

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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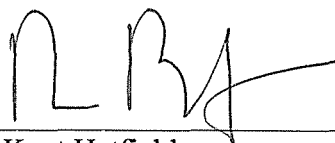
In the Matter of:

AN INVESTIGATION INTO THE TRAFFIC)
DISPUTE BETWEEN WINDSTREAM)
KENTUCKY EAST, LLC, BRANDENBURG)
TELEPHONE COMPANY AND) Case No. 2008-00203
MCImetroMETRO ACCESS TRANSMISSION)
SERVICES LLC D/B/A/ VERIZON ACCESS)

MCIMETRO ACCESS TRANSMISSION SERVICES, LLC RESPONSES TO
WINDSTREAM KENTUCKY EAST, LLC'S FIRST SET OF DATA REQUESTS AND
REQUESTS FOR PRODUCTION OF DOCUMENTS

MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services
("MCImetro" or "Verizon"), by its undersigned counsel, responds to Windstream Kentucky East,
LLC's data requests issued July 17, 2008.

Respectfully submitted,



C. Kent Hatfield
Douglas F. Brent
STOLL KEENON OGDEN, PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202
Phone: (502) 333-6000
Fax: (502) 333-6099
douglas.brent@skofirm.com

DATA REQUESTS

REQUEST NO. 1 Please identify the date when Verizon began providing its dial-up ISP customer(s) with telephone numbers (for dial-up internet access) for use in Elizabethtown, Kentucky.

Responsible Person: Lee M. Olson

RESPONSE:

August 22, September 25 and November 12, 2003.

REQUEST NO. 2 Please identify all actions taken by Verizon with respect to the rate centering of such telephone numbers referenced in the foregoing data request.

Responsible Person: Lee M. Olson

RESPONSE:

MCImetro ported existing Elizabethtown numbers from Kentucky ALLTEL (now Windstream) to the MCImetro network. MCImetro took no actions with respect to the rate centering of these telephone numbers.

REQUEST NO. 3 Please identify the average monthly revenue received by Verizon since 2005 to date with respect to the dial-up ISP traffic exchanged between Brandenburg and Verizon through the use of Windstream's network.

Responsible Person: counsel for MCImetro

RESPONSE:

Objection: MCImetro's revenues from services provided to its non-carrier customers are irrelevant to the Commission's investigation of this traffic dispute. In addition, such information is highly confidential and proprietary.

REQUEST NO. 4 Please identify all information demonstrating that Verizon's facilities and network in Kentucky are homed behind the Louisville tandem.

Responsible Person: counsel for MCImetro, Lee Olson and Don Price

RESPONSE:

MCImetro objects to the form of this question insofar as it implies that all of MCImetro's facilities and network in Kentucky are "homed behind" the Louisville tandem. Subject to that objection and without waiving it, MCImetro states that it has established its Location Routing Number for LATA 462 (which includes the cities of Brandenburg, Elizabethtown, Louisville and Radcliff) in Louisville. However, with respect to traffic rate-centered on Elizabethtown Kentucky, MCImetro has established interconnection with Windstream at Elizabethtown, and traffic associated with MCImetro's LATA 462 LRN is picked up by MCImetro at Elizabethtown.

REQUEST NO. 5 Please identify Verizon's determinations, calculations, or estimates with respect to the rate that would or should be paid to Windstream for the use of Windstream's network in the routing of traffic from Brandenburg to Verizon. Please include your explanation for the basis of your proposed rate (and show calculations, if any).

Responsible Person: Mark Turner

RESPONSE:

There are no such determinations, calculations, or estimates, and no proposed rate.

REQUEST NO. 6 Please identify all calculations, memoranda, and other documents estimating or determining the costs to be incurred by Verizon to establish direct connections with Brandenburg for exchange of the parties' traffic. Please identify in detail each interconnection point considered by Verizon in its analyses.

Responsible Person: Rick McGolerick

RESPONSE:

In discussions between MCImetro and Brandenburg Telephone Company, Brandenburg has stated via email that MCImetro could lease facilities from third parties, including either Windstream or Brandenburg Telecom, to establish direct connections to Radcliff. Brandenburg Telephone Company's email stated, in part: "we have determined that Brandenburg Telecom can provision special access DS1's from our boundary to the Windstream switch at a monthly cost of \$380.99 per T-1 and a non-recurring installation cost of \$450.00 per T-1 over which AOL dial up calls from Brandenburg Telephone Company customers can be terminated."

REQUEST NO. 7 Please identify all instances in which Brandenburg has acknowledged to Verizon that Brandenburg's routing of traffic through Windstream's Elizabethtown end office is contrary to industry routing protocols. Please provide in detail the circumstances surrounding such acknowledgement.

Responsible Person: Rick McGolerick

RESPONSE:

MCImetro is unaware of any such acknowledgment from Brandenburg.

