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March 20, 2009

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PUBLIC SERVICE
COMMISSION

via Hand Delivery

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

**Re: *In the Matter of: Brandenburg Telephone Company, et al. v. Windstream
Kentucky East, Inc., Case No. 2007-00004***

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case, please find one original and eleven (11) copies of Response to Windstream Kentucky East, LLC Data Requests filed on behalf of Rural Local Exchange Carriers ("RLECs") who are the complainants in the above-referenced case. Please file-stamp one copy, and return it to our courier.

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

Very truly yours,

DINSMORE & SHOHL LLP

Holly C. Wallace

cc: All Parties of Record

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Brandenburg Telephone Company; Duo County)
Telephone Cooperative Corporation, Inc.; Highland)
Telephone Cooperative, Inc., Mountain Rural)
Telephone Cooperative Corporation, Inc.; North)
Central Telephone Cooperative Corporation; South)
Central Rural Telephone Cooperative Corporation, Inc.)
And West Kentucky Rural Telephone Cooperative)
Corporation, Inc.)
)
)
Complainants) Case No.
) 2007-00004
v.)
)
Windstream Kentucky East, Inc.; and)
Windstream Kentucky West, Inc.)
)
)
Defendants)

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PUBLIC SERVICE
COMMISSION

RLECS' RESPONSE TO WINDSTREAM KENTUCKY EAST'S DATA REQUESTS

Brandenburg Telephone Company, Duo County Telephone Cooperative Corporation, Inc., Highland Telephone Cooperative, Inc., Mountain Rural Telephone Cooperative Corporation, Inc., North Central Telephone Cooperative Corporation, South Central Rural Telephone Cooperative Corporation, Inc., and West Kentucky Rural Telephone Cooperative Corporation, Inc. (collectively, the "RLECs"), by counsel, hereby submit their responses to the data requests of Windstream Kentucky East, LLC ("Windstream East").

INTERROGATORY NO. 1: For the years 2006, 2007, and 2008, please identify by name and contact information the individuals employed or retained by your local exchange carrier operations with responsibilities for performing network switching translations work for your

incumbent local exchange carrier operations, your competitive local exchange carrier operations, and any affiliated wireless operations.

RESPONSE: Objection. The RLECs object on the grounds that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 2: Please identify in detail all agreements and arrangements, whether written or verbal, formal or informal, between you and any other carrier (including any of your Affiliates) to provide for the provision or receipt of transit traffic, specifically traffic which originates on your network, traverses another company's network and terminates to yet a different company's network or which originates on another company's network, traverses yet another company's network and terminates to your company's network .

RESPONSE: Objection. To the extent this interrogatory seeks information regarding the RLECs' affiliates, the RLECs object on the grounds that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, and without waiving same, the RLECs state that Highland Telephone Cooperative, Inc. has a long-standing agreement with Windstream East (and its predecessors) to subtend Windstream East's tandem. In addition, Brandenburg Telephone Company is presently routing traffic to MCIMetro Access Transmission Services, LLC d/b/a Verizon Access via Windstream East as detailed in Case No. 2008-00203, *In the matter of: 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*. West Kentucky Rural Telephone Cooperative Corporation also delivers traffic destined for third-party carriers to AT&T Kentucky's tandem over a commercial trunk group provisioned for that purpose. The

RLECs state further that they have isolated arrangements between an RLEC and associated carrier for the delivery of traffic, and the RLECs are collectively parties to approximately seventy traffic exchange agreements with other carriers. These agreements speak for themselves, are on file with the Commission and are available for public viewing on the Commission's website at http://psc.ky.gov/agencies/psc/reports/intercon_1.html.

INTERROGATORY NO. 3: Please refer to page three of your Response to Windstream East's Motion to Dismiss wherein you allege that Windstream East's "tariff serves as a disincentive to third parties who might otherwise approach the RLECs for an interconnect agreement, because third parties can now simply route traffic through Windstream without such an agreement." With respect to this allegation, please identify in detail and by name all such third parties, all communications (including the dates thereof) between you and said third parties, and all other facts forming the basis for your allegation.

RESPONSE: Objection. The RLECs object to this interrogatory on the grounds that it is overly broad and to the extent that it seeks to have the RLECs prove a negative. Subject to this objection, and without waiving same, the RLECs state that they cannot possibly identify third parties who have not approached them to request interconnection because Windstream East's transit traffic tariff now permits them to dump traffic on the RLECs without having to execute an interconnection agreement with the RLECs pursuant to the Telecommunications Act of 1996 (the "Act").

INTERROGATORY NO. 4: Please refer to page four of your Response to Windstream East's Motion to Dismiss in which you allege that Complainants "have taken temporary measures to

reduce their injuries” by rerouting your transit traffic off of Windstream East’s network. With respect to this allegation regarding “temporary measures”, please identify the date on which and the circumstances under which you anticipate rerouting back through Windstream East's network the transit traffic originating with calls placed by your end users and delivered to a third party, including your Affiliate(s).

