

**BEFORE THE KENTUCKY
PUBLIC SERVICE COMMISSION**

In the matter of

Application of Competitive Carriers of the)	
South, Incl. for a Declaratory Order)	
Affirming that the Interconnection Regimes)	Case No. 2015-00283
Under KRS 278.530 and 47 U.S.C. § 251 are)	
Technologically Neutral)	

**AT&T KENTUCKY'S OBJECTIONS AND RESPONSES
TO COMPSOUTH'S INFORMATION REQUESTS**

AT&T Kentucky¹ respectfully objects and responds as follows to the Competitive Carriers of the South Inc.'s Information Requests to AT&T Kentucky.

GENERAL OBJECTIONS

1. AT&T Kentucky objects to the Information Requests to the extent they seek the disclosure of information protected by the attorney-client privilege, attorney work-product doctrine, or any other applicable privilege or doctrine, and the inadvertent disclosure of any such information shall not be deemed a waiver of any such privilege or doctrine.

2. AT&T Kentucky objects to the Information Requests to the extent they seek access to confidential, competitively sensitive and/or proprietary business information and trade secrets. The furnishing of responses to these requests is not intended to and should not be construed to waive AT&T Kentucky's right to protect from disclosure documents and information containing confidential or proprietary trade secrets or business information.

3. For reasons set forth in other submissions in this proceeding, AT&T Kentucky maintains that the Kentucky Public Service Commission is without jurisdiction and statutory

¹ BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky

authority to issue the declaratory order requested by Competitive Carriers of the South, Inc. (“CompSouth”) in this proceeding. Without waiving that position, AT&T Kentucky does not object to CompSouth’s Information Requests solely on that ground.

SPECIFIC OBJECTIONS AND RESPONSES:

REQUEST 1. On page 5, AT&T Kentucky witness McPhee indicates that AT&T Kentucky's position is that neither Kentucky law nor the FTA apply to interconnection in IP format, but then indicates that AT&T Kentucky takes no position in this proceeding. Does AT&T Kentucky concede that CLECs may request IP interconnection under 47 U.S.C. §§ 251-252 and KRS 278.530?

Response: AT&T Kentucky objects to the mischaracterization of the testimony of AT&T Kentucky witness McPhee in Request 1. Without waiving that objection, AT&T Kentucky states that CLECs may request anything they wish to request under 47 U.S.C. §§ 251-252, but these federal statutes neither oblige ILECs to grant all such requests nor authorize state commissions to entertain all such requests or to resolve in CLECs' favor all issues arising out of such requests. AT&T Kentucky objects to Request 1 as it relates to KRS 278.530 on the ground that the request is vague and ambiguous because KRS 278.530 does not speak in terms of "requests" and it is unclear, among other things, whether Request 1 concerns requests made to an ILEC, requests made to the Commission, or both. Subject to that objection, AT&T Kentucky states that it does not contend that KRS 278.530 generally prohibits CLECs from requesting any particular interconnection terms, but does contend that to the extent KRS 278.530 applies, it requires the carrier with which interconnection is sought only to permit the other carrier to connect its exchange or lines with the exchange or lines of the carrier with which interconnection is sought upon reasonable terms, rates and conditions. As explained in AT&T Kentucky's prior submissions in this case, CompSouth's request for declaratory relief with respect to KRS 278.530 must be denied because, among other reasons, all the participating CompSouth members have interconnection agreements with AT&T Kentucky and have established interconnections with AT&T Kentucky pursuant to those agreements.

Responsible person: Counsel of record; Scott McPhee (only as to fact that all participating CompSouth members have interconnection agreements with and have established interconnections with AT&T Kentucky)

REQUEST 2. What would be AT&T Kentucky's response to a request for IP interconnection under section 47 U.S.C. §§ 251-252?

Response: AT&T Kentucky objects to Request 2 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.”² AT&T Kentucky’s hypothetical response to a hypothetical request for IP interconnection under section 47 U.S.C. §§ 251-252 has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. Subject to that objection, AT&T Kentucky states that the requests it receives under 47 U.S.C. §§ 251-252 are typically in the form of proposed contract language (typically consisting of hundreds of pages of detail), and that AT&T Kentucky’s responses typically depend on the contract language proposed.

