with the rate-center area of Elizabethtown, Kentucky:

270-234-0425
270-234-1116
270-234-9506
270-765-2701
270-765-2920
270-765-3879
270-766-1633
270-766-1726
270-766-1806
270-766-1928
270-769-0880
270-769-2883
270-769-3330

See also MCImetro’s response to KY PSC staff Request No. 1.

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.

Responsible Person: Don Price

RESPONSE:

MCImetro has not designated that telephone numbers within NPA-NXXs associated with the rate-center area of Elizabethtown be “routed through AT&T’s (BellSouth) Louisville tandem.” These numbers are not “homed behind” an AT&T Louisville tandem. Rather, following standard industry practice, MCImetro uses a 10-digit Location Routing Number (“LRN”) to uniquely identify a default point of interconnection within LATA 462. LATA 462 includes the cities of Brandenburg, Elizabethtown, and Louisville. MCImetro’s practices are consistent with the Industry Numbering Committee’s technical and operations standards incorporated into The Alliance for Telecommunications Industry Solution’s (“ATIS”) “Location Routing Number (LRN) Assignment Practices Final Document,” published as an ATIS standard. *See* ATIS-0300065 (December 1, 2006).

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.

Responsible Person: Lee M. Olson

RESPONSE:

None. Numbers utilized by MCImetro that are associated with the Elizabethtown rate center do not route “through” Windstream’s tandem. MCImetro interconnects with Windstream at Elizabethtown.

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.

Responsible Person: Lee M. Olson

RESPONSE:

See Response to Request No. 8.

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 MCI metro traffic that is both originated by Windstream end-users and is routed to MCI metro customers using an NPA-NXX that is associated with the rate-center area of Elizabethtown.

Responsible Person: Lee M. Olson

CONFIDENTIAL 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.

Responsible Person: counsel for MCImetro and Rick McGolerick

RESPONSE:

MCImetro and Windstream entered into an Interconnection Agreement that was filed with the Kentucky Public Service Commission in November 2005 and became effective on February 15, 2006. This agreement was amended effective April 3, 2007. The agreement, as amended, is a matter of public record and may be obtained from the Commission's website at this link:

<http://162.114.3.165/PSCICA/2003/2003%2D00071/>

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.

Responsible Person: Rick McGolerick

RESPONSE:

There are no MCImetro telephone numbers that use an NPA-NXX in a rate center associated with Brandenburg's OCN (0398). MCImetro has telephone numbers within NPA-NXXs that Brandenburg has defined as local to Radcliff. *See* MCImetro's Response to Brandenburg Request No. 6.

30% PCW



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

Responsible Person: Dennis Ricca

RESPONSE:

Other than 1.33 minutes delivered in April, 2006, there are no other minutes of traffic that have been recorded by MCImetro. *See* Attachment A labeled “Minutes Exchanged between MCImetro and Brandenburg in KY” in the column labeled “LOCAL ORIG Minutes.”

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

Responsible Person: Dennis Ricca

RESPONSE:

See Attachment A to Response 13 labeled “Minutes Exchanged between MCImetro and Brandenburg in KY” in the columns labeled “LOCAL TERM (Under 3:1) Minutes” and “LOCAL TERM (Over 3:1) Minutes.”

Attachment A Minutes Exchanged between MCImetro and Brandenburg in KY

Traffic Month YYYYMM	DR-14 INTRASTATE Switched Access MOUs	DR-14 LOCAL TERM (Under3:1) Minutes	DR-14 LOCAL TERM (Over 3:1) Minutes	DR-13 LOCAL ORIG Minutes
200508	166,500	0.00	30,126,451	0.00
200509	65,242	0.00	11,213,961	0.00
200510	77,914	0.00	10,553,531	0.00
200511	75,789	0.00	10,192,281	0.00
200512	72,637	0.00	10,409,090	0.00
200601	85,049	0.00	10,294,804	0.00
200602	55,512	0.00	9,616,268	0.00
200603	51,567	0.00	9,879,781	0.00
200604	51,086	4.00	8,909,886	1.33
200605	52,278	0.00	8,772,866	0.00
200606	44,625	0.00	8,765,713	0.00
200607	53,263	0.00	9,104,426	0.00
200608	49,535	0.00	8,430,868	0.00
200609	54,403	0.00	7,472,971	0.00
200610	46,603	0.00	7,661,427	0.00
200611	34,149	0.00	7,356,529	0.00
200612	39,808	0.00	7,403,474	0.00
200701	42,417	0.00	7,272,843	0.00
200702	40,093	0.00	6,367,195	0.00
200703	37,980	0.00	6,569,761	0.00
200704	30,084	0.00	5,700,730	0.00
200705	32,257	0.00	5,435,717	0.00
200706	28,996	0.00	5,252,080	0.00
200707	25,018	0.00	5,161,271	0.00
200708	21,900	0.00	4,527,424	0.00
200709	17,547	0.00	4,189,997	0.00
200710	14,874	0.00	4,339,604	0.00
200711	19,936	0.00	4,171,334	0.00
200712	18,045	0.00	4,220,713	0.00
200801	26,581	0.00	4,078,541	0.00
200802	22,692	0.00	3,688,992	0.00
200803	15,195	0.00	3,751,249	0.00
200804	7,435	0.00	3,412,718	0.00
200805	1,856	0.00	3,286,325	0.00
200806	8,442	0.00	1,987,327	0.00

Local Term = Local Minutes of Use Originated by Brandenburg customer and terminated to MCImetro.
 Local Orig = Local Minutes of Use Originated by MCImetro customer and terminated to Brandenburg.

