

HAZELRIGG & COX, LLP

ATTORNEYS AT LAW
415 WEST MAIN STREET, SUITE 1

P.O. Box 676
FRANKFORT, KENTUCKY 40602-0676

JOHN B. BAUGHMAN
ROBERT C. MOORE
CLAYTON B. PATRICK
SQUIRE N. WILLIAMS III

DYKE L. HAZELRIGG (1881-1970)
LOUIS COX (1907-1971)

FAX: (502) 875-7158
TELEPHONE: (502) 227-2271

October 16, 2009

RECEIVED

OCT 16 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: Windstream Kentucky East, LLC's ("Windstream")
Supplemental Data Requests to New Cingular Wireless PCS,
LLC d/b/a AT&T Mobility and

Windstream Kentucky East, LLC's ("Windstream")
Amended Responses to New Cingular Wireless, PCS,
d/b/a AT&T First Data Requests to Windstream Kentucky East, LLC

Dear Mr. Derouen:

Please find enclosed for filing in the above referenced case an original and 10 copies of Windstream Kentucky East, LLC'S Supplemental Data Requests and Amended Responses. Please call me if you have any questions concerning this matter, and thank you for your attention to same.

Respectfully submitted,

Robert C. Moore

Robert C. Moore

*by
dsj*

RCM/dsg
Enclosures

RECEIVED

OCT 16 2009

PUBLIC SERVICE
COMMISSION

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

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

Windstream Kentucky East, LLC ("Windstream") submits the following Supplemental 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 discovery 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 discovery 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. 31: Please provide all of AT&T Mobility or its Affiliates' Form 492-A's filed with the Federal Communications Commission since January 1, 2004, specifically for AT&T Mobility and its Affiliates' operations in Kentucky.

Interrogatories

INTERROGATORY NO. 29: What documentation or work papers were used to support each of AT&T Mobility's allegations that Windstream East's proposed rates in the draft interconnection agreement were unreasonable? Please provide any such documentation or work papers.

Requests for Admission

RFA NO. 4: Please admit that an interconnection agreement exists between BellSouth Telecommunications, Inc. and New Cingular Wireless, LLC, deemed effective as of June 10, 2005, which covers operations of the parties in the Commonwealth of Kentucky.

RFA NO. 5: Please admit that the Kentucky Public Service Commission deemed that the interconnection agreement referenced in Request for Admission No. 4 is compliant with 47 C.F.R. § 251 rules.

RFA NO. 6: Please admit that the interconnection agreement referenced to in Request for Admission No. 4 includes provisions relative to interconnection and compensation for non-local traffic originated by BellSouth Telecommunications, Inc. as the local exchange carrier (“LEC”).

RFA No. 7: Please admit that AT&T Mobility has executed interconnection agreements in Kentucky with other LECs in which AT&T Mobility has agreed that interstate and intrastate special access rates are applicable to interconnection facilities.

Respectfully Submitted,

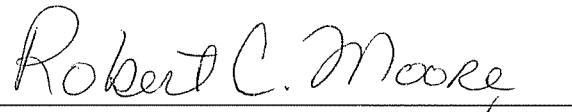
Date: 10-16-09

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

*by
alsg*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via hand delivery on this the 16th day of October, 2009 on Jeff R. Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615 and on Tiffany Bowman, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615; and by first class mail, postage pre-paid on Mary K. Keyer, General Counsel/AT&T Kentucky, 601 West Chestnut Street, Room 407, Louisville, Kentucky 40203, and on Paul Walters, Jr., 15 East 1st Street, Edmond, Oklahoma 73034.


Robert C. Moore *by
dsj*

RECEIVED

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

OCT 16 2009

PUBLIC SERVICE
COMMISSION

In the Matter 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

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

Windstream Kentucky East, LLC ("Windstream East") submits as follows in amended response to New Cingular Wireless PCS d/b/a AT&T Mobility's ("AT&T Mobility") First Data Requests to Windstream East.

GENERAL OBJECTIONS TO DEFINITIONS OR INSTRUCTIONS

Windstream East objects to any of AT&T Mobility's definitions or instructions to the extent they purport to require production by Windstream East of knowledge and/or information protected by the attorney-client privilege, the work product doctrine or other applicable privilege or immunity, including privileged information possessed by its attorneys. Further, Windstream East objects to any attempt by AT&T Mobility to request information pertaining to entities not subject to the arbitration or this Commission's jurisdiction.

Windstream East also objects to any data request propounded by AT&T Mobility to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and/or seeks information or documents that are vague, overly burdensome, or not relevant to the claims asserted by AT&T Mobility in this matter.