Responsible person: Counsel of record; Scott McPhee (only as to last sentence)

² Application of Competitive Carriers of the South, Inc. for a Declaratory Ruling (Aug. 14, 2015) at 1.

REQUEST 3. Please identify by title, effective date and the names of all parties, each agreement that AT&T Kentucky or its affiliates has entered into with a service provider, including any affiliate of AT&T Kentucky concerning, providing for or governing the exchange in IP format of voice traffic going from AT&T Kentucky to the other party as well as voice traffic coming from the other party to AT&T Kentucky.

a. Please produce all agreements identified in the response above, including all attachments, exhibits and schedules.

b. Please confirm whether AT&T Kentucky has submitted any of these negotiated agreements for the exchange of IP Voice traffic to the Kentucky Public Service Commission so it can determine if it is an ICA pursuant to 47 U.S.C. §§ 251-252 and therefore available for opt-in.

Response: AT&T Kentucky objects to Request 3 on the ground that the information and documents it seeks are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The agreements into which Request 3 inquires (assuming any such agreements exist) have no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 3 to the extent it applies to agreements to which AT&T Kentucky is not a party on the additional grounds that (1) AT&T Kentucky does not have possession, custody or control of such agreements, and (2) to the extent that such agreements may have been entered into by an AT&T Kentucky affiliate that is not an ILEC, the agreements are neither relevant nor reasonably likely to lead to the discovery of

admissible evidence because non-ILECs are not subject to the interconnection duty of 47 U.S.C. § 251(c)(2). Finally, to the extent, if any, that Request 3 may pertain to agreements that are confidential, see General Objection 2.

Responsible person: Counsel of record

REQUEST 4. Please identify by title, effective date and the names of all parties, each commercial negotiation that AT&T Kentucky or its affiliates has either proposed in writing to commence or entered into with a service provider, including any affiliate of AT&T Kentucky concerning, providing for or governing the exchange in IP format of voice traffic going from AT&T Kentucky to the other party as well as voice traffic coming from the other party to AT&T Kentucky.

a. Please produce all agreements identified in the response above, including all attachments, exhibits and schedules.

Response: AT&T Kentucky objects to Request 4 on the ground that the information and documents it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The agreements into which Request 4 inquires (assuming any such agreements exist) have no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 4 to the extent it applies to negotiations or agreements to which AT&T Kentucky was not or is not a party on the additional grounds that (1) AT&T Kentucky does not have possession, custody or control of such agreements, and (2) to the extent that such negotiations or agreements may have been entered into by an AT&T Kentucky affiliate that is not an ILEC, the negotiations and/or agreements are neither relevant nor reasonably likely to lead to the discovery of admissible evidence because non-ILECs are not subject to the interconnection duty of 47 U.S.C. § 251(c)(2). Finally, to the extent, if any,

that Request 4 may pertain to negotiations or agreements that are confidential, see General Objection 2.

Responsible person: Counsel of record

REQUEST 5. Please provide a copy of all IP interconnection agreements referred to by AT&T Kentucky witness Frank Simone before the South Carolina Public Service Commission, Proceeding #16-11511, January 12, 2016, Tr. 42.

Response: AT&T Kentucky objects to Request 5 on the ground that the documents it seeks are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The agreements that Request 5 requests have no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 5 to the extent it applies to agreements to which AT&T Kentucky is not a party on the additional grounds that (1) AT&T Kentucky does not have possession, custody or control of such agreements, and (2) to the extent that such agreements may have been entered into by an AT&T Kentucky affiliate that is not an ILEC, the agreements are neither relevant nor reasonably likely to lead to the discovery of admissible evidence because non-ILECs are not subject to the interconnection duty of 47 U.S.C. § 251(c)(2). Finally, to the extent, if any, that Request 5 may pertain to agreements that are confidential, see General Objection 2.

Responsible person: Counsel of record

REQUEST 6. To the extent that any of the terms, conditions and/or prices vary among the agreements in (5) above, were any or all of the carriers offered the opportunity to opt-into a preexisting agreement?

