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April 23, 2010

RECEIVED

APR 23 2010

**PUBLIC SERVICE
COMMISSION**

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

*RE: MCI Communications, Inc. et al v. Windstream Kentucky East, LLC et al
Case No. 2007-00503*

Dear Mr. DeRouen:

Enclosed please find an original and ten copies of Verizon's Objections and Responses to Windstream's Requests for Admissions and Second Data Requests.

Please indicate receipt of this filing by placing your file stamp on the extra copy and returning to me via our runner.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

DFB:

Enclosures

cc: Service List

105138.116493/571328.1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the matter of:

APR 23 2010

PUBLIC SERVICE
COMMISSION

MCI Communications Services, Inc.,)
Bell Atlantic Communications, Inc.,)
NYNEX Long Distance Company,)
TTI National, Inc.,)
Teleconnect Long Distance Service & Systems)
and Verizon Select Services, Inc.)

Case No. 2007-00503

Complainants)

vs.)

Windstream Kentucky West, Inc.,)
Windstream Kentucky East, Inc. – Lexington,)
and Windstream Kentucky East, Inc. – London)

Defendants)

**VERIZON'S OBJECTIONS AND RESPONSES TO WINDSTREAM'S
REQUESTS FOR ADMISSIONS AND SECOND DATA REQUESTS**

Complainants MCI Communications Services, Inc. d/b/a Verizon Business Services, Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance, NYNEX Long Distance Company d/b/a Verizon Enterprise Solutions, TTI National, Inc., Teleconnect Long Distance Services & Systems Company d/b/a Telecom*USA, and Verizon Select Services, Inc. (collectively, "Verizon") hereby provide their objections and responses to the Requests for Admission and Second Data Requests propounded by Defendants Windstream Kentucky East, Inc. and Windstream Kentucky West, Inc. (collectively, "Windstream").

GENERAL OBJECTIONS

Verizon hereby incorporates the General Objections set forth in its Objections and Responses to Windstream's First Data Requests.

RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION 1. Please admit that the Federal Communications Commission's ("FCC") recently announced National Broadband Plan submitted to Congress includes comprehensive intercarrier compensation reform, including proposed reductions to intrastate switched access rates.

Responsible Party: Donald G. Price, Director – State Public Policy, Verizon.

RESPONSE: Verizon objects to this request as seeking information that is not relevant to the claims and issues in this proceeding. This proceeding focuses exclusively on the question of whether Windstream's current intrastate switched access rates are unjust and unreasonable. But the information sought by this request will not assist the Commission in resolving that question. Knowing the content of the FCC Staff's National Broadband Plan is not relevant to determining a just and reasonable intrastate access rate for Windstream in Kentucky. Nevertheless, subject to and without waiving this objection, Verizon denies the Request for Admission. The National Broadband Plan includes an FCC Staff recommendation for the FCC to "adopt a framework for long-term intercarrier compensation (ICC) reform" that would include reducing intrastate switched access rates, but the FCC must still implement the recommendations in the Plan. *See* FCC Staff, National Broadband Plan, at 148, Recommendation 8.7 (released March 16, 2010). In any event, the intrastate access rate reductions Verizon seeks for Windstream in this case

are consistent with the FCC Staff's conclusion that reducing intrastate switched access reductions is necessary to eliminate existing market distortions.

REQUEST FOR ADMISSION 2. Please admit that the FCC's National Broadband Plan includes a transition period and recovery for revenue reductions.

Responsible Party: Donald G. Price, Director – State Public Policy, Verizon.

RESPONSE: Verizon objects to this request as seeking information that is not relevant to the claims and issues in this proceeding. This proceeding focuses exclusively on the question of whether Windstream's current intrastate switched access rates are unjust and unreasonable. But the information sought by this request will not assist the Commission in resolving that question. Knowing the content of the FCC Staff's National Broadband Plan is not relevant to determining a just and reasonable intrastate access rate for Windstream in Kentucky. Nevertheless, subject to and without waiving this objection, Verizon denies the Request for Admission. Please see Verizon's response to Windstream's Request for Admission 1. The FCC Staff has proposed a National Broadband Plan with numerous recommendations for FCC actions, most of which have not yet been initiated. The FCC Staff's recommendation includes a gradual elimination of per-minute intercarrier compensation charges under an implementation approach and timetable yet to be defined. The FCC Staff's recommendation includes a number of potential actions the FCC might take to offset the impact of decreasing intercarrier compensation revenues, including encouraging states to rebalance local rates. *See* National Broadband Plan at 148. The FCC Staff's recommendations to reduce intrastate access rates and encourage states to rebalance local rates is consistent with the relief Verizon seeks in this case with respect to Windstream.

RESPONSES TO SECOND DATA REQUESTS

REQUEST 1: Please explain in detail your prior involvement (including any support of) and anticipated future involvement in the FCC's National Broadband Plan submitted to Congress, particularly as the FCC's plan relates to intercarrier compensation reform..

Responsible Party: Donald G. Price, Director – State Public Policy, Verizon.