Windstream East further objects to providing information that was previously provided to AT&T Mobility, that would require Windstream East to construct information not maintained in the regular course of business, or that otherwise is publicly available to AT&T Mobility.

SPECIFIC AMENDED RESPONSES AND OBJECTIONS TO DATA REQUESTS

8. Does Windstream offer Voice over Internet Protocol (“VoIP”) with its broadband services in Kentucky?
 - a. If so, please describe Windstream’s VoIP, including when Windstream began offering VoIP in Kentucky and the current number of Windstream’s VoIP subscribers in Kentucky.

RESPONSE: Windstream East objects to this request as being overly broad and vague, and not likely to lead to any relevant or discoverable information in this proceeding. Without waiving its objection, Windstream states that it does not offer VoIP with its broadband services in Kentucky.

13. For all switching and transport costs claimed in Windstream's study, provide the historical "booked" cost for each line item.

RESPONSE: Windstream objects to this request as not being relevant to the forward-looking costs developed in Windstream East's cost study. Without waiving its objection, Windstream East's booked costs, to the extent they are available, may be found in the cost study provided to AT&T Mobility on worksheet "Cost Factors", lines 3 to 15, and on worksheet "Capital ACF", column M. See also Amended Responses 55 and 56 below. Such historical "booked" costs are not used to develop the forward-looking investment and are only input and used in the cost study for development of annual charge factors.

Windstream East Party Supporting the Response: David Blessing

18. State whether each remote switch listed performs a switching function for a call dialed by an end user connected to that remote switch and terminated to another end user connected to that remote switch.

RESPONSE: Windstream East objects to this request as being overly broad and vague, and not likely to lead to any relevant or discoverable information in this proceeding. Without waiving its objection, Windstream East states that all remotes switches except eight perform a switching function as described. The eight switches which do not perform such switching are Bryantsville, Nancy, Paint Lick, Vicco, Bee Spring, Brownsville, Mammoth Cave, and Park City.

Windstream East Party Supporting the Response: David Blessing

35. Provide Windstream’s current contracts, or applicable price quotes if current contracts do not exist, for the material costs associated with Windstream’s IX facilities in Kentucky consistent with the data found in the “IX Facilities Detail” pages in Windstream’s ATTACHMENT B.

RESPONSE: Windstream East is continuing to work with its vendors to obtain these contracts, in conjunction with AT&T Mobility. Windstream East reserves the right to file a supplemental response as soon as the contracts are available and all required permissions have been granted by the vendors to allow Windstream East to provide these contracts to A&T Mobility.

Windstream East Party Supporting the Response: David Blessing

36. Who performs the installation activities associated with IX facilities in Kentucky consistent with the data found in the “IX Facilities Detail” pages in Windstream’s

ATTACHMENT B?

- a. If outside vendors are involved, provide Windstream’s current contracts, or applicable price quotes if current contracts do not exist, for the installation work performed by outside vendors to install IX facilities in Kentucky.
- b. If Windstream employees are involved, describe each work group included in the “install cost” and the average labor rate for employees performing the work in each work group.

RESPONSE: Outside vendors usually perform the installation activities associated with IX facilities in Kentucky. Windstream East has requested a copy of the contract applicable to Kentucky and permission to share this contract, but will be unable to obtain it by the date this Response is due to be filed. Windstream East is continuing to work with its vendors to obtain these contracts, in conjunction with AT&T Mobility. Windstream East reserves the right to file a supplemental response as soon as the contracts are available and all required permissions have been granted by the vendors to allow Windstream East to provide these contracts to A&T Mobility.

Windstream East Party Supporting the Response: David Blessing

42. Describe the location of any Windstream SS7 switches and the specific vendor for each SS7 switch. In addition, if Windstream leases any SS7 services, the description should indicate how this fits into its forward-looking SS7 network.

RESPONSE: The SS7 switches for Windstream East are located in Dalton, Georgia and Moultrie, Georgia. The vendor for both switches is Tekelec. Windstream East does not lease any SS7 services for operations in Kentucky.

Windstream East Party Supporting the Response: David Blessing

43. Provide Windstream's current contracts, or applicable price quotes if current contracts do not exist, for all prices found on the "Switch Cost Data" pages of Windstream's ATTACHMENT C and ATTACHMENT D.

RESPONSE: Windstream East has requested copies of these contracts and permission to share these contracts and is continuing to work with its vendors to obtain these contracts, in conjunction with AT&T Mobility. Windstream East reserves the right to file a supplemental response as soon as the contracts are available and all required permissions have been granted by the vendors to allow Windstream East to provide these contracts to A&T Mobility.