Response: AT&T Kentucky objects to Request 6 on the ground that it is vague and not subject to comprehension because of the disconnect between the introductory phrase and the remainder of the Request. AT&T Kentucky further objects to Request 6 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The information that Request 6 seeks has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 6 to the extent it applies to agreements to which AT&T Kentucky is not a party on the additional ground that to the extent that such agreements may have been entered into by an AT&T Kentucky affiliate that is not an ILEC, the requested information is neither relevant nor reasonably likely to lead to the discovery of admissible evidence because non-ILECs are not subject to the interconnection duty of 47 U.S.C. § 251(c)(2). Finally, to the extent, if any, that Request 6 may pertain to confidential communications, see General Objection 2.

Responsible person: Counsel of record

REQUEST 7. Did AT&T Kentucky provide each of the carriers that have requested IP interconnection copies of its preexisting agreements with other carriers?

Response: AT&T Kentucky objects to Request 7 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The information that Request 7 seeks has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530.

Responsible person: Counsel of record

REQUEST 8. For each commercial negotiation that AT&T Kentucky or its affiliates has either proposed in writing to commence or entered into with a service provider, including any affiliate of AT&T Kentucky concerning, providing for or governing the exchange in IP format of voice traffic going from AT&T Kentucky to the other party as well as voice traffic coming from the other party to AT&T Kentucky, please state whether AT&T Kentucky or its affiliates required its affiliate or the service provider to agree that the final agreement contain the provision that it not be subject to 47 U.S.C. §§ 251-252 or that the final agreement be executed as a commercial agreement.

Response: AT&T Kentucky objects to Request 8 on the ground that it is vague and not susceptible of comprehension. For example, Request 8 contemplates not only commercial negotiations concerning the exchange of voice traffic in IP format (which is readily comprehended), but also commercial negotiations providing for or governing the exchange of such traffic (which is not). AT&T Kentucky further objects to Request 8 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The information that Request 8 seeks has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 8 to the extent it applies to negotiations or agreements to which AT&T Kentucky was not or is not a party on the additional grounds that (1) AT&T Kentucky does not have possession, custody or control of such agreements, and (2) to the extent that such negotiations or agreements may have been entered into

by an AT&T Kentucky affiliate that is not an ILEC, the negotiations and/or agreements are neither relevant nor reasonably likely to lead to the discovery of admissible evidence because non-ILECs are not subject to the interconnection duty of 47 U.S.C. § 251(c)(2). Finally, to the extent, if any, that Request 8 may pertain to negotiations or agreements that are confidential, see General Objection 2.

Responsible person: Counsel of record

REQUEST 9. Does AT&T mandate the signing of a non-disclosure agreement in order to negotiate an IP-to-IP interconnection agreement for the exchange of voice traffic?

Response: AT&T Kentucky objects to Request 9 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The information that Request 9 seeks has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. Subject to that objection, AT&T Kentucky states that when a carrier requests interconnection agreement negotiations with AT&T Kentucky pursuant to 47 U.S.C. § 252, AT&T Kentucky proposes, but does not mandate, a non-disclosure agreement in order to encourage candor in the negotiations.

Responsible person: Counsel of record; Scott McPhee (only as to last sentence)

REQUEST 10. AT&T Kentucky asserts that interconnection is available under KRS 278.530 only when the carrier requesting interconnection has no existing contract or interconnection agreement. Is it AT&T Kentucky's position that the existence of a TDM interconnection agreement forecloses a carrier from requesting IP interconnection under KRS 278.530?

Response: AT&T Kentucky objects to the mischaracterization of AT&T Kentucky's assertion in Request 10. AT&T Kentucky objects to Request 10 on the ground that the request is vague and ambiguous because KRS 278.530 does not speak in terms of requests and it is unclear whether Request 10 concerns requests made to an ILEC, requests made to the Commission, or both. Subject to those objections, AT&T Kentucky states that it is not AT&T Kentucky's position that the existence of a TDM interconnection agreement forecloses a carrier from requesting IP interconnection under KRS 278.530. In the event of such a request, however, AT&T Kentucky reserves its right to deny the request on any and all lawful grounds, including but not limited to the facts that (1) the requesting carrier has an existing interconnection agreement with AT&T Kentucky and/or has established interconnections with AT&T Kentucky pursuant to that agreement; and (2) KRS 278.530 only requires the carrier with which interconnection is sought to permit the other carrier to connect its exchange or lines with the exchange or lines of the carrier with which interconnection is sought upon reasonable terms and conditions.

