



Mary K. Keyer  
General Attorney  
Kentucky Legal Department

AT&T Kentucky  
601 W. Chestnut Street  
Room 407  
Louisville, KY 40203

T 502-582-8219  
F 502-582-1573  
[mary.keyer@att.com](mailto:mary.keyer@att.com)

March 18, 2010

RECEIVED

MAR 19 2010

PUBLIC SERVICE  
COMMISSION

**VIA OVERNIGHT MAIL**

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

Re: Petition of Windstream Kentucky East, LLC, for Arbitration of an  
Interconnection Agreement With New Cingular Wireless PCS, d/b/a AT&T  
Mobility  
KPSC 2009-00246

Dear Mr. Derouen:

AT&T Mobility respectfully requests the Commission to accept for filing in the above-referenced case the enclosed original and 5 (five) copies of Reply of AT&T Mobility to Windstream's Response to Motion to Take Depositions. AT&T Mobility is filing its reply to address just one issue raised in Windstream's response.

Should you have any questions, please let me know.

Sincerely,

  
Mary K. Keyer

Enclosures

cc: Parties of Record

793316

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF WINDSTREAM KENTUCKY	)	
EAST, LLC, FOR ARBITRATION OF AN	)	CASE NO.
INTERCONNECTION AGREEMENT WITH	)	2009-00246
NEW CINGULAR WIRELESS PCS,	)	
D/B/A AT&T MOBILITY	)	

**REPLY OF AT&T MOBILITY TO WINDSTREAM'S RESPONSE TO  
MOTION TO TAKE DEPOSITIONS**

New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, on behalf of itself and its wireless operating affiliates in Kentucky ("AT&T Mobility"), files its reply to the response of Windstream Kentucky East LLC ("Windstream") to AT&T Mobility's motion to take depositions in the captioned matter. AT&T Mobility will not repeat all its reasons set forth in its motion for why it makes sense in this proceeding to allow depositions, but is filing this reply to address Windstream's position that if the Kentucky Public Service Commission were to allow depositions that the "depositions should be limited to only those individuals that will be pre-filing testimony for consideration at the hearing, as they are the individuals designated by the parties as having the information that is important to the case."

AT&T Mobility's request to be allowed to take the depositions of those "who, if not a testifying witness, can answer in-depth questions regarding the current discovery responses that have been produced by Windstream in this case," is consistent with the purposes of depositions under the Kentucky Rules of Civil Procedure and is certainly not an attempt as Windstream infers in its response (p. 2) to "undertake expensive, time

consuming 'fishing expeditions' to discover information that is irrelevant to this case." On the contrary, as AT&T Mobility indicated in its motion, in an attempt to *hold costs down*, AT&T Mobility is willing to take the depositions by telephone. Furthermore, as indicated in its motion, AT&T Mobility wants to take depositions to preserve the time and resources of all the people, including the Commissioners, who would be attending the hearing in an effort to reduce the time needed for the hearing and allow the Parties and Commissioners to focus on the important issues that will need to be decided in this case.

AT&T Mobility listed in some detail in its motion several areas that it would like to explore in a deposition. AT&T Mobility believes that the Commission will find that these topic areas are relevant to the issues in this case. AT&T Mobility is not interested in going on a "fishing expedition," but wants only to seek relevant information regarding the data and underlying assumptions contained in Windstream's cost study provided in response to discovery requests.

It appears that Windstream's designated cost witness, David Blessing, is not an employee of Windstream and does not appear to have been involved in the compilation of data used in Windstream's cost study. Instead, the designated witness appears to have produced the cost study from data given to him by Windstream personnel. If the designated witness has no or little knowledge of how data were gathered for the study, then AT&T Mobility is requesting authorization to depose the individual(s) responsible for data gathering and compilation. If the data supporting the cost study were not reliably gathered or are not representative of Windstream's costs in its Kentucky service

territory, then the cost study will be severely undermined. This is information that both AT&T Mobility and the Commission are entitled to explore.

Finally, it should be noted that Windstream, in its untimely motion to take depositions that was filed on or about March 10, 2010, asked for the same thing. Windstream, in its motion (p.1) stated that should the Commission grant AT&T Mobility's motion, "Windstream requests the entry of an Order allowing it to take the deposition of the witnesses that will file written testimony in support of AT&T Mobility's position in this proceeding, including but not limited to its position with respect to Originating MTA, and individuals *who, if not a testifying witness, can answer in-depth questions regarding the current discovery responses produced by AT&T Mobility in this case.*" (Emphasis added).

Based on the foregoing and its previously filed motion to take depositions, AT&T Mobility respectfully requests the Commission to allow AT&T Mobility to take the depositions of the Windstream witnesses who will file written testimony in support of the cost study and underlying assumptions produced by Windstream in the captioned matter and who, if not a testifying witness, can fully answer questions regarding the current discovery responses that have been produced by Windstream in this case.

Respectfully submitted,



Mary K. Keyer  
601 W. Chestnut Street, Room 407  
Louisville, KY 40203  
Telephone: (502) 582-8219  
mary.keyer@att.com

Paul Walters, Jr.  
15 E. First Street  
Edmond, OK 73034  
Telephone: (405) 359-1718  
pwalters@sbcglobal.net

COUNSEL FOR NEW CINGULAR  
WIRELESS PCS, D/B/A AT&T MOBILITY

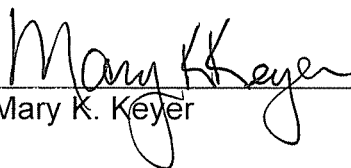
793073

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following individuals by mailing a copy thereof via U.S. Mail, this 18th day of March 2010.

Honorable Robert C. Moore  
Attorney At Law  
Hazelrigg & Cox, LLP  
415 West Main Street  
P.O. Box 676  
Frankfort, KY 40602

Stacy Majors  
Regulatory Counsel  
Windstream Communications, Inc.  
4001 Rodney Parham Road  
Little Rock, AR 72212-2442

  
Mary K. Keyer