



STOLL · KEENON · OGDEN
PLLC

2000 PNC Plaza
500 West Jefferson
Louisville, KY 40202
(502) 333-6000
Fax: (502) 333-6099
www.skofirm.com

DOUGLAS F. BRENT
(502) 568-5734
douglas.brent@skofirm.com

March 20, 2009

RECEIVED

MAR 23 2009

PUBLIC SERVICE
COMMISSION

Mr. Jeff DeRouen
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 2007-00004—Rural Local Carriers v. Windstream KY East

Dear Mr. DeRouen:

Enclosed please find an original and ten copies of Intervenors T-Mobile USA Inc., Powertel/Memphis, Inc. and T-Mobile Central LLC's Objections and Responses to Windstream Kentucky East, LLC's Data Requests. Please indicate receipt of this filing by your office by placing a file stamp on the extra copy and returning to me via the enclosed, self-addressed, stamped envelope.

Sincerely yours,

STOLL KEENON OGDEN, PLLC

Douglas F. Brent

Enc.

433070.126191/570291.1

**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)
v.)
)
Windstream Kentucky East, Inc.)
)
)
)
 Defendant)**

RECEIVED
MAR 23 2009
PUBLIC SERVICE
COMMISSION

Case No. 2007-00004

**OBJECTIONS AND RESPONSES OF T-MOBILE USA, INC.,
POWERTEL/MEMPHIS, INC., AND T-MOBILE CENTRAL LLC (“T-Mobile”)
TO DATA REQUESTS OF WINDSTREAM KENTUCKY EAST, LLC**

GENERAL OBJECTIONS

1. The objections and statements set forth in this section apply to each of the interrogatories and requests for production propounded by Defendant and are not necessarily repeated in response to each individual interrogatory and request for production. The assertion of the same, similar or additional objections and specific objections to an individual interrogatory or request for production, or the failure to assert any additional objection to an interrogatory or request for production, does not waive any of the objections set forth in this section or the following sections.

2. By providing information in response to an interrogatory or request for production, T-Mobile does not concede that any such information is relevant, material or admissible in evidence. T-Mobile reserves any rights it has regarding the use such information as evidence.

3. T-Mobile generally objects to these interrogatories and requests for production to the extent that they seek information, documents or tangible items protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or rule of confidentiality provided by law. Nothing contained in these responses or in the production of documents, is intended or shall in any way be deemed a waiver of any privilege. In response to each interrogatory and request for production, T-Mobile will not undertake to provide privileged or otherwise protected information, documents or tangible items.

4. T-Mobile objects to each interrogatory and request for production to the extent that it calls for information, documents or tangible items within the propounding party's knowledge or to which the propounding party has equal access, or which the propounding party already has or will have in its possession.

5. T-Mobile objects to each interrogatory and request for production to the extent that it seeks non-public confidential and/or proprietary information protected from disclosure by applicable law.

6. T-Mobile objects to each interrogatory and request for production to the extent that they call for the production of information in the possession, custody or control of an entity other than T-Mobile.

7. In responding to these interrogatories and requests for production, T-Mobile does not undertake any obligations beyond those imposed by the Kentucky Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY 1: 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.

Responsible Party: Counsel

RESPONSE: Objection. This request is overbroad, irrelevant, unduly burdensome, and not likely to lead to the discovery of admissible evidence. T-Mobile's "agreements and arrangements," if any, with any carrier other than Windstream or outside of Windstream's Kentucky exchange territory are irrelevant to the issue before the Commission, i.e., the lawfulness of the transit rates and tariff under investigation. Subject to that objection and without waiving it, T-Mobile has agreements with various incumbent carriers, including BellSouth Telecommunications, Inc., Cincinnati Bell Telephone Company, and the Complainants, with the exception of Highland Telephone Cooperative. Like Windstream, these incumbent carriers are subject to Sections 251 and 252 of the Telecommunications Act and are required to provide indirect interconnection pursuant to those sections. These agreements include obligations to accept traffic bound for other carriers (i.e., BellSouth and Cincinnati Bell provide transit service) or to accept T-Mobile traffic via indirect interconnection (i.e., Complainants agree to interconnect with T-Mobile via the tandem switch of a third party transit provider like Windstream or BellSouth). Further in response and without waiving the objection, T-Mobile has no transit arrangements within Windstream Kentucky East's exchange territory other than with Windstream. All arrangements between T-Mobile and any ILEC are pursuant to filed agreements either within Windstream's possession or available on the Commission's publicly accessible website.

INTERROGATORY 2: With respect to your allegations in this proceeding that Windstream East is not encouraged to negotiate agreements for transit traffic in light of its transit tariff filing, please identify all facts forming the basis of your allegation(s).

Responsible Party: Counsel

RESPONSE: Objection. This request is irrelevant, is based on an incomplete characterization of T-Mobile's legal position and is not likely to lead to the discovery of admissible evidence. Subject to that objection and without waiving it, the tariff rates that Windstream claims are legal rates, in force, and applicable to T-Mobile and other carriers in the absence of an interconnection agreement, are higher than rates contained in T-Mobile's filed interconnection agreement. If Windstream is permitted to demand these rates by default it will have no incentive to negotiate a TELRIC-based transit rate with T-Mobile.

INTERROGATORY 3: Please identify in detail all documents between you and any Regional Bell Operating Company ("RBOC") relating to negotiations and execution of a transit traffic agreement between you and the RBOC.