Responsible person: Counsel of record

REQUEST 11. Does AT&T Kentucky concede that the PSC could determine the applicability of 47 U.S.C. §§ 251-252 to IP interconnection in the context of an arbitration request? If not, why not?

Response: If a properly pled arbitration petition under 47 U.S.C. § 252(b) presented an issue the resolution of which called upon the Kentucky Public Service Commission to determine whether 47 U.S.C. § 251(c)(2) requires an ILEC to provide IP interconnection to a requesting carrier, AT&T Kentucky would not contend that the Commission is without jurisdiction to make that determination. AT&T Kentucky reserves its right to argue that the 47 U.S.C. §§ 251 and 252 do not allow the Commission to require such interconnection and to appeal any Commission decision to the contrary.

Responsible person: Counsel of record

REQUEST 12. Does AT&T Kentucky have a target date to migrate customers in Kentucky to IP services?

Response: AT&T Kentucky objects to Request 12 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The target date, if any, for any AT&T Kentucky ’s migrations of customers to IP services has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530.

Responsible person: Counsel of record

REQUEST 13. Does AT&T Kentucky agree to continue to provide TDM-based interconnection, even after a majority of its customers have migrated to IP-based services? Does AT&T Kentucky agree to continue to provide TDM-based interconnection, even after all of its customers have migrated to IP-based services?

Response: AT&T Kentucky objects to Request 13 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The hypothetical agreements into which Request 13 inquires have no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. Subject to its objections, AT&T Kentucky states that it has not been asked to make, and has neither made nor declined to make, either of the agreements described in Request 13.

Responsible person: Counsel of record; Scott McPhee (only as to last sentence)

REQUEST 14. Please provide for year-end 2012, 2013, 2014, 2015 (and update when 2016 data becomes available) the number of switched access lines and facilities-based VoIP lines in Kentucky, separately for residential and business customers.

Response: AT&T Kentucky objects to Request 14 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The information that Request 14 seeks has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 14 on the ground that the information it seeks is as available to CompSouth from the FCC’s records as it is to AT&T Kentucky.

Responsible person: Counsel of record

REQUEST 15. Provide AT&T Kentucky's Form 477 response to the FCC for 2012, 2013, 2014 and 2015 for Kentucky identifying the number of voice lines and VoIP subscriptions, aggregated for the state of Kentucky.

Response: AT&T Kentucky objects to Request 15 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: "Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." In this proceeding, CompSouth seeks a declaration that, "regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers' networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier." The information that Request 15 requests has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 15 on the ground that the information it seeks is highly confidential and, if the Commission requires its disclosure notwithstanding the objection set forth above, the information will be made available only on a limited basis consistent with FCC practice regarding such information.

Responsible person: Counsel of record

REQUEST 16. For a call that originates in TDM and terminates in TDM, please identify how the exchange of traffic at the point of interconnection in IP format provides enhanced functionality to end users solely as a result of the use of IP format at the point of interconnection.

Response: AT&T Kentucky objects to Request 16 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” AT&T Kentucky takes no position in this proceeding on the circumstances under which an exchange of traffic does or does not provide enhanced functionality to end users. Accordingly, the information sought by Request 16 can have no tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the information.

Responsible person: Counsel of record

REQUEST 17. For a call that originates in VoIP and terminates in VoIP, please identify how the exchange of traffic at the point of interconnection in IP format provides enhanced functionality to end users solely as a result of the use of IP format at the point of interconnection.

Response: AT&T Kentucky objects to Request 17 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” AT&T Kentucky takes no position in this proceeding on the circumstances under which an exchange of traffic does or does not provide enhanced functionality to end users. Accordingly, the information sought by Request 17 can have no tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the information.

