



STOLL · KEENON · OGDEN  
PLLC

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

August 8, 2008

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AUG 11 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:

Enclosed is the Direct Testimony of Don Price on behalf of MCImetro Access  
Transmission Services LLC.

Please indicate receipt of these filings by placing your file stamp on the extra copy and  
returning to me via the enclosed, self-addressed, stamped envelope.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

DFB:

Enclosures

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

AUG 11 2008

PUBLIC SERVICE  
COMMISSION

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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

**DIRECT TESTIMONY OF DON PRICE  
ON BEHALF OF  
MCIMETRO ACCESS TRANSMISSION SERVICES LLC  
d/b/a VERIZON ACCESS TRANSMISSION SERVICES**

**AUGUST 8, 2008**

1 **I. INTRODUCTION**

2 **Q. Please state your name and business address.**

3 A. My name is Don Price, and my business address is 701 Brazos, Suite 600,  
4 Austin, Texas, 78701.

5

6 **Q. By whom are you employed and what is your position?**

7 A. I am the Director – State Regulatory Policy in the Verizon Business Regulatory  
8 and Litigation Department. MCImetro Access Transmission Services LLC  
9 (“MCI” or “Verizon”) is part of Verizon Business and does business in  
10 Kentucky as Verizon Access Transmission Services. I am testifying here on  
11 behalf of MCI.

12

13 **Q. What is your professional experience and educational background?**

14 A. I have nearly 30 years experience in telecommunications, the vast majority of  
15 which is in the public policy area. I worked for the former GTE Southwest in  
16 the early 1980s, and then moved to the Texas Public Utilities Commission in  
17 1984. There, I acted as a Commission witness on rate-setting and policy issues.  
18 In 1986, I became Manager of Rates and Tariffs, and was responsible for Staff  
19 analyses of rate design and tariff policy issues in all telecommunications  
20 proceedings before the Commission. I was hired by MCI in 1986, where I  
21 spent 19 years in jobs focused on public policy issues relating to competition in  
22 telecommunications markets, including coordination of positions in  
23 interconnection agreement negotiations.

24

25 With the close of the Verizon/MCI merger in January 2006, I assumed my

26 current position as Director – State Regulatory Policy for Verizon Business. I  
27 work with various corporate departments, including those involved with  
28 product development and network engineering, to develop and coordinate  
29 policies permitting Verizon Business to offer enterprise and wholesale products  
30 to meet customer demands. Verizon Business is the business unit within  
31 Verizon that focuses on services to enterprise customers such as corporate  
32 customers and government entities, and is made up largely of the former MCI  
33 competitive local exchange carrier (“CLEC”) and interexchange carrier (“IXC”)  
34 operations.

35  
36 During my career, I have testified before state regulators in at least 27 states on  
37 a wide range of issues in many types of proceedings, including interconnection  
38 agreement arbitrations with local exchange carriers. I earned Master’s and  
39 Bachelor’s degrees in sociology from the University of Texas at Arlington in  
40 1978 and 1977, respectively.

41

42 **Q. What is the purpose of your direct testimony?**

43 A. I will explain MCImetro’s positions on the issues involved in this proceeding. I  
44 will begin by discussing MCI’s history of providing dial-up access service that  
45 allows end user customers to reach their Internet Service Provider (“ISP”)  
46 through their local telephone service. In that context, I describe MCI’s network  
47 presence in Elizabethtown and the interconnection between MCI and  
48 Windstream in Elizabethtown, and explain how the longstanding Extended  
49 Area Service arrangement between Windstream and Brandenburg affects the  
50 issues in dispute. Finally, I will explain that MCI has consistently been open to

51 a reasonable business arrangement that would allow it and Brandenburg to  
52 interconnect their respective networks, notwithstanding the fact that MCI does  
53 not offer local services in any Brandenburg exchanges.

54

55 **Q. When did MCI begin providing dial-up capability to ISPs for end users in**  
56 **Elizabethtown, and how was that service provided?**

57 A. UUnet, a former affiliate of MCI's predecessor, began offering dial-up service  
58 in Elizabethtown to ISPs around 1997. Initially, the service was provided using  
59 equipment and facilities leased from the local exchange carrier that was  
60 Windstream's predecessor. Under that arrangement, Elizabethtown telephone  
61 numbers were assigned to UUnet by the local exchange carrier, and UUnet  
62 provided those numbers to its ISP customers to enable their end use customers  
63 to reach them. Each ISP advised its end use customers of the access numbers  
64 they were to use to reach the ISP. When an end user customer in Elizabethtown  
65 (or Radcliff) used his or her computer to "dial" an ISP over one of those  
66 numbers, Windstream's network routed the call to equipment and facilities  
67 UUnet leased from Windstream. UUnet then connected the transmission to a  
68 centralized location within its network and then on to the appropriate ISP. It is  
69 important to note that because the purpose of the call is to establish a  
70 connection between the end use customer and the Internet, there is a two-way  
71 flow of information over the connection.