RESPONSE: Objection. To the extent this interrogatory seeks information regarding the RLECs’ affiliates, the RLECs object on the grounds that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, and without waiving same, the RLECs state that they do not anticipate re-routing the traffic back through Windstream East's network.

INTERROGATORY NO. 5: Please identify in detail all arrangements between you and any of your Affiliates in which you allow or otherwise provide for the transit or traversing of your Affiliate’s traffic through your end office(s).

RESPONSE: The RLECs object to this interrogatory on the grounds that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 6: Please identify in detail all arrangements between you and any third party in which you allow or otherwise provide for the transit or traversing of the third party’s traffic through your end office(s).

RESPONSE: The RLECs state that to the best of their knowledge they have no such arrangements.

INTERROGATORY NO. 7: Please identify in detail all arrangements between you and any third party (including any Affiliate) in which you provide transit service, or provide a service which permits calls to traverse your network, through your tandems(s) in any capacity and identify in detail all associated charges assessed by you.

RESPONSE: Objection. To the extent this interrogatory seeks information regarding the RLECs' affiliates, the RLECs object on the grounds that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, and without waiving same, the RLECs state that other than access-related services available through filed and approved access tariffs, the RLECs have no such arrangements.

INTERROGATORY NO. 8: Please refer to your allegation on page three of your Response to Windstream East's Motion to Dismiss that the provisions of Windstream East's transit tariff are "unnecessarily onerous upon the RLECs." With respect to this allegation, please identify and quantify in detail all such negative impacts you allege to have incurred (including the dates thereof) and all other facts forming the basis for your allegation.

RESPONSE: Objection. The RLECs object to this interrogatory on the grounds that it is overly broad and unduly burdensome. The RLECs cannot possibly "identify and quantify in detail all such negative impacts" of Windstream's transit tariff. Subject to these objections, and without waiving same, the RLECs refer Windstream East to the documents already filed by the RLECs in this matter, as well as the RLECs' response to Interrogatory No. 3. Additionally, the RLECs state that prior to Windstream East filing its transit traffic tariff, there was no legal basis (and there still is not) for Windstream East to dump third-party traffic on the RLECs' respective networks. Although the RLECs believe that Windstream East's transit traffic tariff still does not

provide Windstream East with a legal basis for dumping third-party traffic on the RLECs, the RLECs understand that Windstream East purports that it does. Moreover, the transit traffic tariff does not require Windstream East to identify the nature or the originator of the third-party traffic.

INTERROGATORY NO. 9: Please identify in detail all documents between you and AT&T-Kentucky relating to negotiations of a transit traffic agreement between you and AT&T-Kentucky.

RESPONSE: Objection. The RLECs object on the grounds that the information sought is not relevant, not reasonably calculated to lead to the discovery of admissible evidence, and to the extent it seeks information that is proprietary and confidential. Subject to these objections, and without waiving same, the RLECs state that other than arrangements identified in response to other interrogatories in Windstream East's first set of data requests, there are no such transit traffic agreements between AT&T Kentucky and the RLECs.

INTERROGATORY NO. 10: Please refer to your allegation on page five of your Response to Windstream East's Motion to Dismiss in which you state that Windstream East's transit tariff "effectively robs the RLECs of the practicable ability to recover reciprocal compensation from third parties transiting Windstream East's network." With respect to this allegation, please identify and quantify in detail all actual reciprocal compensation or opportunities for reciprocal compensation of which you allege to have been deprived and all facts forming the basis for your allegation. Include in your response the specific dates on which you allege to have been so "robbed" and the specific names of the third parties from whom you allege to have been denied the right to collect reciprocal compensation.

RESPONSE: Objection. The RLECs object to this interrogatory to the extent that it seeks the RLECs to prove a negative. Subject to this objection, and without waiving same, the RLECs state: See responses to Interrogatory Nos. 3 and 8.

INTERROGATORY NO. 11: Please identify in detail all indirect interconnection arrangements you have with any of your Affiliates or other third parties.

RESPONSE: Objection. To the extent this interrogatory seeks information regarding the RLECs' affiliates, the RLECs object on the grounds that the information sought is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, and without waiving same, the RLECs state that the RLECs are collectively parties to approximately seventy traffic exchange agreements (including interconnection agreements) with other carriers. These agreements speak for themselves, are on file with the Commission and are available for public viewing on the Commission's website at http://psc.ky.gov/agencies/psc/reports/intercon_1.html.

INTERROGATORY NO. 12: Please identify in detail all indirect interconnection arrangements your Affiliates have with any incumbent local exchange carrier in Kentucky.

RESPONSE: Objection. The RLECs object to this interrogatory on the grounds that it seeks information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13: Please refer to your allegation on page two of your surreply to Windstream East's Motion to Dismiss that your "injuries are occurring right now." Please

describe with specificity all injuries you allege to have incurred, including the dates and nature thereof and identify all other facts forming the basis for your allegation.