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.

Responsible Person: Rick McGolerick

RESPONSE:

Admitted.

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.

Responsible Person: Rick McGolerick

RESPONSE:

Admitted.

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.

Responsible Person: Lee M. Olson

RESPONSE:

Objection. This request is vague and overbroad. Subject to that objection and without waiving it, upon information and belief MCImetro receives traffic from every incumbent local carrier in the state, generally via indirect interconnection. MCImetro receives traffic at ILEC tandems in each LATA, as follows:

<u>LATA</u>	<u>LRN</u>	<u>TANDEM ASSOCIATION</u>
462	502.554.9921	LSVLKYAP2GT, Louisville
464	270.297.9921	OWBOKYMA1GT, Owensboro
466	606.314.9921	LXTNKYXA03T, Lexington
922	859.394.9921	CNCNOHWS03T, Cincinnati
922	859.429.9221	CNCNOHWS03T, Cincinnati
922	859.449.9921	CNCNOHWS03T, Cincinnati
922	859.568.9921	CNCNOHWS03T, Cincinnati
922	859.592.9921	CNCNOHWS03T, Cincinnati
922	859.592.9921	CNCNOHWS03T, Cincinnati

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.

Responsible Person: John Monroe

RESPONSE:

None.

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.)

Responsible Person: John Monroe

RESPONSE:

Not applicable.

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

Responsible Person: Dennis Ricca

RESPONSE:

Brandenburg provides toll service to its customers; accordingly, it is impossible to identify every customer of MCImetro that is called by a Brandenburg customer. Moreover, because MCImetro provides local service throughout the country, the information sought is not maintained in the ordinary course of business and cannot feasibly be created.

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

Responsible Person: Dennis Ricca

RESPONSE:

See Response to Request No. 20.

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.

Responsible Person: Dennis Ricca

RESPONSE:

Denied. MCImetro serves local voice customers in Kentucky.

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

Responsible Person: Mark Turner

RESPONSE:

MCImetro lacks information which would make it possible to respond.

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.

Responsible Person: Rick McGolerick

RESPONSE:

Objection. This question is argumentative in that it presumes an obligation on the part of MCImetro to “secure” an agreement related to traffic originated by customers of Brandenburg Telephone Company. Subject to that objection and without waiving it, no efforts were undertaken by MCImetro upon entering Windstream’s Elizabethtown rate-centered service territory in 2003.

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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.

Responsible Person: Dennis Ricca

RESPONSE:

MCImetro assumes it receives Kentucky-originated traffic from every carrier doing business in the state and understands its legal obligation to terminate that traffic.

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.

Responsible Person: counsel for MCImetro and Don Price

RESPONSE:

Objection. This request is based on the argumentative premise that the calls at issue are “homed behind” the Louisville tandem. Subject to that objection and without waiving it, MCImetro states that under standard industry practice, routing and rating are independent functions—MCImetro’s use of a Location Routing Number in Louisville does not transform all Brandenburg originated traffic bound for MCImetro customers into “toll calls.”

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.

Responsible Person: John Monroe

RESPONSE:

None.

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.

Responsible Person: counsel for MCImetro

RESPONSE:

Objection. This request is not for factual information, but rather, seeks to explore MCImetro's legal positions with respect to "rural ILECs" generally, which is irrelevant to this investigation involving only Brandenburg Telephone Company. Furthermore, the information sought by Brandenburg includes attorney work product and attorney-client privileged information.

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

Responsible Person: Rick McGolerick

RESPONSE:

BellSouth, Brandenburg Telephone Company, North Central Rural Telephone Company, North Central Communications, SBC Telecom, West Kentucky Rural Telephone Corporation and Windstream all are billed for minutes presumed, in accordance with the FCC's *ISP Remand Order*, to be ISP-bound minutes.

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

Responsible Person: counsel for MCImetro

RESPONSE:

Objection. Whether or not other carriers are paying MCImetro for termination charges is irrelevant to the traffic routing practices of Brandenburg Telephone Company under investigation in this proceeding.

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

Responsible Person: Rick McGolerick

RESPONSE:

MCImetro terminates over 300,000 minutes of traffic per month in Kentucky originating from BellSouth, Brandenburg Telephone Company, Insight Phone, SBC Telecom, South Central Telcom, West Kentucky Rural Telephone Corporation, and Windstream. No effort has been made to determine which of these carriers are “certificated” in Kentucky

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.