72

73 **Q. Is that same service arrangement still in use?**

74 A. No. In 2003, MCI replaced the earlier service arrangement with a different  
75 service architecture. The leased facilities and equipment were disconnected,

76 and MCI ported the associated telephone numbers to its own Class 5 switch  
77 serving Elizabethtown.

78

79 **Q. Please explain what you mean by your statement that the telephone**  
80 **numbers were “ported.”**

81 A. By that, I mean that the telephone numbers Windstream had previously  
82 assigned to UUnet’s leased equipment and facilities were, in effect, switched  
83 over to MCI as it began providing service using its own equipment. The notion  
84 of being able to “port” a number from one service provider to another has its  
85 genesis in the 1990s when competition for local telephone services began to  
86 emerge. At that time, the industry began to establish a mechanism that changed  
87 the way telephone numbers are treated. For the prior hundred years or so, a  
88 given telephone number had been inextricably linked to a particular service  
89 provider in a geographic area. The new porting mechanism established by the  
90 industry now disassociates a user’s telephone number from a specific service  
91 provider. Recognizing the importance of that change, in 1996 Congress  
92 imposed an obligation on all local exchange carriers – CLECs and incumbents  
93 – to provide number portability. Thus, end users have the right and the ability  
94 to “port,” or take, their numbers with them when they change service providers.

95

96 **Q. Were there other implications of the change of service over to MCI’s**  
97 **network facilities?**

98 A. Yes. MCI established itself in Elizabethtown as a CLEC, and negotiated an  
99 interconnection agreement with Windstream. As part of that process, the two

100 companies agreed on the technical parameters for interconnection, in particular:  
101 the point at which the companies' facilities would meet, and how traffic  
102 between the two companies' networks would be routed. MCI interconnects its  
103 network with Windstream in Elizabethtown, as discussed in more detail below.

104

105 **Q. Were all of these changes accomplished in a manner that was transparent**  
106 **to end users in Elizabethtown?**

107 A. Yes. Because the telephone numbers used by end users to reach their ISPs were  
108 ported to MCI's network, end users were unaffected by the transition. They  
109 continued to dial the same telephone numbers in order to reach the same ISPs.

110

111 **Q. Please explain how MCI's dial ISP service affected end users in**  
112 **Brandenburg's Radcliff exchange.**

113 A. It is my understanding that an Extended Area Service arrangement has existed  
114 for many years between Brandenburg's exchange(s) in Radcliff and  
115 Windstream's Elizabethtown exchange. In response to discovery, Brandenburg  
116 stated to MCI that, while this has been a longstanding arrangement, there are no  
117 written documents memorializing the terms and conditions for the exchange of  
118 traffic between those two exchanges. See Brandenburg's Response to PSC  
119 Staff Data Request No. 3. Nevertheless, the toll-free nature of calls between  
120 Radcliff and Elizabethtown is embodied in Brandenburg's local exchange  
121 service tariff. See Brandenburg Telephone Company P.S.C. Ky. No. 2, Part III  
122 Ninth Revision Sheet 11, section I.B.

123                   Because MCI and its predecessor have provided service to ISPs in  
124                   Elizabethtown since 1997, the existence of the Radcliff/Elizabethtown EAS  
125                   arrangement has meant that Brandenburg's end users in the Radcliff exchange  
126                   have been able to reach certain ISPs by use of local, Elizabethtown telephone  
127                   numbers for more than ten years. As noted above, the change in service  
128                   architecture by MCI in 2003 was transparent to end users in both Elizabethtown  
129                   and Radcliff.

130

131   **Q.     During that ten year period, what has been the trend in dial-up usage?**

132   A.     Dial-up traffic to ISPs nationwide saw considerable growth during the late  
133            nineties, as the Internet grew in popularity. However, as broadband alternatives  
134            have become increasingly available, many customers have migrated to DSL or  
135            cable-based broadband Internet services. The trend for traffic originating in  
136            Elizabethtown as well as between Radcliff and Elizabethtown is no exception;  
137            the amount of dial-up Internet traffic is declining.

