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March 20, 2009

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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 Intervenor tw telecom of ky 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.

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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MAR 23 2009

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.; and)

Defendant)

Case No. 2007-00004

**OBJECTIONS AND RESPONSES OF tw telecom of ky llc 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, Intervenor does not concede that any such information is relevant, material or

admissible in evidence. Intervenor reserves any rights it has regarding the use such information as evidence.

3. Intervenor 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, Intervenor will not undertake to provide privileged or otherwise protected information, documents or tangible items.

4. Intervenor 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. Intervenor 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. Intervenor 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 Intervenor.

7. In responding to these interrogatories and requests for production, Intervenor 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. Intervenor’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, Intervenor has agreements with two incumbent carriers, BellSouth Telecommunications, Inc. and Cincinnati Bell Telephone Company that, like Windstream, are subject to Sections 251 and 252 of the Telecommunications Act and are required to provide indirect interconnection pursuant to those sections. Further in response and without waiving the objection, Intervenor has no transit arrangements within Windstream Kentucky East’s exchange territory other than with Windstream. All arrangements between Intervenor 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 Intervenor'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 Intervenor and other carriers in the absence of an interconnection agreement, are higher than rates contained in Intervenor'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 Intervenor.

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 Interrogatory No. 1.

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: Intervenor 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: Intervenor 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: Intervenor 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 Intervenor 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, Intervenor has not requested indirect interconnection from any Complainant in this matter.

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,



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Counsel for tw telecom of ky 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:

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