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September 11, 2009

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SEP 11 2009

**PUBLIC SERVICE  
COMMISSION**

**Via Hand-Delivery**

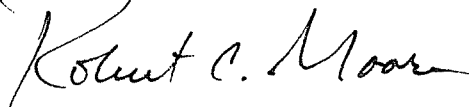
Mr. Jeff R. Derouen  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, Kentucky 40602-0615

Re: Petition of Windstream Kentucky East, LLC for Arbitration of an Interconnection Agreement with New Cingular Wireless PCS, LLC, D/B/A AT&T Mobility  
Case No. 2009-00246

Dear Mr. Derouen:

Please find enclosed the original and 10 copies of the First Data Requests served by Windstream upon New Cingular Wireless PCS, D/B/A AT&T Mobility in the above referenced case. Please contact me if you have any questions concerning these proposed data requests and thank you for your attention to same.

Respectfully submitted,

  
Robert C. Moore

RCM/neb

cc: Stacy Majors

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

**IN THE MATTER OF THE PETITION )  
OF WINDSTREAM KENTUCKY EAST, )  
LLC FOR ARBITRATION OF AN )  
INTERCONNECTION AGREEMENT )  
WITH NEW CINGULAR WIRELESS )  
PCS, LLC D/B/A AT&T MOBILITY )  
PURSUANT TO SECTION 252 OF THE )  
TELECOMMUNICATIONS ACT OF )  
1996. )**

Docket No. 2009-00246

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**PUBLIC SERVICE  
COMMISSION**

**WINDSTREAM KENTUCKY EAST, LLC'S FIRST DATA REQUESTS TO NEW  
CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY**

Windstream Kentucky East, LLC ("Windstream") submits the following Data Requests to New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") to be answered in accord with the following:

**DEFINITIONS**

- "Windstream" means Windstream Kentucky East, LLC.
- "You" and "your" refer to AT&T, as well as any predecessors in interest, parent(s), subsidiaries, and affiliates, their present and former officers, employees, agents, directors, and all other persons acting on behalf of AT&T.
- "Affiliate" as defined in Section 3 of the Federal Telecommunications Act of 1996 ("the Act") means "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term "owns" means to own an equity interest (or the equivalent thereof) of more than 10 percent." (47 U.S.C. §153(1).)
- "Document" shall have the broadest possible meaning under applicable law and means every writing or record of every type and description that is in your full or

partial possession, custody or control, including, by way of illustration and not limitation, correspondence, memoranda, drafts, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, schedules, work sheets, comparisons, minutes or statistical compilations, computer and other electronic records or tapes or printouts, I including, but not limited to, electronic mail files and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original.

- “Referring” or “relating to” means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.
- “And” and “or” as used herein shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction shall serve to bring within the scope of these discovery requests any information that would otherwise not be brought within their scope.
- “Identify” or “identifying” or “identification” when used in reference to a document means to provide, with respect to each document requested to be identified by these discovery requests, a description of the document that is sufficient for purposes of a request to produce or a subpoena *duces tecum*, including the following:
  - a. the type of document (*e.g.*, letter, memorandum, etc.);
  - b. the date of the document;

- c. the title or label of the document;
  - d. the identity of the document originator;
  - e. the identity of each person to whom the document was sent;
  - f. a summary of the contents of the document; and
  - g. if any such document was, but is no longer, in your presence, custody or control or is no longer in existence, state whether the document is missing or lost, destroyed, or has been transferred voluntarily or involuntarily.
- The singular as used herein shall include the plural, and vice versa, and the masculine gender shall include the feminine and the neuter.

### **GENERAL INSTRUCTIONS**

These requests are to be answered with reference to all information in your full or partial possession, custody or control or reasonably available to you. These requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documentation may be obtained.

To the extent that the specific document, work paper, or information as requested does not exist, but a similar document, work paper, or information does exist, provide the similar document, work paper, or information.

If any request cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully. If any request appears confusing, please request clarification directly from counsel for Windstream.

These requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your response to these requests subsequently become known.

For each request, provide the name of your witness(es) or employee(s) or other representative(s) responsible for compiling and providing the information contained in each answer.

