



*Legal Counsel.*

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JAN 21 2020

PUBLIC SERVICE  
COMMISSION

Caroline L. Pieroni  
502-540-2324  
caroline.pieroni@dinsmore.com

January 21, 2020

**Via Hand Delivery**

Hon. Gwen R. Pinson  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

***In the Matter of Associates in Dermatology, PLLC v. Bellsouth  
Telecommunications, LLC d/b/a AT&T Kentucky, Case No. 2019-00047***

Dear Ms. Pinson:

Enclosed for filing are one (1) original and ten (10) copies of Associates in Dermatology, PLLC's First Request for information to Bellsouth Telecommunications, LLC, d/b/a AT&T Kentucky.

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

Sincerely,

DINSMORE & SHOHL LLP

Caroline L. Pieroni

CLP/kwi

Enclosures

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JAN 21 2020

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ASSOCIATES IN DERMATOLOGY, PLLC )  
 )  
COMPLAINANT )  
 )  
V. )  
 )  
BELLSOUTH TELECOMMUNICATIONS, LLC )  
dba AT&T KENTUCKY )  
 )  
DEFENDANT )

CASE NO. 2019-00047

**ASSOCIATES IN DERMATOLOGY, PLLC'S FIRST REQUEST FOR INFORMATION  
TO AT&T**

Associates in Dermatology, PLLC ("AID") submits these first requests for information to Bellsouth Telecommunications, LLC, d/b/a AT&T Kentucky ("AT&T"), to be answered in accordance with the following Definitions and Instructions. AID reserves the right to tender, submit, or propound additional discovery requests

**DEFINITIONS**

1. Whenever it is necessary to bring within the scope of these information requests documents that otherwise might be construed to be outside their scope (1) the use of "and" as well as "or" shall be construed both disjunctively and conjunctively; (2) the use of a word in its singular form shall be construed to include within its meaning its plural form as well, and vice versa; (3) the use of "include" and "including" shall be construed to mean "without limitation"; and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all other tenses and voices.

2. “Associates in Dermatology” or “AID” means Associates in Dermatology, PLLC, the Complainant in this case.

3. “AT&T” or “you” or “your” means Bellsouth Telecommunications, LLC d/b/a AT&T Kentucky, the Defendant in this case.

4. “Document” means any written, recorded, transcribed, printed or impressed matter of whatever kind, however produced, stored or reproduced, including, but not limited to, sound or pictorial recordings, computerized information, books, pamphlets, letters, memoranda, telegrams, electronic or mechanical transmissions, e-mails, communications of all kinds, reports, notes, working papers, handwritings, charts, papers, writings, printings, transcriptions, tapes and records of all kinds.

5. “Person” includes a natural person, a business organization of any type, an unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

6. Wherever in these information requests you are asked to “identify,” you are requested:

a. when identifying a person, to give such person’s:

- (1) full name,
- (2) business address, residence address, and telephone number,
- (3) his or her present or last known position and business affiliation at the time in question, and
- (4) the nature of such person’s participation in, and the scope of his responsibility with regard to, the facts and events underlying the present case;

- b. when identifying an oral communication, to:
  - (1) identify the author thereof and the parties thereto,
  - (2) state the date of the communication,
  - (3) state the place of the communication,
  - (4) state the substance of the communication, and
  - (5) state whether such communication has been reduced to writing and, if so, identify each document and the present custodian thereof;
  
- c. when identifying other information, to state:
  - (1) the source thereof,
  - (2) any oral communications pertaining thereto,
  - (3) any documents pertaining thereto, and
  - (4) the substance of the information;

### INSTRUCTIONS

1. If any document called for by any of these data requests is withheld based upon a claim of privilege or work product, please produce so much of the document as to which you do not claim privilege or protection, and for each document or part of a document for which you claim privilege or protection, describe or identify:

- a. The nature, subject matter and substance of the document or part of the document withheld;
- b. The nature of the privilege or protection claimed;

- c. The date, author or authors, addressee or addressees, and distribution of the document;
- d. Each person in whose possession, custody or control any copy of the document is or has been; and
- e. Paragraph number of the schedule of documents to which the document or part of the document is responsive.

2. If, for reasons other than a claim of privilege or work product, you refuse to answer any data request or to produce any document requested, state the grounds upon which the refusal is based with sufficient specificity to permit a determination of the propriety of such refusal.

3. If any copy of any document requested herein or any record which refers or relates to any document requested herein has been destroyed or lost, set forth to the extent possible the content of each such document, the date such document and its copies were destroyed or lost and, if destroyed, the identity of the person authorizing such destruction, and the identity of the last known custodian of such document prior to its destruction.