REQUEST NO. 8 Please identify all instances in which Verizon has acknowledged to Brandenburg or any other entity, including Windstream, that Brandenburg's routing of traffic through Windstream's Elizabethtown end office is contrary to industry routing protocols. Please provide in detail the circumstances surrounding such acknowledgement.

Responsible Person: counsel for MCImetro and Rick McGolerick

RESPONSE:

Objection. This response is vague insofar as it refers to undefined "industry routing protocols." Despite that objection and without waiving it, there have been communications between MCImetro and Brandenburg related to Windstream's claims about Brandenburg's local number portability queries and routing practices. On February 21, 2007, Rick McGolerick of MCImetro replied to an email from Randall Bradley of Brandenburg Telephone Company. Mr. Bradley's email included a message to Mr. Bradley from Windstream that discussed Brandenburg's routing. Mr. McGolerick's reply stated, in part:

Randall – I just left you a voicemail regarding the email below. During our discussions regarding an EAS agreement that started back in September 2005 we indicated that it was our understanding that traffic was being routed incorrectly to the Windstream/AllTel tandem and it should be going to the Bell South Tandem. Can you provide what steps Brandenburg is taking to resolve the issue in order to meet Windstream's deadline of Friday, February 23rd?

REQUEST NO. 9 Please identify all instances in which Brandenburg has acknowledged to Verizon any responsibility on Brandenburg's part to compensate Windstream for the use of Windstream's network used to route dial-up traffic from Brandenburg to Verizon. Please describe in detail the circumstances involved in such acknowledgement.

Responsible Person: Rick McGolerick

RESPONSE:

None.

REQUEST NO. 10 Please identify the date on which Verizon first learned of a dispute regarding the routing of traffic from Brandenburg to Verizon through Windstream's network and describe the circumstances and communications involved.

Responsible Person: Rick McGolerick

RESPONSE:

Brandenburg contacted MCImetro after it received Windstream's February 21, 2007 correspondence to Brandenburg, which is attached as an Exhibit to Brandenburg's complaint filed in Case No. 2008-00239.

REQUEST NO. 11 Please describe how Verizon's Kentucky facilities are identified in the Local Exchange Routing Guide ("LERG").

Responsible Person: Lee Olson

RESPONSE:

Facilities are not identified in the LERG. The LERG does include CLLI codes for MCI metro switches, and location information.

REQUEST NO. 12 Please identify and explain in detail the reasons and/or disputes that have kept, and are presently preventing, Verizon and Brandenburg from reaching a traffic exchange agreement regarding the traffic being exchanged between Brandenburg and Verizon.

Responsible Person: Rick McGolerick

RESPONSE:

During negotiations from 2005 to 2007, the parties have been unable to resolve the issues of where the point of interconnection should be, how the costs of interconnection should be allocated between the parties and how the traffic exchanged by the parties should be rated. MCImetro is willing to interconnect with Brandenburg at a point that both parties agree would be on Brandenburg's network, at MCImetro's expense, provided that Brandenburg pays the FCC's ISP Remand Order rates for the traffic Brandenburg originates. Brandenburg has been unwilling to accept this arrangement or any alternative that MCImetro has proposed, such as sharing costs from Elizabethtown to Radcliff and utilizing "bill and keep" for the Radcliff to Elizabethtown traffic.

REQUEST NO. 13 Please describe in detail all arrangements - whether direct or indirect - between Verizon and any other telecommunications provider in Kentucky. Please include the CLLI code of the originating carriers switching office, the CLLI code of Verizon's terminating switch and the CLLI code of the switch from which Verizon receives the traffic. Please identify all compensation arrangements associated with the traffic.

Responsible Person:

RESPONSE: Lee Olson

Objection. This request is vague; Windstream does not identify "the traffic" it is asking MCImetro to describe, nor does it define the "arrangements" MCImetro is alleged to have. Subject to that objection and without waiving it, MCImetro likely receives traffic from most if not all local telecommunications providers in Kentucky, 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

REQUEST NO. 14 Please identify the name and contact information for each Verizon employee, contractor, or consultant responsible for, or that otherwise has participated in, negotiations between Brandenburg and Verizon from 2005 to date with respect to routing of traffic between them.

Responsible Person: Rick McGolerick

RESPONSE:

Rick McGolerick	703 886 4032
Mark Turner	209 957 5425
Lee Olson	770 284 6509
John Monroe	678 259 2676

REQUEST NO. 15 Please identify in detail all memoranda and other documents dated from 2005 to date describing Verizon's use of virtual NXXs. Please include all documents referencing Verizon's use of such virtual NXXs as a means to avoid or minimize its network or facilities costs. For purposes of this data request, "virtual NXX" refers to a circumstance where the routing point in the LERG for a given telephone number differs from the LERG rating point for that same telephone number.