Responsible Party: Counsel

RESPONSE: Objection. This request is overbroad, irrelevant, unduly burdensome, and not likely to lead to the discovery of admissible evidence. Without waiving said objection, please see response to Windstream Interrogatory No. 1.

INTERROGATORY 4: Please identify in detail all indirect interconnection arrangements you have with any of your Affiliates or other third parties, including all incumbent local exchange carriers in Kentucky.

Responsible Party: Counsel

RESPONSE: Objection. This request is overbroad, irrelevant, unduly burdensome, and not likely to lead to the discovery of admissible evidence. Without waiving said objection, please see response to Windstream Interrogatories No. 1 and No. 10.

INTERROGATORY 5: Please describe with specificity all facts relating to any injury you allege to have sustained as a result of the filing of Windstream East's transit tariff.

Responsible Party: Counsel

RESPONSE: T-Mobile does not contend that it has been injured yet by the filing of Windstream East's tariff.

INTERROGATORY 6: Please describe in detail the dates on which and circumstances under which you have ever been denied transit traffic service from Windstream East since 2002.

Responsible Party: Counsel

RESPONSE: T-Mobile does not contend that it has been denied transit service from Windstream East.

INTERROGATORY 7: 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.

Responsible Party: Counsel

RESPONSE: T-Mobile has compared the tariffed rates to the rates contained in its filed interconnection agreement. There are no cost study analyses, opinions, or other documents at this time, and T-Mobile has not determined whether it will offer testimony.

INTERROGATORY 8: Please identify with specificity all agreements you have with any third party wireless or competitive local exchange carrier providing for indirect interconnection.

Responsible Party: Counsel

RESPONSE: Objection. This request is overbroad, irrelevant, unduly burdensome, and not likely to lead to the discovery of admissible evidence. Without waiving said objection, please see response to Windstream Interrogatory No. 1.

INTERROGATORY 9: With respect to the agreements referenced in Interrogatory No. 8 above and your response thereto, please identify all rates included in those agreements that were established pursuant to TELRIC methodologies.

Responsible Party: Counsel

RESPONSE: Objection. This request is overbroad, irrelevant, argumentative, and not likely to lead to the discovery of admissible evidence. Without waiving said objection, please see response to Windstream Interrogatory No. 1. Further in response, only incumbent carriers are required to demonstrate compliance with TELRIC and/or provide cost-based indirect interconnection.

INTERROGATORY 10: Please identify all documents pertaining to any request by you to any of the Complainants in this matter relating to indirect interconnection.

Responsible Party: Counsel

RESPONSE: Objection. This request is overbroad, irrelevant, unduly burdensome, and not likely to lead to the discovery of admissible evidence. Without waiving said objection, T-Mobile was a signatory to an approved settlement agreement in Case No. 2003-00045, relating to interim intercarrier compensation arrangements for traffic transited by BellSouth Telecommunications to rural ILECs, including most of the Complainants. Subsequently, T-Mobile was among various CMRS carriers that initiated negotiations with multiple rural ILECs in anticipation of the expiration of the settlement agreement. T-Mobile was also a respondent to petitions for arbitration filed in 2006 by the Complainants (other than Highland Telephone) that were consolidated by the Commission on July 25, 2006 into twelve separate arbitration proceedings, under the lead Case No. 2006-00215. As a result of the Commission's decisions in those cases, T-Mobile has agreements with Complainants (other than Highland Telephone) that provide for indirect interconnection. Those agreements are publicly available on the Commission's website. T-Mobile directs Windstream to its filings in the consolidated cases.

INTERROGATORY 11: With respect to Interrogatory No. 10 above and your response thereto, please describe the nature and scope of your request and the nature of the response received from the Complainant(s).

Responsible Party: Counsel

RESPONSE: See Response to Interrogatory No. 10.

REQUEST FOR PRODUCTION

RFP 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, your cost study analyses, and consultant opinions.

Responsible Party: Counsel

RESPONSE: The documents referenced in the foregoing responses are interconnection agreements and tariffs filed with the Commission and available through the Commission's publicly available website.

Respectfully submitted,



Kendrick R. Riggs
Douglas F. Brent
STOLL KEENON OGDEN PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202
Ph: (502) 568-5374
Fax: (502) 333-6099

Counsel for T-Mobile USA, Inc.,
Powertel/Memphis, Inc., and
T-Mobile Central LLC

CERTIFICATE OF SERVICE

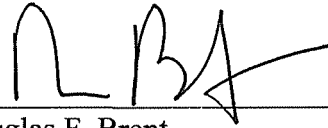
I hereby certify that a copy of the foregoing was served by electronic mail and United States First Class Mail, postage prepaid, on this 20th day of March, 2009 upon:

John E. Selent
Edward T. Depp
Holly C. Wallace
DINSMORE & SHOHL LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202
SELENT@DINSLAW.com

Mark R. Overstreet, Esq.
STITES & HARBISON PLLC
421 West Main Street
P.O. Box 634
Frankfort, KY 40602-0634
moverstreet@stites.com

Dennis G. Howard, II, Esq.
Kentucky Attorney General's Office
Suite 200
1024 Capital Center Drive
Frankfort, KY 40601
dennis.howard@ag.ky.gov

John N. Hughes
124 W Todd Street
Frankfort, KY 40601
jnhughes@fewpb.net



Douglas F. Brent