



John E. Selent  
502-540-2315  
john.selent@dinslaw.com

March 30, 2010

RECEIVED

MAR 30 2010

PUBLIC SERVICE  
COMMISSION

**VIA HAND DELIVERY**

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

**Re: *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 Wireless, Case No. 2008-00203***

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case, please find one original and eleven (11) copies of Brandenburg Telephone Company's ("Brandenburg") responses to Windstream Kentucky East, LLC's data requests for admissions and data requests to Brandenburg based on the supplemental testimony in the above-referenced case.

Please file-stamp one copy and return to our delivery person.

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

Very Truly Yours,

John E. Selent

JES/kwi  
Enclosures  
cc: All parties of record

RECEIVED

MAR 30 2010

PUBLIC SERVICE  
COMMISSION

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

*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 )**

**Case No. 2008-00203**

**BRANDENBURG TELEPHONE COMPANY’S RESPONSES TO  
WINDSTREAM KENTUCKY EAST, LLC’S DATA REQUESTS  
FOR ADMISSIONS AND DATA REQUESTS TO  
BRANDENBURG BASED ON THE SUPPLEMENTAL TESTIMONY**

Brandenburg Telephone Company (“Brandenburg”), by counsel, and pursuant to the July 11, 2008 procedural order entered by the Public Service Commission of the Commonwealth of Kentucky (the “Commission”) in this matter, hereby files its responses to Windstream Kentucky East, LLC’s (“Windstream”) Requests for Admissions and Data Requests to Brandenburg Based on the Supplemental Testimony. In response to those data requests, Brandenburg states as follows.

**REQUESTS FOR ADMISSION**

1. Admit that you should be compensated by parties using your network.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg admits it should be compensated for the use of its network by parties responsible for the costs of such use.

2. Admit that the traffic at issue in this proceeding does not originate from or terminate to any Windstream East customer.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg admits the traffic at issue in this proceeding does not originate from or terminate to any Windstream East customer.

### **DATA REQUESTS**

1. Please explain in detail the basis for any denial by you of the foregoing Requests for Admission.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Not applicable.

2. Please refer to your witness's supplemental testimony on page 5, lines 3-6. Produce all documents and correspondence establishing your counsel's interpretation as referenced in your testimony that the interconnection agreement between Windstream East and Verizon (which provides in Attachment 4, Section 1.1 that neither Windstream East nor Verizon shall deliver traffic to the other that originates on a third party's network) absolves you of paying Windstream East for the traffic at issue in this case which originates with your customers and terminates to Verizon's customers but which you have routed over the Brandenburg-Windstream EAS facilities.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg believes the Interconnection Agreement between Windstream and MCImetro, which is available at [http://162.114.3.165/PSCICA/2003/2003-00071/2003-00071\\_022503.pdf](http://162.114.3.165/PSCICA/2003/2003-00071/2003-00071_022503.pdf), speaks for itself. Brandenburg is not aware of additional documents or correspondence in its custody or control that relate to the compensation agreement between Windstream and MCImetro.

3. Please refer to your witness's supplemental testimony on pages 9-12 alleging that you were unaware that Verizon had even entered the Elizabethtown market. Please produce records sufficient to demonstrate, by month from December 2003 to the present, the total number of minutes of use ("MOUs") that you originated and that you delivered through the Brandenburg-Windstream EAS facilities for termination to Verizon.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg objects that the data requested is overly broad -- any measurement of traffic after Brandenburg was made aware of MCImetro's entry into the market is irrelevant to the question of whether Brandenburg had prior knowledge of that entry. Notwithstanding that objection but without waiving it, Brandenburg is not aware of any such records related to its prior awareness of MCImetro's entry into the market because such traffic was not recorded.

4. Please refer to your witness's supplemental testimony on page 12, line 7. Please produce copies of the traffic records or other documents that you reviewed in 2005 which formed the basis for your belief that the traffic between you and Verizon at that time was *de minimus*.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** See Response to Data Request No. 3, above.

5. Please refer to your witness's supplemental testimony on pages 9-12 alleging that you were unaware that Verizon had even entered the Elizabethtown market. Please describe in detail the translations work that you performed in your switch to enable the traffic at issue in this proceeding to

continue routing to Verizon through the Brandenburg-Windstream EAS facilities after the time that you began performing the LNP queries in April of 2007.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg objects that the data requested is overly vague. Notwithstanding that objection but without waiving it, Brandenburg states that it began performing LNP queries shortly after being notified of their necessity by Windstream. When those queries returned LRNs identified with the traffic in question, the LRNs were changed to route the traffic to the Windstream EAS trunk.