Responsible Person: counsel for MCImetro and John Monroe

RESPONSE:

Objection. This request is overbroad, unduly burdensome, and calls for MCImetro to disclose documents that may be protected by attorney-client privilege or may be attorney work product. Subject to that objection and without waiving same, MCImetro states that there are no such documents.

REQUEST NO. 16 Please identify in detail all memoranda and other documents dated from 2005 to date describing Verizon's service to dial-up ISPs and include Verizon's calculations as to the anticipated profitability of serving dial-up ISPs and the basis for the calculations.

Responsible Person: counsel for MCImetro

RESPONSE:

Objection. This request is overbroad, unduly burdensome, and completely irrelevant to the traffic dispute being investigated by the Commission, particularly insofar as it seeks to examine Verizon's calculations underlying its business case for providing service to dial-up Internet service providers. Such information is confidential, proprietary and constitutes trade secrets. This is a highly competitive business in which Windstream and many other carriers compete, either as dial-up ISPs or as providers of services to ISPs.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 17 Please produce all documents identified, referenced, or otherwise implicated by the foregoing data requests and your responses to those data requests.

Responsible Person: counsel for MCImetro

RESPONSE:

Please see attached.

Brent, Douglas

From: Randall Bradley [rbradley@bbtel.com]

Sent: Wednesday, June 04, 2008 8:43 AM

To: McGolerick, Rick (Rick)

Cc: Turner, Mark (MarkETurner)

Rick,

Pursuant to our conversation yesterday morning, we have determined that Brandenburg Telecom can provision special access DS1's from our boundary to the Windstream switch at a monthly cost of \$380.99 per T-1 and a non-recurring installation cost of \$450.00 per T-1 over which AOL dial up calls from Brandenburg Telephone Company customers can be terminated.

Thanks,

Randall Bradley
270-422-2121

Brent, Douglas

From: Randall Bradley [rbradley@bbtel.com]
Sent: Monday, June 09, 2008 5:00 PM
To: McGolerick, Rick (Rick)
Cc: Turner, Mark (MarkETurner)
Subject: RE: POI Proposal

Rick,

Brandenburg Telephone is not agreeable to the proposal to pay for half of the buildout of Verizon to get to the meet point of Brandenburg Telephone Co. and Windstream. Brandenburg Telephone has offered to provide at our own expense to bring facilities from Brandenburg's office to our current meet point with Windstream which is at the edge of Brandenburg's network in order to meet Verizon. Verizon can either buy special access facilities from another provider to get to this meet point, build out to this meet point, or may elect to purchase special access from Brandenburg Telecom, pursuant to our proposal by email on June 4th, in order to get to this meet point with Brandenburg Telephone Co.

If you have any questions, please give me a call at 270-422-2121.

Thanks,
Randall

From: McGolerick, Rick (Rick) [mailto:rick.mcgolesick@verizonbusiness.com]
Sent: Friday, June 06, 2008 3:46 PM
To: Randall Bradley
Cc: Turner, Mark (MarkETurner)
Subject: POI Proposal
Importance: High

Randall – VzB would be agreeable to build out to Brandenburg under a 50/50 split of the total expense for interconnection under a bill and keep arrangement. Please let me know if this agreeable to Brandenburg.

Thanks.

Rick McGolerick
National Carrier Contracts and Initiatives
(703) 886 - 4032



From: Randall Bradley [mailto:rbradley@bbtel.com]
Sent: Wednesday, June 04, 2008 8:43 AM
To: McGolerick, Rick (Rick)
Cc: Turner, Mark (MarkETurner)
Subject:

Rick,

Pursuant to our conversation yesterday morning, we have determined that Brandenburg Telecom can provision special access DS1's from our boundary to the Windstream switch at a monthly cost of \$380.99 per T-1 and a non-recurring installation cost of \$450.00 per T-1 over

7/31/2008

which AOL dial up calls from Brandenburg Telephone Company customers can be terminated.
Thanks,
Randall Bradley
270-422-2121

Brent, Douglas

From: McGolerick, Rick (Rick) [rick.mcgolerick@verizonbusiness.com]
Sent: Wednesday, February 21, 2007 1:40 PM
To: Randall Bradley
Cc: Turner, Mark (MarkETurner); Olson, Lee M (lee); Monroe, John
Subject: RE: [Fwd: Brandenburg LNP Query]
Importance: High

Randall – I just left you a voicemail regarding the email below. During our discussions regarding an EAS agreement that started back in September 2005 we indicated that it was our understanding that traffic was being routed incorrectly to the Windstream/AllTel tandem and it should be going to the Bell South Tandem. Can you provide what steps Brandenburg is taking to resolve the issue in order to meet Windstream's deadline of Friday, February 23rd?

Please give me a call today to discuss, thanks.

