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May 28, 2010

**VIA HAND DELIVERY**

Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd  
P.O. Box 615  
Frankfort, KY 40602-0615

RECEIVED

MAY 28 2010

PUBLIC SERVICE  
COMMISSION

Re: *In the Matter of Communications Venture Corporation, d/b/a INdigital  
Telecom for Arbitration of Certain Terms and Conditions of Proposed  
Interconnection Agreement with BellSouth Telecommunications, Inc., d/b/a  
AT&T Kentucky – Case No. 2009-00438*

Dear Mr. Derouen:

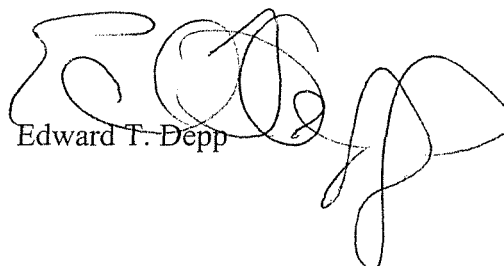
In accordance with the Public Service Commission of the Commonwealth of Kentucky's (the "Commission") January 25, 2010 Order setting forth a Proposed Procedural Schedule in the above-referenced case, please find enclosed for filing one (1) original and eleven (11) copies of Communications Venture Corporation, d/b/a INdigital Telecom's Responses to BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky's Data Requests.

Please file-stamp one copy and return it to our delivery person.

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

Sincerely,

DINSMORE & SHOHL LLP

  
Edward T. Depp

ETD/sdt  
Enclosures  
cc: All parties of record (w/encl.)

Jeff Derouen, Executive Director  
April 22, 2010  
Page 2

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John E. Selent, Esq. (w/encl.)  
Holly C. Wallace, Esq. (w/encl.)

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAY 28 2010

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Petition of Communications Venture )  
Corporation, d/b/a INdigital Telecom for )  
Arbitration of Certain Terms and Conditions )  
of Proposed Interconnection Agreement )  
with BellSouth Telecommunications, Inc., )  
d/b/a AT&T Kentucky, Pursuant to the )  
Communications Act of 1934, as Amended )  
by the Telecommunications Act of 1996 )

Case No. 2009-00438

**COMMUNICATIONS VENTURE CORPORATION D/B/A INDIGITAL TELECOM'S  
RESPONSES TO BELL SOUTH TELECOMMUNICATIONS, INC., D/B/A  
AT&T KENTUCKY'S DATA REQUESTS**

**REQUEST NO. 1:** Please identify all unbundled network elements ("UNEs") that INdigital actually intends to lease from AT&T Kentucky to provide INdigital's 911/E911 service and explain how those UNEs would be used to provide the service.

**RESPONSE:** Objection. The information requested is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, INdigital Telecom states that it does not intend to lease UNEs from AT&T Kentucky at this time, although it notes the agreement has a three-year term.

**REQUEST NO. 2:** In Section 5.1 of the Appendix Generic ATT05 – 911/E911 (CLEC), INdigital proposes language referring to "their respective POI(s)." Please fully explain why INdigital refers to "respective" POIs and the possibility of multiple POIs.

**RESPONSE:** Objection to the form of the request. This request mischaracterizes INdigital Telecom's position. Appendix Generic ATT05 – 911/E911 (CLEC) does not represent INdigital

Telecom's position in this proceeding, either in whole or in part. Appendix Generic ATT05 – 911/E911 (CLEC) contemplates that AT&T Kentucky will be the monopoly 911/E911 service provider throughout its territory. Accordingly, even with INdigital Telecom's proposed language, Appendix Generic ATT05 – 911/E911 (CLEC) fails to meet INdigital Telecom's needs insofar as it does not provide terms and conditions sufficient to permit INdigital Telecom to compete against AT&T Kentucky's historical monopoly over the provision of 911/E911 services. To the extent that INdigital Telecom has proposed any language in the Appendix Generic ATT05 – 911/E911 (CLEC), it did so as a matter of last resort and under objection.

Without waiving this objection, INdigital Telecom states that this language was proposed in an effort to make Appendix Generic ATT05 – 911/E911 (CLEC) more reciprocal in nature. As to the possibility of multiple POIs, the language proposed by INdigital Telecom seeks to address all possible scenarios (including the possibility of providing service in multiple LATAs) for interconnection and the routing of 911 calls. The language proposed by AT&T Kentucky for Section 5.1 contemplates only that the CLEC, in this case INdigital Telecom, would route 911 originated calls to AT&T Kentucky E911 SRs. INdigital Telecom's proposed language corrects this limitation by allowing for the mutual routing of 911 originated calls to the appropriate E911 SR, regardless of the 911 service provider.