Responsible person: Counsel of record

REQUEST 18. For a call that originates in TDM and terminates in VoIP, please identify how the exchange of traffic at the point of interconnection in IP format provides enhanced functionality to end users solely as a result of the use of IP format at the point of interconnection.

Response: AT&T Kentucky objects to Request 18 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” AT&T Kentucky takes no position in this proceeding on the circumstances under which an exchange of traffic does or does not provide enhanced functionality to end users. Accordingly, the information sought by Request 18 can have no tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the information.

Responsible person: Counsel of record

REQUEST 19. For a call that originates in VoIP and terminates in TDM, please identify how the exchange of traffic at the point of interconnection in IP format provides enhanced functionality to end users solely as a result of the use of IP format at the point of interconnection.

Response: AT&T Kentucky objects to Request 19 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” AT&T Kentucky takes no position in this proceeding on the circumstances under which an exchange of traffic does or does not provide enhanced functionality to end users. Accordingly, the information sought by Request 19 can have no tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the information.

Responsible person: Counsel of record

REQUEST 20. Do the existing ICAs that AT&T Kentucky has with Birch, Level 3 and Windstream ("the CompSouth members") allow the CompSouth members to exchange IP Voice traffic in IP format from end to end?

Response: AT&T Kentucky objects to Request 20 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: "‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." In this proceeding, CompSouth seeks a declaration that, "regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier." The information Request 20 seeks has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530.

AT&T Kentucky further objects to Request 20 on the grounds that the information it seeks is as available to CompSouth as it is to AT&T Kentucky and that to the extent that the Request calls for an interpretation of the existing ICAs, AT&T Kentucky has not had occasion to examine the interconnection provisions of those ICAs for the purpose of evaluating a contention that those provisions either do or do not encompass IP interconnection and cannot properly be required to do so for purposes of responding to CompSouth’s Information Request.

Responsible person: Counsel of record; Scott McPhee (only as to fact that AT&T Kentucky has not had occasion to examine the interconnection provisions of the ICAs for the purpose of evaluating a contention that those provisions either do or do not encompass IP interconnection)

REQUEST 21. Please quantify the cost and time for both internal and external resources that Michigan Bell Telephone Company d/b/a AT&T Michigan expended to adjudicate the Michigan Case No. U-17349 — *In the Matter of the Petition of Sprint Spectrum, L.P. for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish Interconnection Agreements with Michigan Bell Telephone Company d/b/a AT&T Michigan.*

Response: AT&T Kentucky objects to Request 21 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The information Request 21 seeks has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 21 on the ground that it would be unduly burdensome, and likely impossible, for AT&T Kentucky to provide the information it seeks.

Responsible person: Counsel of record

REQUEST 22. Please quantify the cost and time for both internal and external resources that Illinois Bell Telephone Company d/b/a AT&T Illinois expended to adjudicate the Docket 12-0550, *SprintCom, Inc. et. al. Petition of Arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Illinois Bell Telephone Company.*

Response: AT&T Kentucky objects to Request 22 on the ground that the information it seeks is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Kentucky Rule of Evidence 401 provides: “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In this proceeding, CompSouth seeks a declaration that, “regardless of underlying technology, transmission media, or protocol that may be used for the exchange of voice traffic over two carriers’ networks, (a) the interconnection regimes under 47 U.S.C. §§ 251-252 and KRS 278.530 apply, and (b) these statutes permit (among other things) a requesting carrier to file a petition with the KPSC requesting an Order prescribing the rates, terms and conditions of proposed interconnection with an incumbent local exchange carrier.” The information that Request 22 seeks has no bearing on the meaning or application of U.S.C. §§ 251-252 or KRS 278.530. AT&T Kentucky also objects to Request 21 on the ground that it would be unduly burdensome, and likely impossible, for AT&T Kentucky to provide the information it seeks.

Responsible person: Counsel of record

Counsel of Record certifies as to the above objections:

/s/ Cheryl R. Winn

Cheryl R. Winn

Respectfully submitted,

/s/ Cheryl R. Winn

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FILING NOTICE AND CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and accurate copy of the same document being filed in paper medium with the Commission within two business days; that the electronic filing was transmitted to the Commission on November 23, 2016; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Cheryl R. Winn

Cheryl R. Winn