Rick McGolerick
National Carrier Contracts and Initiatives
(703) 749-7338



-----Original Message-----

From: Randall Bradley [mailto:rbradley@bbtel.com]
Sent: Wednesday, February 21, 2007 10:55 AM
To: McGolerick, Rick (Rick)
Subject: FW: [Fwd: Brandenburg LNP Query]

-----Original Message-----

From: George Lewis [mailto:gtlewis@bbtel.com]
Sent: Wednesday, February 21, 2007 8:14 AM
To: Randall Bradley
Subject: [Fwd: Brandenburg LNP Query]

----- Original Message -----

Subject: Brandenburg LNP Query
Date: Thu, 15 Feb 2007 12:24:44 -0500
From: Williams, Steven G <Steven.G.Williams@windstream.com>
To: <troynevitt@bbtel.com>, <gtlewis@bbtel.com>
CC: Gilmer, Ted A <Ted.A.Gilmer@windstream.com>, Fuller, Anthony <Anthony.Fuller@windstream.com>

During a four day audit of traffic in the Elizabeth office, we discovered that Brandenburg Telephone is sending thousands of calls over its ICO trunk groups for calls that do not terminate to Windstream.

7/31/2008

This is mainly due to the fact that Brandenburg Telephone is not completing LNP queries. Your CLEC originated traffic appears to have already completed the LNP query.

Windstream's Elizabethtown end office completed approximately 12,000 LNP queries, and transited over 866,528 MOU (Minutes Of Use) for calls originated from Brandenburg Telephone.

Since the traffic is intraLATA and your switch is capable, Brandenburg Telephone must complete its own LNP dips, and as the industry standard, route the call based on the LRN.

Brandenburg Telephone needs to complete this work before Friday, February 23, 2007. On Monday, February 26, Windstream will implement the necessary translations changes on the Brandenburg Telephone trunk groups to correct this problem and allow only traffic that has completed the LNP query to terminating to the Windstream Elizabethtown office.

Please contact me if you would like to discuss.

Thanks,
Steven Williams
Staff Manager - Translations Engineering
Windstream Communication
704-845-7258
steven.g.williams@windstream.com



The information contained in this message, including attachments, may contain privileged or confidential information that is intended to be delivered only to the person identified above. If you are not the intended recipient, or the person responsible for delivering this message to the intended recipient, Windstream requests that you immediately notify the sender and asks that you do not read the message attachments, and that you delete them without copying or sending them to anyone.

REQUEST NO. 18 Please produce all correspondence or other documents exchanged from January 2005 to date between You and Brandenburg or prepared by You in consideration of your negotiations with Brandenburg regarding delivery of traffic between You and Brandenburg. Please include dates of your discussions with Brandenburg and all requests made by You to Brandenburg regarding establishment of direct connections between your network and that of Brandenburg.

Responsible Person: counsel for MCImetro

RESPONSE:

Objection. MCImetro's correspondence pertaining to negotiations with other carriers is confidential and proprietary, and certain documents may be subject to the attorney-client privilege and/or be attorney work product.

REQUEST NO. 19 Please produce all spreadsheets, calculations, and other documents related to or otherwise setting forth Verizon's estimates and determinations as to the anticipated costs Verizon would incur to establish direct connections between its network and that of Brandenburg to route the traffic in question away from Windstream's network.

Responsible Person: Rick McGolerick

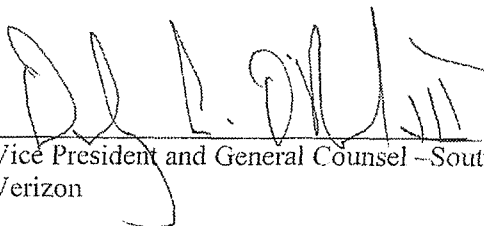
RESPONSE:

No such estimates or determinations have been prepared.

CERTIFICATION

STATE OF GEORGIA)
)
COUNTY OF FULTON)

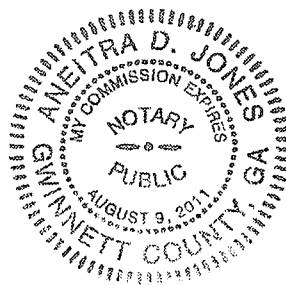
The undersigned, Dulaney L. O’Roark III, deposes and says that he is the Vice President and General Counsel for the Southeast Region for Verizon, that he has supervised the preparation of the responses on behalf of MCImetro Access Transmission Services LLC, and that the responses are true and accurate 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.

 (SEAL)
Notary Public

My Commission Expires:



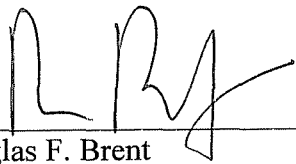
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail and United States First Class Mail, postage prepaid, on this 31st day of July, 2008 upon:

Bruce F. Clark
STITES & HARBISON, PLLC
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Douglas F. Brent