RESPONSE: Verizon objects to this request as seeking information that is not relevant to the claims and issues in this proceeding. This proceeding focuses exclusively on the question of whether Windstream's current intrastate switched access rates are unjust and unreasonable. But the information sought by this request will not assist the Commission in resolving that question. Information regarding whether and the precise extent that Verizon has been (or potentially might be) involved in the National Broadband Plan will not aid the Commission in determining what Windstream's Kentucky intrastate switched access rates should be. Verizon further objects to this request to the extent it seeks information regarding the actions of Verizon affiliates or entities that are not parties to this proceeding.

Nevertheless, subject to and without waiving these objections, Verizon states that its collective "involvement" in the National Broadband Plan was similar to Windstream's (and/or its affiliates') involvement with the National Broadband Plan and consisted, among other things, of submitting written comments in response to the FCC's solicitation of such input during the proceeding (FCC GN Docket No. 09-51), meetings with FCC staff and other interested parties, and responses to data requests. Verizon could not have formally "supported" the National Broadband Plan prior to its issuance because the Plan

is a report by FCC Staff to Congress. The positions Verizon took in the FCC proceeding leading to issuance of the Plan are reflected in its public filings in FCC GN Docket No. 09-51, which are available on the FCC's website. With respect to Verizon's "future involvement" in the National Broadband Plan, that will depend on what proceedings and other activities the FCC initiates in response to the Plan. Verizon expects that it would participate in some or all of the rulemakings and other activities the FCC may initiate in response to the Plan, but such participation depends, among other things, on how the FCC will proceed.

REQUEST 2. With respect to originating access minutes of use (“MOUs”) that Windstream requested you to provide in response to Windstream’s initial Data Request No. 10 and which are subject to Windstream’s request regarding responses to be compelled, please provide the corresponding amounts that you paid each Kentucky local exchange carrier for each year from 2006 to present. In the case where you did not remit the compensation to the carrier, please provide the amounts you were billed, invoiced, or otherwise charged by the carrier.

Responsible Party: Counsel for Verizon.

RESPONSE: Verizon hereby incorporates its objections to Windstream’s initial Data Request No. 10.

REQUEST 3. With respect to the terminating access minutes of use (“MOUs”) that Windstream requested you provide in response to Windstream’s initial Data Request No. 11 and which are subject to Windstream’s request regarding responses to be compelled, please provide the corresponding amounts that you paid each Kentucky local exchange carrier for each year from 2006 to the present. In the case where you did not remit the compensation to the carrier, please provide the amounts you were billed, invoiced, or otherwise charged by the carrier.

Responsible Party: Counsel for Verizon.

RESPONSE: Verizon hereby incorporates its objections to Windstream’s initial Data Request No. 11.

REQUEST 4. With respect to the originating access minutes of use (“MOUs”) that Windstream requested you to provide in response to Windstream’s Initial Data Request No. 10 and which are subject to Windstream’s request regarding responses to be compelled, please answer the following. With respect to the total originating access minutes of use (“MOUs”) for all local exchange carriers that you requested to provide in response to Windstream’s initial Data Request No. 10, please provide the percentage of those minutes (by year from 2006 to the present) that represents the amount of traffic that you carried for end user customers that have picked you as their long distance provider and the percentage of those total minutes (by year from 2006 to present) representing the amount of traffic that you have transported as an underlying carrier on behalf of another carrier.

Responsible Party: Counsel for Verizon.

RESPONSE: Verizon hereby incorporates its objections to Windstream’s initial Data Request No. 10.

REQUEST 5. With respect to the terminating access minutes of use (“MOUs”) that Windstream requested you to provide in response to Windstream’s initial Data Request No. 11 and which are subject to Windstream’s request regarding responses to be compelled, please answer the following. With respect to the total terminating access minutes of use (“MOUs”) for all local exchange carriers that you were requested to provide in response to Windstream’s initial Data Request No. 11, please provide the percentage of those total minutes (by year from 2006 to the present) that represents the amount of traffic that you have carried for end user customers that have picked you as their long distance provider and the percentage of those total amounts (by year from 2006 to the present) representing the amount of traffic that you have transported as an underlying carrier on behalf of another carrier.

Responsible Party: Counsel for Verizon.

RESPONSE: Verizon hereby incorporates its objections to Windstream’s initial Data Request No. 11.

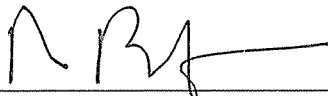
REQUEST 6. With respect to the yearly percentages of traffic that you have transported as an underlying carrier on behalf of another carrier requested in No. 5 above, please provide the percentage of that traffic that represents the traffic you transported on behalf of all wireless carriers, including your own wireless affiliate.

Responsible Party: Counsel for Verizon.

RESPONSE: Verizon hereby incorporates its objections to No. 5, above, and its objections to Windstream's initial Data Request No. 11.

April 23, 2010

Respectfully submitted,

By:  _____

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Systems Company and Verizon Select
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served by First Class Mail on those persons whose names appear below this 23rd day of April, 2010.

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