4. These data requests shall be deemed continuing and you should serve upon AID's counsel (1) supplemental responses to these data requests if additional information or information that changes your response to any data request is obtained during the course of this proceeding, and (2) any documents requested herein that become available or that are discovered after the date your responses to these data requests are due.

## DATA REQUESTS

1. Please admit or confirm that AT&T provided AID with telephone services after November 2018. If you cannot confirm this, please explain the basis for your denial. If you do confirm it, please provide the last date that AT&T provided services to AID and the last date it billed AID.

2. Please admit or confirm that within the last three years, at both the Springhurst and New Albany AID locations, AT&T was providing basic local exchange service to AID via a Primary Rate ISDN ("PRI") handoff. If you cannot confirm this, please explain the basis for your denial. If you can confirm it, please provide the last date the service was provided and the last date for which the service was billed.

3. Please confirm that within the last three years, at both the Springhurst and New Albany AID locations, AT&T was providing POTS to AID. If you cannot confirm this, please explain the basis for your denial. If you can confirm it, please provide the last date for which the services were offered and the last date for which the services were billed.

4. Please produce copies of all complaints, inquiries, claims, and customer service requests by AID to you in the last five years, including but not limited to those submitted via e-mail by AID.

5. Please produce copies of all e-mail correspondence between AID and Paul Black, Brad Wood, Timothy Whitlock, Miles Fitzgerald, Britanee Etherton, and any other AT&T employee or representative.

6. Please produce copies of all documents related to resolution or attempted resolution of any complaint, inquiry or customer service request by AID to you, including but not limited to, any internal communications, customer service representative e-mails or notes,

correspondence between employees or agents, internal referrals, documents showing resolution or lack of resolution of any claim, including credits given, copies of checks, etc.

7. Please identify the sales, marketing, and customer service person(s) who worked with and/or interacted with AID regarding its accounts in the last five years.

8. Please produce the personnel files of AT&T employees Paul Black, Brad Wood, Timothy Whitlock, Miles Fitzgerald, and Britanee Etherton, the AT&T employees who worked with AID.

9. Please produce documents showing any commission structure AT&T uses or has used in the last five years to incentivize any employees that worked on AID's accounts.

10. Please identify the amount of commission, or incentive, or other compensation paid to anyone at AT&T for sale of any product or service purchased by AID from you in the last five years, including the 1) amount paid, 2) date paid, and 3) what services was involved.

11. Please produce documents sufficient to support your answer to Data Request No. 10.

12. Please produce all documents from the last five years related to AID's accounts, to the extent they were not produced in response to Data Request No. 4. The response to this request should include, but is not limited to, internal communications, sales communications, and e-mails and account setup communications.

13. Please produce any marketing or promotional materials related to any product, service, or package sold to AID in the last five years.

14. Please confirm that AT&T can disconnect customers' services without written permission or written direction from the customer (based on a verbal request or a change in

service type or for another reason). If you cannot confirm this, please explain the basis for your denial.

15. Please confirm that AT&T has disconnected services of customers without written permission or written direction from the client (based on a verbal request or a change in service type or for another reason). If you cannot confirm, please explain the basis for your denial.

16. Please confirm that AT&T sales representatives have the ability to disconnect customers' services without written permission or written direction from the client (based on a verbal request or a change in service type or for another reason). If you cannot confirm, please explain the basis for your denial.

17. Please produce any AT&T policy related to Data Requests 14, 15, or 16, including but not limited to any policies that determines which persons or employees are permitted to discontinue or disconnect services and under what circumstances.

18. Please confirm or admit that AT&T has added services not requested by AID. If you cannot confirm, please explain the basis for your denial.

19. Please confirm or admit that AT&T has charged for services even when AID has requested in writing that the service be discontinued. If you cannot confirm, please explain the basis for your denial.

20. Please confirm or admit that AT&T has charged for services after AID requested verbally or in writing that they be disconnected. If you cannot confirm, please explain the basis for your denial.

On this the 21<sup>st</sup> day of January, 2020.



Respectfully submitted,

DINSMORE & SHOHL LLP



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and

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Phone: (502) 244-8099  
*Attorneys for Complainants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing was served on the following, via e-mail and U.S. Mail on this the 21<sup>st</sup> day of January, 2020, as indicated below:

Mark R. Overstreet  
STITES & HARBISON  
421 West Main Street  
P.O. Box 634  
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*Attorneys for Complainants*