**REQUEST NO. 3:** Admit that the language in any interconnection agreement that may be entered into between AT&T Kentucky and INdigital will not include any PSAPs as a party and will not govern AT&T Kentucky's ability to charge a PSAP for services rendered to that PSAP.

**RESPONSE:** Objection. This request is vague and overly broad, seeking a response to all future potential interconnection agreements between the parties. Without waiving these objections,

INdigital Telecom states that the language in any interconnection agreement that may be entered into between AT&T Kentucky and INdigital Telecom will speak for itself. To the extent that INdigital Telecom can determine beforehand on a hypothetical basis, INdigital Telecom admits that it does not at this moment foresee a scenario in which an interconnection agreement between AT&T Kentucky and INdigital Telecom would include a PSAP as a party or would directly govern AT&T Kentucky's ability to charge a PSAP for services rendered to that PSAP.

**REQUEST NO. 4:** Please fully explain the purpose of INdigital's proposed language adding to the definition of "Selective Routing" in Section 2.13 of the Appendix "Generic ATT 05 – 911/E911 (CLEC)."

**RESPONSE:** Objection to the form of the request. This request mischaracterizes INdigital Telecom's position. Appendix Generic ATT05 – 911/E911 (CLEC) does not represent INdigital Telecom's position in this proceeding whether in whole or in part. Appendix Generic ATT05 – 911/E911 (CLEC) contemplates that AT&T Kentucky will be the monopoly 911/E911 service provider throughout its territory. Accordingly, even with INdigital Telecom's proposed language, Appendix Generic ATT05 – 911/E911 (CLEC) fails to meet INdigital Telecom's needs insofar as it does not provide terms and conditions sufficient to permit INdigital Telecom to compete against AT&T Kentucky's historical monopoly over the provision of 911/E911 services. To the extent that INdigital Telecom has proposed any language in the Appendix Generic ATT05 – 911/E911 (CLEC), it did so as a matter of last resort and under objection.

Without waiving this objection, INdigital Telecom states that the language it has proposed to be added to Section 2.13 of the Appendix "Appendix Generic ATT05 – 911/E911 (CLEC)" speaks for itself. In addition, INdigital Telecom states that this language was proposed in an effort to make

Appendix Generic ATT05 – 911/E911 (CLEC) more reciprocal in nature. In its original form, Section 2.13 did not contemplate the possibility that 911 calls would be routed to INdigital Telecom. The proposed language further defines the "Selective Routing" function in order to include the possibility that 911 calls made to PSAPs served by INdigital Telecom would be routed accordingly.

**REQUEST NO. 5:** Please admit that INdigital has no tariff in Kentucky that sets forth its rates for 911/E911 service. If you do not admit this, please identify and provide copies of the tariff and tariff section(s) that set forth such rates.

**RESPONSE:** Objection. This request is not reasonably calculated to lead to the discovery of admissible evidence, and is irrelevant to the extent that INdigital Telecom is capable of filing a tariff with the Commission at any time, upon one day's advance notice. Without waiving this objection, INdigital Telecom admits that it does not currently have a tariff in Kentucky setting forth its rates for 911/E911 service. The development of a tariff requires the determination of numerous issues, including the underlying wholesale costs, which are the subject of this docket and arbitration.

**REQUEST NO. 6:** Please admit that INdigital has no tariff in Kentucky that describes how its 911/E911 service operates or establishes terms and conditions for that service. If you do not admit this, please identify and provide copies of the tariff and tariff section(s) that set forth such description, terms and conditions.

**RESPONSE:** Objection. This request is not reasonably calculated to lead to the discovery of admissible evidence, and is irrelevant to the extent that INdigital Telecom is capable of filing a tariff with the Commission at any time, upon one day's advance notice. Without waiving this objection, INdigital admits that it does not currently have a tariff in Kentucky that describes how its 911/E911

service operates or establishes terms and conditions for that service. The development of a tariff requires the determination of numerous issues, including the underlying wholesale costs, which are the subject of this docket and arbitration.

**REQUEST NO. 7:** Please provide all documents describing, explaining, or defining the capabilities and operation of INdigital's 911/E911 service, including but not limited to service descriptions, service guides, marketing materials, or memoranda.

**RESPONSE:** Objection. This request is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, this request seeks information which is trade secret, proprietary, confidential and competitively sensitive business information of INdigital Telecom or third parties. INdigital has made reasonable efforts to maintain the confidentiality of this information. Such information has independent economic value and disclosure of the requested information would cause an identifiable significant harm to INdigital Telecom or third parties. INdigital Telecom further objects to this request to the extent that such request seeks information that is customer proprietary network information that INdigital Telecom has received by virtue of its provision of telecommunications service.