RESPONSE: Objection. The RLECs object to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to these objections, and without waiving same, the RLECs refer Windstream East to their response to Interrogatory Nos. 3 and 8 and to the documents they have already filed in this matter. Additionally, the RLECs state that Windstream East is still seeking to collect charges previously billed to the RLECs under Windstream East's transit traffic tariff.

INTERROGATORY NO. 14: Please refer to your allegation on page two of your surreply to Windstream East's Motion to Dismiss that the existence of Windstream East's transit tariff "injures the RLECs abilities to operate...both presently and prospectively." Please describe with specificity the injuries referenced in this allegation as well as all other facts forming the basis for your allegation.

RESPONSE: See responses to Interrogatory Nos. 3, 8 and 13. See also the documents already filed by the RLECs in this matter.

INTERROGATORY NO. 15: Please describe in detail the nature and scope of the "flurry of motions" referenced by your counsel during the parties' informal conference in this matter on February 6, 2009 and provide the dates on which said motions will be filed.

RESPONSE: Objection. The RLECs object to the mischaracterization of their counsel's statements during the Informal Conference; no such words were spoken by RLECs' counsel. Additionally, the RLECs object on the grounds that the information sought is subject to the

attorney-client privilege and the attorney work product doctrine. Subject to these objections, and without waiving same, the RLECs refer Windstream East to the Commission Staff Memorandum of the Informal Conference and the RLECs' comment regarding same.

INTERROGATORY NO. 16: Please provide the date on which you began performing local number portability dips or queries on all non-extended area service traffic you deliver to Windstream East.

RESPONSE: Objection. The RLECs object to this interrogatory on the grounds that it is ambiguous and confusing. The RLECs do not know what Windstream means by “non-extended area service traffic.”

INTERROGATORY NO. 17: With respect to the date you provided in response to Interrogatory No. 16 above, please explain in detail the reasons why you were not performing the dips or queries prior to that time or the reason why you are not doing so today.

RESPONSE: See response to Interrogatory No. 16.

INTERROGATORY NO. 18: Please describe and provide all evidence and other facts, you have compiled with respect to the rates contained in Windstream East’s transit tariff, including any comparisons, cost study analyses, consultant opinions, and other such documents that will form the basis for your testimony in this matter.

RESPONSE: Objection. The RLECs object to this interrogatory to the extent that it seeks to shift the burden of production to the RLECs. The RLECs object further to the extent this interrogatory seeks information subject to the attorney-client privilege and/or the attorney work

product doctrine. Subject to these objections, and without waiving same, the RLECs state that Windstream East bears the burden of production and persuasion to support the rates contained in its transit traffic tariff. Additionally, the RLECs state that discovery in this matter is just commencing and that they have not yet identified their witnesses or the documents that will form the basis for the pre-filed testimony of those witnesses.

INTERROGATORY NO. 19: With respect to your allegations regarding your financial injuries in this matter, please identify all instances of your alleged financial hardships, and include specifically your earnings reports and authorized rates of return for the years 2006, 2007, and 2008.

RESPONSE: Objection. The RLECs object to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to this objection, and without waiving same, the RLECs refer Windstream East to their responses to Interrogatories Nos. 3, 8, and 13. Additionally, the RLECs refer Windstream East to their respective financial reports on file with the Commission.

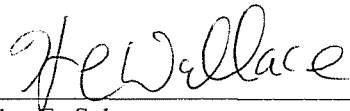
Request for Production of Documents

RFP NO. 1: Please produce copies of all documents referenced in the foregoing interrogatories and your responses thereto or otherwise relied upon by you to formulate your responses to the Interrogatories, including but in no way limited to transit traffic agreements, documents regarding your alleged injuries, documents establishing your end offices as tandems, your affiliate transaction documents, earnings reports, documents pertaining to your "flurry of motions," your cost study analyses, and consultant opinions.

RESPONSE: Objection. The RLECs object to the information sought regarding their affiliates on the grounds that the information is not relevant and not reasonably calculated to lead to the

discovery of admissible evidence. The RLECs object further to the mischaracterization of their counsel's statements during the informal conference. The RLECs also object to the extent that the information sought is subject to the attorney-client privilege and/or the attorney work product doctrine. Subject to these objections, and without waiving same, the RLECs refer Windstream East to their responses to the foregoing interrogatories, to documents already filed by the RLECs in this matter, and to documents referenced in the above interrogatories that are on file with the Commission.

Respectfully submitted,



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COUNSEL TO RLECS

CERTIFICATE OF SERVICE

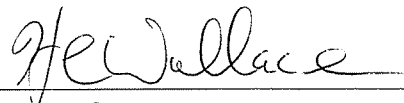
I hereby certify that a copy of the foregoing was served via United States First Class Mail, postage prepaid, on this 20th day of March, 2009 upon:

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