Windstream East Party Supporting the Response: David Blessing

55. Identify the portion of current investment and current expenses for switching expense as found in the “Cost Factors” page of Windstream’s cost study associated with digital circuit switching equipment and digital packet switch equipment.

RESPONSE: Windstream East objects to this request as being overly vague and not likely to lead to any relevant or discoverable information in this proceeding. Without waiving its objection, Windstream East provides the following information:

<u>Description</u>	<u>Investment Portion</u>	<u>Expense Portion</u>
Digital circuit switching eq.	370,452,787	Detail not maintained
Digital packet switch eq.	1,298,308	Detail not maintained

Windstream East Party Supporting the Response: David Blessing

56. Identify the portion of current investment and current expenses for circuit expense as found in the “Cost Factors” page of Windstream’s cost study associated with radio systems, electronic circuit equipment and optical circuit equipment.

RESPONSE: Windstream East objects to this request as being overly vague and not likely to lead to any relevant or discoverable information in this proceeding. Without waiving its objection, Windstream East provides the following information:

<u>Description</u>	<u>Investment Portion</u>	<u>Expense Portion</u>
Radio systems	770,904	919
Electronic circuit equipment	270,897,485	Detail not maintained
Optical Circuit equipment	80,693,933	Detail not maintained

Windstream East Party Supporting the Response: David Blessing

61. Identify any Kentucky dockets in which Windstream has provided within the past five years any cost estimate for a usage service such as local usage, intrastate switched access, interstate switched access and reciprocal compensation. For each identified docket, please provide the following information:

- a. The name of each study containing a cost estimate for a usage service;
- b. The month and year each study containing a cost estimate for usage service was submitted in its docket;
- c. Windstream's public testimony, if any, describing cost study;
- d. For each qualifying cost study, identify the cost methodology used to develop the cost estimate, *e.g.*, Total Service Long-Run Incremental Cost ("TSLRIC"), Total Element Long-Run incremental Cost ("TELRIC"), average embedded cost, etc.

RESPONSE: Windstream East objects to this request as being overly broad and vague, as well as being information that is readily and publicly available to AT&T Mobility. Without waiving its objection, Windstream East states that Kentucky Public Service Commission website may be accessed at http://psc.ky.gov/agencies/psc/industry/telcom_idx.htm. Additionally, without waiving its objection, Windstream East states that it is unaware of any Kentucky docket in the past five years for which it provide any cost estimate for a usage service. Windstream reserves the right to supplement this answer upon discovery of additional information regarding this question.

63. What percentage of traffic originated by Windstream and sent to AT&T Mobility does Windstream claim should be subject to Windstream's originating access charges?

- a. Of the traffic Windstream claims should be subject to Windstream's originating access charges, what percentage is interstate and what percentage is intrastate?
- b. Provide copies of all traffic studies and other documentation supporting the percentages claimed in the above answers.
- c. If not traffic studies or other documentation is provided, explain the basis for the claimed percentages.

RESPONSE: As previously noted, Windstream East proposes that five percent of the traffic originated by Windstream East and sent to AT&T Mobility should be subject to Windstream East's originating access charges and that sixty percent of this traffic is interstate traffic, and forty percent of this traffic is intrastate traffic. The fact that such traffic exists is evident based upon readily available public information that Windstream East reviewed on AT&T's website at www.att.com. Consistent with Windstream East's position throughout this negotiation, Windstream East has consistently notified AT&T Mobility that it is willing to consider a different percentage based on documentation already in AT&T Mobility's possession (including but not limited to cell site information and traffic studies) or other relevant documentation. Although Windstream East has requested this documentation, AT&T Mobility has not provided any of its traffic studies or other documentation to Windstream East so that Windstream East can make a firm proposal based on actual documentation relevant to this issue. Windstream East has not prepared its own traffic study or created other documentation relevant to this issue, but reserves the right to supplement this answer if it creates such documentation in the future.

Windstream East party supporting the Response: Scott Terry

Respectfully Submitted,

Date: 10-16-09

By: Robert C. Moore

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via hand delivery on this the 16th day of October, 2009 on Jeff R. Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615 and on Tiffany Bowman, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615; and by first class mail, postage pre-paid on Mary K. Keyer, General Counsel/AT&T Kentucky, 601 West Chestnut Street, Room 407, Louisville, Kentucky 40203, and on Paul Walters, Jr., 15 East 1st Street, Edmond, Oklahoma 73034.

Robert C. Moore

Robert C. Moore *by dsz*