Without waiving these objections, INdigital Telecom states that it operates an advanced Internet Protocol ("IP") and Signaling System No. 7 ("SS7") based E911 service provider network that is fully compliant with current and proposed operating characteristics, services and features that are contained in interim, recommended and final 911-related standards of various industry groups, associations and standards setting bodies. A copy of INdigital Telecom's statement of qualifications is attached to this response as Attachment 7.

**REQUEST NO. 8:** Does INdigital require a customer using its 911/E911 service to also subscribe to local exchange service from another carrier?

**RESPONSE:** Objection to the form of the question. The Commission in its April 9, 2010 Order has already disposed of the threshold issue of whether INdigital Telecom provides local telephone exchange service in INdigital Telecom's favor. INdigital Telecom further objects that this request is vague and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, INdigital Telecom states that it does not require a customer to subscribe to local exchange services from another carrier, however, the customer can choose whatever services it desires from any service provider.

**REQUEST NO. 9:** Please admit that INdigital's 911/E911 service would only allow PSAP subscribers to communicate with 911 callers, other PSAP subscribers to INdigital's service, and PSAP customers of AT&T Kentucky. If you do not so admit, please fully explain and identify all persons with which INdigital's 911/E911 service would allow a PSAP customer to communicate.

**RESPONSE:** Objection to the form of the request. The Commission in its April 9, 2010 Order has already disposed of the threshold issue of whether INdigital Telecom provides local telephone exchange service in INdigital Telecom's favor. INdigital Telecom further objects that this request is vague and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, INdigital Telecom denies this request. INdigital Telecom's service is not limited by the constraints assumed by the request. INdigital Telecom's 911 services, as explained in its briefing of the threshold issue in this proceeding, will allow PSAP customers to originate voice calls from the public safety authority to the public generally. In addition, PSAPs subscribing to INdigital Telecom's service portfolio can originate calls to third



party providers for language translation services, and to specialized third party service providers for the hearing, speech and speaking impaired ("HSSI") community, among other call origination capabilities.

**REQUEST NO. 10:** Please identify and describe how INdigital's 911/E911 service allows a PSAP customer to originate a telephone call on its own without using any other carrier's local exchange service.

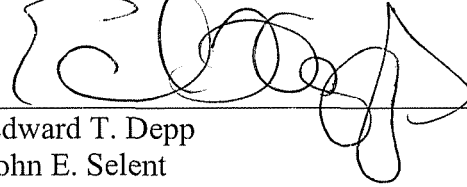
**RESPONSE:** Objection to the form of the request. The Commission in its April 9, 2010 Order has already disposed of the threshold issue of whether INdigital Telecom provides local telephone exchange service in INdigital Telecom's favor. INdigital Telecom objects that this request attempts to create an artificially rigid constraint on, and to impose an archaic understanding of, the meaning of call origination and local exchange service that is contrary to both the Commission's Order in this proceeding and the FCC's reasoning in other relevant orders as explained more fully in INdigital Telecom's brief on the threshold issue. INdigital Telecom further objects that this request is vague and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, INdigital Telecom states that it maintains an active network of interconnection arrangements throughout its service areas. Where the phrase "telephone call" is synonymous with the generally understood definition of the term, INdigital Telecom's PSAP customers can call any number of other end points that are directly connected to INdigital Telecom's network. INdigital Telecom, as a local service provider, is not restricted to the completion of calls via a direct connection to an end user customer or via interconnection by various means to the subscribers of other carriers. Just as AT&T Kentucky is not prevented from using the network of other providers to offer the marketplace a more complete and usable service, INdigital Telecom is

also not constrained from using the networks of other carriers where it is appropriate and connection arrangements have been put in place.

In particular, the PSAP customer has the capability to go "off hook" on their line. The operator dials the number that he or she wishes to call, and then INdigital Telecom's equipment will switch the call, using least-cost routing, to the correct outbound trunk. The call may use another carrier's local exchange service, or a Long Distance service provider, or INdigital Telecom's local exchange service, if it is available.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Depp', written over a horizontal line.

Edward T. Depp

John E. Selent

Stephen D. Thompson

**DINSMORE & SHOHL LLP**

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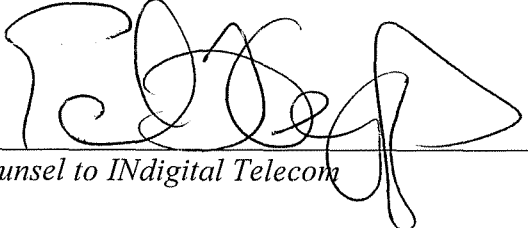
*Counsel to INdigital Telecom*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by U.S. First Class mail and electronic mail on this 28th day of May, 2010, to the following individuals:

Mary K. Keyer, Esq.  
AT&T Kentucky  
601 West Chestnut Street  
Room 407  
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mk3978@att.com  
*General Counsel of AT&T Kentucky*

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*Counsel to AT&T Kentucky*

  
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*Counsel to INdigital Telecom*



## building the future today

DELIVERING FULL SERVICE PUBLIC SAFETY IN A CHANGING WORLD

INdigital has over 5 years of experience with the real world deployment of one of the nation's largest statewide IP based public safety networks. Not just a theoretical discussion of a next generation network, but a robust, redundant, IP powered network that has delivered millions of critical 9-1-1 calls since 2006.