6. Please refer to your witness's supplemental testimony on pages 9-12 alleging that you were unaware that Verizon had even entered the Elizabethtown market. Please describe in detail the translations tables and the specific parameters you use in each of your tables to route and rate the telephone calls placed from your customers to a Windstream East customer in Elizabethtown, Kentucky.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** See Response to Data Request No. 5.

7. Please refer to your witness's supplemental testimony on pages 9-12 alleging that you were unaware that Verizon had even entered the Elizabethtown market. Please describe in detail the translations tables and the specific parameters you use in each of your tables to route and rate the telephone calls placed from one of your customers to a Verizon customer in Elizabethtown, Kentucky.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** See Response to Data Request No. 5.

8. Please refer to footnote 6 in your witness's supplemental testimony regarding wholesale payment terms discussed between you and Verizon regarding your traffic dispute. Please provide the total retail revenues that you have billed and/or received from your Radcliff and Vine Grove end users associated with their subscription to or surcharges associated with EAS plans or other of your calling plans that enable them to place telephone calls to customers in Elizabethtown.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg states there are no such revenues as described. EAS traffic is not billed in addition to local traffic.

9. Please refer to page 7, lines 13 through 17, of your supplemental testimony in this proceeding. Please produce copies of all contracts, internal affiliate agreements, and other agreements between you and your CLEC affiliate pertaining to the terms and conditions under which your CLEC affiliate has interconnected with you since the time your CLEC affiliate began operating in Windstream East's territory in 2002.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg objects that this data request is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence because Brandenburg Telecom LLC is not a party to this matter. Notwithstanding this objection but without waiving it, please refer to

Brandenburg's responses to Commission Data Request No. 3 and MCImetro Data Request Nos. 2, 4, and 16.

10. Please refer to page 13, lines 1-4 of your witness's supplemental testimony. Provide copies of all correspondence and other documents exchanged between you and Verizon since September 2005 to the present addressing the traffic at issue in this proceeding.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg objects that this data request is unduly burdensome and duplicative of previous requests. Notwithstanding these objections but with waiving them, Brandenburg states that to the extent there are such documents that have not been produced Brandenburg will make them available for production and copying at the offices of its legal counsel at a time and date to be determined.

11. Please refer to page 13, lines 1-4 of your witness's supplemental testimony. Provide copies of all internal documents since January 2005 to the present which address or quantify the financial impacts to you of having to exchange the traffic at issue directly with Verizon.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** Brandenburg is not aware of any such documents. For documents related to the quantification of the financial impact of the traffic in question, refer to Windstream's document productions.

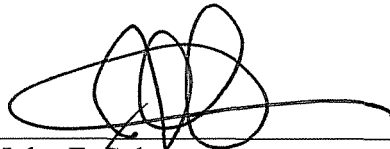
12. Please refer to page 13, lines 1-4 of your witness's supplemental testimony. Provide

copies of all internal documents since January 2005 which address or quantify the financial impacts to you of having to exchange the traffic at issue indirectly with Verizon through AT&T's tandem in Louisville.

**Responsible Witness:** Allison T. Willoughby

**RESPONSE:** See Response to Data Request No. 11.

Respectfully submitted,



---

John E. Seient  
Holly C. Wallace  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 W. Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300  
(502) 585-2207 (fax)

*Counsel to Brandenburg Telephone Company*



**CERTIFICATION**

I hereby certify that I have supervised the preparation of Brandenburg Telephone Company's responses to the requests for admission and data requests of Windstream based on the supplemental testimony and that the factual responses contained therein (and for which I am designated the responsible witness) are true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry. (Legal counsel is responsible for any legal objections.)

\_\_\_\_\_  
Allison T. Willoughby,  
Assistant General Manager of Brandenburg  
Telephone Company

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

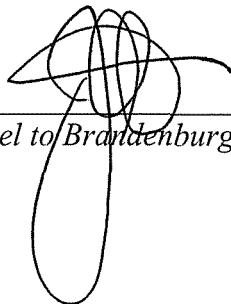
I hereby certify a true and accurate copy of the foregoing was served, by first-class United States mail, sufficient postage prepaid, on the following individuals this 30<sup>th</sup> day of March, 2010.

Bruce F. Clark, Esq.  
Stites & Harbison, PLLC  
421 West Main Street  
P.O. Box 634  
Frankfort, KY 40602-0634

*Counsel to Windstream*

C. Kent Hatfield, Esq.  
Douglas F. Brent, Esq.  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202

*Counsel to MCImetro*

  
\_\_\_\_\_  
*Counsel to Brandenburg Telephone Company*