BEFORE THE COMMONWEALTH OF KENTUCKY

PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE INTRASTATEADSWITCHED ACCESS RATES OF ALL)KENTUCKY INCUMBENT AND COMPETITIVE)LOCAL EXCHANGE CARRIERS)

ADMINISTRATIVE CASE NO. 2010-00398

FURTHER TESTIMONY

OF

CESAR CABALLERO

ON BEHALF OF WINDSTREAM KENTUCKY EAST, LLC AND WINDSTREAM KENTUCKY WEST, LLC

Dated July 8, 2011

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2	Q.	Please state your name and business address.
3	A.	My name is Cesar Caballero. My business address is 4001 Rodney Parham Road, Little
4		Rock, Arkansas 72212.
5	Q.	By whom are you employed and in what capacity?
6	A.	I am employed by Windstream Communications, Inc. as Vice President – Regulatory
7		Strategy and am authorized in this capacity to testify on behalf of Windstream Kentucky
8		East, LLC ("Windstream East") and Windstream Kentucky West, LLC ("Windstream
9		West") (collectively for purposes of this testimony, "Windstream"). In this capacity, I
10		support the reform efforts by Windstream before the Federal Communications
11		Commission ("FCC"), including oversight of wholesale access, universal service
12		programs, interconnection services and policy reform.
13	Q.	Are you the same Cesar Caballero that submitted testimony on behalf of
14		Windstream Kentucky East, LLC and Windstream Kentucky West, LLC on July
15		14, 2010 and August 13, 2010 in the record that has been incorporated into this
16		proceeding ("Initial Testimony")?
17	A.	Yes.
18	Q.	Prior to turning to your substantive testimony, do you have any preliminary
19		statements?
20	A.	Yes. For the reasons explained in my Initial Testimony as well as multiple times before
21		and since (as recently as Windstream's December 20, 2010 and April 15, 2011
22		Comments in this Case), Windstream East and Windstream West do not believe that the
23		Kentucky Public Service Commission ("Commission") has jurisdiction to order a

FURTHER TESTIMONY OF CESAR CABALLERO

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1		reduction of their intrastate switched access rates or those of any carrier alternatively
2		regulated under KRS 278.543. I submit this further testimony with the full reservation of
3		rights as set forth previously in Windstream East and Windstream West's December 20,
4		2010 and April 15, 2011 Comments as well as throughout the record herein.
5	Q.	How does your Initial Testimony relate to the matters on which the Commission
6		now seeks comment?
7	A.	My Initial Testimony concerned attempts by certain interexchange carriers ("IXCs") to
8		cause the Commission to order targeted reductions in Windstream East and Windstream
9		West's intrastate switched access rates. Setting aside serious jurisdictional deficiencies,
10		such requests were particularly unreasonable and myopic as they: (1) selectively
11		prosecuted Windstream East and Windstream West without regard to any other carrier in
12		the Commonwealth and without regard to their status as alternatively regulated carriers;
13		(2) sought a result that would provide for no transition period; and (3) provided no
14		reasonable means for Windstream to recover displaced intrastate switched access
15		revenues assuming the Commission even had jurisdiction to order the requested
16		reductions. My Initial Testimony discussed those matters, as well as the general
17		reasonableness of Windstream's intrastate switched access rates, particular considerations
18		relating to the same, as well as general intercarrier compensation and universal service
19		policy issues.
20	Q.	Is your Initial Testimony still relevant?
21	A.	Certainly so. In fact, the Commission has incorporated such testimony into the record
22		currently before it. For convenience, my Initial Testimony is attached hereto as Exhibits
23		A and B.

Since the time that I filed my Initial Testimony, the Commission has sought comment on 2 A. intrastate switched access charge matters in this case on two separate occasions -3 4 December 20, 2010 and April 15, 2011. Such comments continue to be relevant. I incorporate by reference Windstream East and Windstream West's December 20, 2010 5 and April 15, 2011 comments in this Case as part of this Further Testimony. Such 6 documents are attached hereto as Exhibits C and D. 7 Q. Has anything changed since Windstream East and Windstream West filed their 8 April 15, 2011 comments in this Case? 9 A. Parties have since conducted an initial round of discovery. No information that 10 Windstream has provided or received or any other information publicly-filed in this Case 11 changes positions that Windstream East and Windstream West have previously taken and 12 continue to take as described herein. 13 **Does this conclude your Further Testimony?** Q. 14

Do you have anything to update from your Initial Testimony?

15 A. Yes, at this time.

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Q.