### **Data Requests**

DATA REQUEST NO. 1: Please identify the specific rate of return that you or your affiliates have utilized in the three most recent cost studies for your services, including return on equity and cost of capital percents.

DATA REQUEST NO. 2: Please explain in detail how you or your affiliates allocate end office and tandem switched costs to originating and terminating traffic in the preparation of TELRIC studies.

DATA REQUEST NO. 3: Please identify in detail any long distance service plans that you offer to your subscribers.

DATA REQUEST NO. 4: Please explain in detail if your subscribers send and/or receive calls from within your Metropolitan Trading Area (“MTA”).

DATA REQUEST NO. 5: Please explain in detail if your subscribers send and/or receive calls from outside your MTA.

DATA REQUEST NO. 6: Please explain in detail if your subscribers send and/or receive calls both from within and from outside your MTA.

DATA REQUEST NO. 7: Please describe in detail if your retail packages offered to subscribers are based on minutes originated by subscribers, terminated by subscribers, or both originated and terminated by subscribers.

DATA REQUEST NO. 8: 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 incumbent local exchange carrier (“ILEC”) interMTA traffic.

DATA REQUEST NO. 9: 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 of AT&T-originated interMTA traffic.

DATA REQUEST NO. 10: Please describe in detail any agreement or arrangement, whether written or verbal, formal or informal, between you and any other carrier (including any of your Affiliates) you have in Kentucky which require the other carrier to pay access charges for AT&T-originated MTA traffic.

DATA REQUEST NO. 11: Please describe in detail how the routing of your traffic pursuant to the agreement(s) or arrangement(s) referenced in Interrogatory No. 10 would differ from the routing of your traffic to Windstream.

DATA REQUEST NO. 12: Please describe in detail how telephone calls originating from a Windstream ILEC customer with a Lexington, KY telephone number are routed to your customers in the Lexington, KY MTA.

DATA REQUEST NO. 13: Please describe in detail how telephone calls originating from a Windstream ILEC customer with a Lexington, KY telephone number are routed to your customers outside the Lexington, KY MTA.

DATA REQUEST NO. 14: Would Windstream be required to pay reciprocal compensation for a call originated by a Windstream customer that is terminated to your customers roaming outside your MTA? If your answer is yes, please identify in detail your reasoning for expecting reciprocal compensation in this situation.

DATA REQUEST NO. 15: Has AT&T performed its own TELRIC study to determine the reasonableness of Windstream's proposed rates based on its own TELRIC study? If the answer is yes, please provide that cost study or work papers supporting your response. Please provide such study or work papers in their original electronic form, and (if not in Excel format) an electronic Excel copy of the same, with all formulae intact.

DATA REQUEST NO. 16: Please refer to page 4 of your Response to Windstream's Petition for Arbitration, Issue 1. Please identify in detail your basis for your claim that AT&T does not owe originating access charges to Windstream for traffic that Windstream originates and that is terminated to AT&T customers roaming outside AT&T's MTA.

DATA REQUEST NO. 17: Please refer to page 5 of your Response to Windstream's Petition for Arbitration, Issue 3. Please identify in detail your basis for your claim that the percentage of interMTA traffic exchanged is irrelevant to determining whether at least 10% of total traffic on a facility is interstate in jurisdiction.

DATA REQUEST NO. 18: Please refer to page 6 of your Response to Windstream's Petition for Arbitration, Issue 4. Please identify in detail your basis for your claim that the appropriate reciprocal compensation rate for Windstream should be no higher than \$0.002 per minute of use.

DATA REQUEST NO. 19: Please refer to page 7 of your Response to Windstream's Petition for Arbitration, Issue 5. Please identify in detail your basis for your claim that the traffic-sensitive percentage of Windstream's end office and tandem switching investment should not be greater than 10%.

DATA REQUEST NO. 20: Please refer to pages 7 and 8 of your Response to Windstream's Petition for Arbitration, Issue 6. Please identify in detail your basis for your claim that Windstream's fill factors used in its cost study are not compliant with the "efficient network" requirement of 47 C.F.R. §51.505(b)(1).

DATA REQUEST NO. 21: Please refer to page 8 of your Response to Windstream's Petition for Arbitration, Issue 7. Please identify in detail your basis for your claim that the cost of capital in Windstream's cost study should be no higher than 9%.