At INdigital, innovation isn't stopped by the unknown. Our work is guided by our customers' needs and the evolving definition of emerging industry standards.

INdigital is a thought leader in the fast changing world of public safety. As a full service public safety provider, we have developed advanced applications through research and development, planning, design and successful implementation.

Our work in public safety has solved complex problems and saved time and money for our customers, while being first-to-market in many areas.

## flexible solutions to meet your needs

### RESEARCH AND DEVELOPMENT

INdigital's work building Next Generation networks has produced a large portfolio of intellectual property, experience and knowledge in all aspects of 9-1-1.

- SS7 trunking, traffic management, real time displays and reporting toolkits
- Network monitoring, surveillance and quality assurance at all levels
- Extended feature sets for Cisco™ routers to support legacy signaling conditions.
- Custom, application-specific SIP, XMPP and SOAP based processing engines

INdigital has developed custom software, configurations and business processes that are driven by real world experience.

From planning through the build-out, testing and implementation project phases, INdigital delivers the highest quality and the most innovative solution to market needs.

### INNOVATION

INdigital has a proven track record of success in developing new applications and services to enhance public safety.

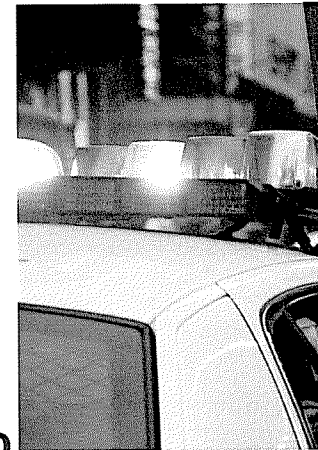
Our current project, the development of an instant message emergency service T.IM and SMS-T911 is just another example of our capabilities.

Contact your INdigital account executive today and learn more about our service portfolio.



### PORTFOLIO OF SUCCESS

- SCP | SS7 | AIN based switching systems
- dynamic, switch node linked SRDB services
- fully integrated ANI / ALI services
  - E2+ NENA and ATIS standards
  - Intrado network integration
  - TCS network integration
  - Verizon PAM
  - Verizon ALISA
- ANI / ALI via IP, providing NG transition for legacy CPE equipment.
- first-in-class XML based mapping integration at the PSAP
- seamless, efficient, reliable NG to legacy system integration
- Real Time Text Instant Messaging T.IM to the PSAP
- SMS-T911 text to the PSAP ensuring accessibility for HSSI users



### CONSULTING AND DEVELOPMENT

Leverage INdigital's years of experience to solve your problems.

INdigital has broad, comprehensive experience working in concert with other industry leaders such as LR Kimball, NENA, and APCO.

Our business partnerships with key industry segments provide a complete world view to our work for public safety.



### PLANNING AND IMPLEMENTATION

Our 360 degree approach to planning is effective and efficient.

INdigital has the resources and breadth of talent to make it an industry recognized company that gets results, and advances our industry segment.



### SUPPORT

Our commitment to the development of public safety solutions is not tied to a single project or commission. A culture of growth, progress and evolution is one of our core principles.

In a fast changing world, our company stands as a benchmark of excellence in supporting our customers.

### 9-1-1 EQUIPMENT AND SERVICE

INdigital represents the Solacom product line, which provides cutting edge IP architecture to meet the fast changing needs of public safety.

The Guardian platform

provides the flexibility **Your partner in critical communication** to transition forward from a legacy environment, and all the reliability you'd expect from an industry leader.



### BAS-EC integrated 911 service platform

For smaller agencies, INdigital has developed a full service platform based on the Samsung iDCS IP phone system. This platform is easy to use,

**SAMSUNG** while providing your agency with the full feature set you'd expect, like built in voice mail, call recording integration, supervision and training, as well as seamless integration with a county wide system (if desired).

For smaller public safety agencies, the BAS-EC platform is a great high value solution.

INdigital is a 'lover not a fighter', making our working relationship with other vendors easy, simple and less stressful on you.

Our references are available on request, and we look forward to talking with you about how we can improve your service today.