138

139   **Q.     Did the change in service architecture MCI implemented in 2003 affect the**  
140            **relationship between Brandenburg and Windstream?**

141   A.     That is a question for those two companies to answer. However, as an outside  
142            observer, various industry changes can be seen as potentially affecting the  
143            relationship between those companies as it relates to EAS traffic between  
144            Radcliff and Elizabethtown, and in particular, the implementation of number  
145            portability. When a LEC implements number portability in an exchange, other



146 LECs that send traffic to that exchange are notified of the implementation  
147 schedule. Thus, other LECs are put on notice and can no longer assume that all  
148 calls are terminating to customers of the original LEC. Using the Windstream  
149 Elizabethtown exchange as an example, implementation of number portability  
150 meant that a telephone number previously associated with Windstream can now  
151 be assigned to another carrier. So, it would be incorrect for another LEC such  
152 as Brandenburg to assume that all EAS calls originated by its customers in the  
153 Radcliff exchange will be terminated by Windstream to only Windstream end  
154 users.

155           The industry number portability guidelines are clear as to the carriers'  
156 responsibilities in an EAS scenario. Those responsibilities are described as  
157 follows: "On intraLATA calls to EAS codes, the originating carrier ... is  
158 responsible for the query on all calls to portable EAS codes." (See, Version 5.0  
159 of the Local Number Portability Administration Working Group (LNPA WG)  
160 Interpretation of N-1 Carrier Architecture, dated January 17, 2005, at 11.<sup>1</sup>) In  
161 the case of a call from Radcliff to a telephone number in Elizabethtown, as the  
162 originating carrier, Brandenburg should query the number portability databases  
163 according to industry guidelines. If a telephone number has been ported to  
164 another LEC, the database query would alert Brandenburg to that fact. That  
165 information, in conjunction with other industry databases provides routing

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<sup>1</sup> The FCC's website contains the following description of the LNPA WG. "The Local Number Portability Administration Working Group (LNPA WG) was given the charter by the North American Numbering Council (NANC) for implementing Local Number Portability (LNP) on a national level. It is the body that makes recommendations that assist in the formation of the regulatory orders issued by the FCC pertaining to LNP. The LNPA WG is also responsible for the business functionality of the national LNP system and how Service Providers interoperate with it." (<http://www.fcc.gov/wcb/cpd/Nanc/nanclnnpa.html>, viewed on August 8, 2008)

166 information that Brandenburg would utilize to route the call destined for a  
167 ported Elizabethtown number to the correct LEC for termination.

168

169 **Q. What other industry databases are used for such routing information?**

170 A. I am referring to the databases known as the Local Exchange Routing Guide  
171 (“LERG”). The LERG is a comprehensive database maintained by Telcordia®  
172 for carriers’ use to determine proper routing of traffic. Additional information  
173 can be found at the following link:

174 [http://www.telcordia.com/products\\_services/trainfo/catalog\\_details.html](http://www.telcordia.com/products_services/trainfo/catalog_details.html).

175 According to Telcordia’s website, “[t]he LERG Routing Guide is primarily  
176 designed to be used for routing of calls by service providers (wireless, wireline,  
177 inter and intra exchange, etc.” Contrary to Brandenburg’s representation in  
178 response to Staff’s data request number 1, the LERG is not solely for use by  
179 interexchange carriers.

180

181 **Q. What routing information does the LERG contain for calls to**  
182 **Elizabethtown telephone numbers that have been ported to MCI?**

183 A. The LERG contains what is referred to as a Local Routing Number (“LRN”).  
184 Every LEC must have an LRN in every LATA in which it ports in numbers;  
185 that is, in every LATA within which it brings onto its network numbers  
186 previously associated with another LEC. For purposes of this discussion,  
187 Radcliff, Elizabethtown and Louisville are all located within the Louisville  
188 LATA (also referred to as LATA 462). The LERG information for the MCI  
189 LRN in the Louisville LATA shows the AT&T tandem in Louisville as an

190 industry standard default routing point for calls within the LATA to numbers  
191 ported to MCI. That is, unless some alternate routing arrangement has been  
192 established, either by tariff or by agreement of the affected carriers, calls to  
193 MCI are to be routed to AT&T's Louisville tandem. MCI interconnects with  
194 AT&T in Louisville.