DATA REQUEST NO. 22: Please refer to pages 8 and 9 of your Response to Windstream's Petition for Arbitration, Issue 8. Please identify in detail your basis for your claim that Windstream's cost study should include no less than 750,000,000 annual minutes of landline-originated use.

DATA REQUEST NO. 23: Please refer to page 9 of your Response to Windstream's Petition for Arbitration, Issue 9. Please identify in detail your basis for your claim that Windstream's switching, transport and other costs in Windstream's cost study should be reduced by at least 25% to comply with FCC regulations.

DATA REQUEST NO. 24: Please refer to pages 9 and 10 of your Response to Windstream's Petition for Arbitration, Issue 10. Please identify in detail your basis for your claim that Windstream must remove the common costs attributable to switching and transport from its cost study and reciprocal compensation rate.

DATA REQUEST NO. 25: Please refer to page 10 of your Response to Windstream's Petition for Arbitration, Issue 11. Please identify in detail your basis for your claim that Windstream should not attribute more than 50% of the pro-rata share of interoffice cable costs to transport and termination in its cost study.



DATA REQUEST NO. 26: Please refer to pages 10 and 11 of your Response to Windstream's Petition for Arbitration, Issue 12. Please identify in detail your basis for your claim that Windstream's cost study should be required to use current quantities of DS0 equivalent circuits to determine total demand.

DATA REQUEST NO. 27: Please refer to page 11 of your Response to Windstream's Petition for Arbitration, Issue 13. Please identify in detail your basis for your claim that Windstream's cost study does not use the lowest cost cable mix necessary to serve projected total demand and should not be allowed to assume more than 10% underground cable.

DATA REQUEST NO. 28: Please identify in detail how you determined the cost of equity used in your review of Windstream's cost study.

DATA REQUEST NO. 29: Please produce copies of all documents referenced in the foregoing Data Requests 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, your cost study analyses and work papers. Please provide any cost study analyses in their original electronic form and (if not in Excel format) an electronic Excel copy of the same, with all formulae intact.

DATA REQUEST NO. 30: Please produce the papers or documents that you use to determine the cost of money used in your review of Windstream's cost study. Please provide these calculations in their original electronic form and (if not in Excel format) an electronic Excel copy of the same, with all formulae intact.

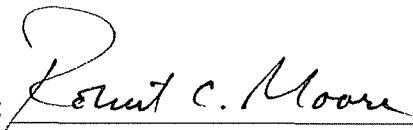
**Requests for Admission**

REQUEST FOR ADMISSION NO. 1: Please admit that if interMTA traffic can be a mixture of both interstate MTA and intrastate MTA traffic, then the amount of interstate MTA traffic cannot exceed the total amount of interMTA traffic.

REQUEST FOR ADMISSION NO. 2: If you admit Request for Admission NO. 1, please admit that the amount of traffic that is interMTA can be equal to or greater than the amount of traffic that is interstate, and therefore if the amount of traffic that is interMTA percentage is 10%, then the amount of traffic that is interstate must be less than ten percent 10%.

REQUEST FOR ADMISSION NO. 3: Please admit that the amount of traffic that is interMTA is an appropriate proxy for determining the jurisdiction of facilities between the Parties.

Respectfully Submitted,

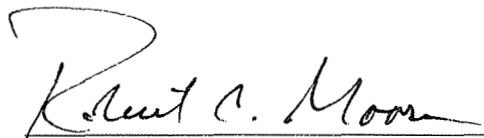
Date: SEPTEMBER 11, 2009 By:   
Robert C. Moore  
Hazelrigg & Cox, LLP  
P.O. Box 676  
415 West Main Street  
Frankfort, KY 40602-0676  
502-227-2271

**CERTIFICATE OF SERVICE**

On this 11<sup>th</sup> day of September, 2009, true and correct copies of the foregoing DATA REQUESTS were transmitted via United States certified mail, postage prepaid, and electronic mail to:

Mary K. Keyer  
General Counsel/AT&T Kentucky  
601 West Chestnut Street, Room 407  
Louisville, KY 40203

Paul Walters, Jr.  
15E. First Street  
Edmond, Oklahoma 73034

  
Robert C. Moore