Responsible Person: counsel for MCImetro

RESPONSE:

Any agreements containing such obligation are on file with the Commission, are publicly available, and the agreements speak for themselves.

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.

Responsible Person: counsel for MCImetro and Kent Smith

RESPONSE:

MCImetro admits that dedicated one-way trunking facilities to MCImetro may be appropriate if that volume of traffic is sustained over a three-month period and provided it is provisioned consistent with the FCC's First Report and Order in its Local Competition Docket, *11 FCC Rcd 15499* (1996)(the "*First Report and Order*") implementing the 1996 Telecommunications Act. The FCC determined that:

*....The amount an interconnection carrier pays for dedicated transport is to be proportional to its relative use of the dedicated facility. For example, if the providing carrier provides one-way **trunks** that the interconnecting carrier uses exclusively for sending terminating traffic to the providing carrier, then the interconnecting carrier is to pay the providing carrier a rate that recovers the full forward-looking economic costs of those **trunks**. The interconnecting carrier, however, should not be required to pay the providing carrier for one-way **trunks** in the opposite direction which the providing carrier owns and uses to send its own traffic to the interconnecting carrier, Under an alternative scenario, if the providing carrier provides two-way **trunks** between its network and the interconnecting carrier's network, then the interconnecting carrier should not have to pay the providing carrier a rate that recovers the full cost of those **trunks**. These two-way **trunks** are used by the providing carrier to send terminating traffic to the interconnecting carrier. Rather, the interconnecting carrier shall pay the providing carrier a rate that reflects only the proportion of the trunk capacity that the interconnecting carrier uses to send the terminating traffic to the providing carrier.*

First Report and Order, Paragraph 1062, pp. 507,508 (*portions omitted, emphasis added*). The FCC thus made clear that originating carriers must shoulder the burden of transporting the traffic originated on their network by their customers.

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.

Responsible Person: counsel for MCImetro and Kent Smith

RESPONSE:

Admitted, subject to the standards noted in the *First Report and Order*, as discussed in response to Brandenburg's Request No. 33.

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.

Responsible Person: counsel for MCImetro and Dennis Ricca

RESPONSE:

Objection. This request is unduly burdensome, as it would require MCImetro to produce information that is not in its possession or is not readily available. MCImetro does not retain information in a format that allows it to determine the routing used on previously billed calls. Subject to that objection and without waiving it, *see* MCImetro's response to Brandenburg's Request No. 13.

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.

Responsible Person: Dennis Ricca

RESPONSE:

See response to Request No. 14. MCImetro does not retain information in a format that allows it to determine the routing used on previously billed calls. Upon belief, all of the traffic was routed through the Windstream tandem switch in Elizabethtown.

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).

Responsible Person: counsel for MCImetro

RESPONSE:

Objection. MCImetro's charges to Brandenburg Telephone Company are at issue in a separate proceeding and are not relevant to the traffic routing dispute being investigated by the Commission. Subject to that objection and without waiving it, see K.P.S.C. Tariff No. 1, Section 9.1 and MCImetro's Tariff FCC No. 1, Section G.

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)

Responsible Person: counsel for MCImetro

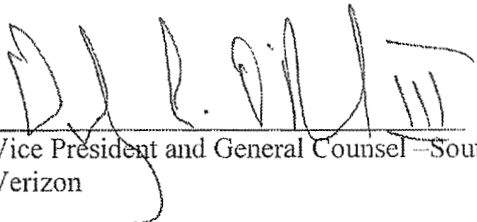
RESPONSE:

KRS 278.160 and 47 U.S.C § 203.

CERTIFICATION

STATE OF GEORGIA)
)
COUNTY OF FULTON)

The undersigned, Dulaney L. O’Roark III, deposes and says that he is the Vice President and General Counsel for the Southeast Region for Verizon, that he has supervised the preparation of the responses on behalf of MCImetro Access Transmission Services LLC, and that the responses are true and accurate to the best of his knowledge, information, and belief formed after a reasonable inquiry.



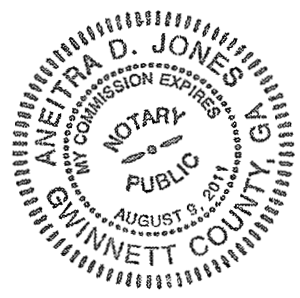
Vice President and General Counsel –Southeast
Verizon

Subscribed and sworn to before me, a Notary Public in and before said County and State,
this 31 day of July, 2008.



Notary Public (SEAL)

My Commission Expires:



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 31st day of July, 2008.

Bruce F. Clark
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Counsel to Windstream

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Edward T. Depp
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Counsel to Brandenburg Telephone Company

Counsel to MCIMetro Access Transmission Services LLC