195

196 **Q. Does your answer mean that Brandenburg is improperly routing traffic by**  
197 **handing it off to Windstream in Elizabethtown?**

198 A. No. Windstream provides a tariffed transit service whereby Brandenburg  
199 Telephone may route traffic to MCImetro via Windstream, the transit provider.  
200 MCImetro can accept this transited traffic at its Point of Interconnection in  
201 Elizabethtown. The transit tariff has separate rates for transit depending on  
202 whether the originating carrier routes its traffic to an end office (as  
203 Brandenburg Telephone does today) or to a tandem office. Brandenburg  
204 Telephone has told the Commission it considers this to be a matter regarding  
205 transit traffic and MCImetro agrees. For purposes of determining the rates that  
206 apply under the tariff, the question then becomes whether traffic is handed off  
207 at the end office or the tandem in Elizabethtown (an issue on which MCImetro  
208 does not take a position) Moreover, while Brandenburg is not utilizing the  
209 default routing information in the LERG, I have seen correspondence as part of  
210 this proceeding between Brandenburg and Windstream indicating that  
211 Windstream has voluntarily agreed to accept traffic from end users in the  
212 Radcliff exchange that is destined for MCI. In this capacity, Windstream has  
213 apparently agreed to an alternative to the default routing arrangement specified

214 in the LERG, and is acting as a tandem provider for traffic originated by  
215 Brandenburg.

216

217 **Q. You previously stated that MCI interconnects with Windstream in**  
218 **Elizabethtown. Please describe that interconnection in more detail.**

219 A. MCI is interconnected at Windstream's Elizabethtown tandem, and also has  
220 established trunk groups to each of the five central offices in Elizabethtown.  
221 For dial ISP traffic originating from Windstream's Elizabethtown end user  
222 customers, those calls are handed off to MCI either at the Windstream  
223 Elizabethtown central office switch where the call originates, or, in the case of  
224 trunk congestion, at the Elizabethtown tandem.

225

226 **Q. Is MCI directly interconnected with Windstream?**

227 A. Yes.

228

229 **Q. Does MCI bear the expense for transporting the traffic beyond its point of**  
230 **interconnection with Windstream?**

231 A. Absolutely. Both the Commission staff and Brandenburg have asked where the  
232 calls at issue terminate, and Brandenburg even asked where MCI's ISP  
233 customers locate their servers. But in terms of the *routing* issues before the  
234 Commission, those locations really should not matter. MCI is responsible for  
235 all of the network and transport expenses from its point of interconnection to its  
236 customer. And as discussed above, MCI has established multiple points of

237 interconnection within LATA 462. Radcliff, Elizabethtown and Louisville are  
238 all located within that LATA.

239

240 **Q. Please explain your understanding of the dispute between Windstream and**  
241 **Brandenburg over the use of EAS trunks for dial ISP traffic destined for**  
242 **MCI's network.**

243 A. As noted above, the EAS arrangement between Radcliff and Elizabethtown  
244 apparently has existed for decades, long before the advent of the Internet and  
245 MCI's provision of dial-up access capability in Elizabethtown. By virtue of  
246 that history, end user customers of Brandenburg in Radcliff may have availed  
247 themselves of that dial-up access capability for more than a decade. At some  
248 point after MCI ported those telephone numbers to its network in late 2003,  
249 Windstream apparently contacted Brandenburg to discuss the fact that a portion  
250 of the traffic carried over the EAS trunks between those exchanges was going  
251 to the MCI network and to discuss other arrangements for handling that traffic.  
252 I do not have personal knowledge of those discussions, and my understanding is  
253 limited to the correspondence and other documents I have reviewed that were  
254 produced in this proceeding.

255

256 **Q. Has MCI refused to interconnect with Brandenburg, as it has alleged?**

257 A. Absolutely not. MCI has negotiated in good faith with Brandenburg over terms  
258 and conditions for a direct interconnection between the two companies, but no  
259 agreement has yet been reached. To be clear, MCI does not hold itself out to  
260 offer local services in any Brandenburg exchange. For that reason, MCI does  
261 not believe it should be obligated to bear all of the costs associated with

262 establishing an interconnection with Brandenburg. Similarly, MCI believes that  
263 Brandenburg bears, or should bear, certain obligations to complete calls placed  
264 by its end user customers.

265

266 **Q. Does MCImetro have a position regarding whether Windstream should act**  
267 **as a tandem carrier to transit traffic from Brandenburg's end user**  
268 **customers that is destined for MCI?**

269 A. No, MCI does not have a position on whether Windstream should accept traffic  
270 at the tandem, as opposed to the end office. However, as noted above, certain  
271 actions by Windstream suggest that it has voluntarily agreed to act in that role.  
272 There is a dispute over compensation between Brandenburg and Windstream  
273 relating to the Windstream transit tariff. MCI takes no position on that matter.

274

275 **Q. Does that conclude your direct testimony?**

276 A. Yes.

**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 8<sup>th</sup> day of August, 2008.

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

*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

*Counsel to Brandenburg Telephone Company*

  
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*Counsel to MCIMetro Access Transmission Services LLC*