

**Dinsmore & Shohl** LLP  
ATTORNEYS

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

September 27, 2006

**VIA FEDERAL EXPRESS**

Hon. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

RECEIVED

SEP 28 2006

PUBLIC SERVICE  
COMMISSION

***Re: In the Matter of: Mountain Rural Telephone Cooperative Corporation, Inc. v. Kentucky Alltel, Inc., before the Public Service Commission of the Commonwealth of Kentucky, Case No. 2006-00198***

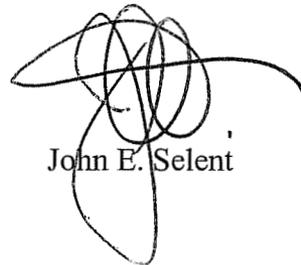
Dear Ms. O'Donnell:

I have enclosed for filing in the above-styled case the original and eleven (11) copies of Mountain Rural Telephone Cooperative Corporation, Inc.'s Responses to First Set of Data Requests of Windstream East, Inc. Please return a file-stamped copy in the self-addressed, postage prepaid envelope furnished herewith.

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

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

JES/bmt

Enclosure

cc: Daniel Logsdon, Esq.  
Mark R. Overstreet, Esq.

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

RECEIVED

SEP 28 2006

PUBLIC SERVICE  
COMMISSION

*In the Matter of:*

MOUNTAIN RURAL TELEPHONE  
COOPERATIVE CORPORATION, INC.  
Complainant

) SEP 28 2006

) PUBLIC SERVICE  
) COMMISSION

v.

) Case No. 2006-00198

KENTUCKY ALLTEL, INC.  
Defendant

)  
)  
)  
)  
)  
)

**MOUNTAIN RURAL TELEPHONE COOPERATIVE CORPORATION, INC.'S  
RESPONSES TO FIRST SET OF DATA REQUESTS OF  
WINDSTREAM KENTUCKY EAST, INC.**

Mountain Rural Telephone Cooperative Corporation ("Mountain Rural"), by counsel, and in response to the Data Requests of Windstream Kentucky East, Inc. f/k/a Kentucky Alltel, Inc. ("Windstream"), states as follows.

**GENERAL OBJECTIONS**

Mountain Rural objects to Windstream's data requests to the extent they seek information for time periods prior to June, 2004. Mountain Rural's present complaint seeks recovery for tariffed charges from June, 2004 through the present.

In addition, Mountain Rural objects to the data requests to the extent that they seek information regarding the calculation of Mountain Rural's tariffed rates. This is not a rate case. This is a simple collections case seeking recovery of tariffed charges. Pursuant to the filed rate doctrine and KRS 278.160, "[n]o utility shall charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed

schedules . . . . [emphasis supplied]” Windstream cannot challenge Mountain Rural’s calculations of its tariffed rates in the course of this proceeding. See also, KRS 278.170:

No utility shall, as to rates or service, give any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage, or establish or maintain any unreasonable difference between localities or between classes of service for doing a like and contemporaneous service under the same or substantially the same conditions. [emphasis supplied]<sup>1</sup>

Windstream's attempt to transform this simple collection case into a retroactive rate case is harassing and in violation of the filed rate doctrine and the prohibition against retroactive ratemaking, as well as the protection against "unreasonable preferences." Id.

### **DATA REQUEST NO. 1**

Provide full 210 character usage EMI records for one current month's time period and include, at a minimum, the following fields with respect to each record.

- a. All carrier usage and not just that usage that is specific to Windstream;
- b. "From" telephone number (Positions 15 through 24 of an 11-01-01 EMI Record);
- c. "To" telephone number (Positions 30 through 39 of an 11-01-01 EMI Record);
- d. Date of call (Positions 7 through 12 of an 11-01-01 EMI Record);
- e. Minutes (Positions 61 through 67 of an 11-01-01 EMI Record);
- f. Carrier Identification Code ("CIC") (Positions 46 through 49 of an 11-01-01 EMI Record);
- g. "From" Local Routing Number ("LRN") (Positions 157 through 166 of an 11-01-01 EMI Record);
- h. "To" LRN (Positions 172 through 181 of an 11-01-01 EMI Record);
- i. Method of Recording Field (Positions 68 and 69 of an 11-01-01 EMI Record); and
- j. Connect Time (Positions 55 through 60 of an 11-01-01 EMI Record).

---

<sup>1</sup> And see, KRS 278.260:

No order affecting the rates or service complained of shall be entered by the commission without a formal public hearing [; as well as]

807 KAR 5:001 Section 12, entitled "Formal Complaints," and requiring the Commission to make a "prima facia" determination before any complaint against a utility may proceed.

**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence. Mountain Rural further objects on the grounds that the data request seeks confidential and proprietary information.

**DATA REQUEST NO. 2** With respect to usage records prior to June 2004, identify where and how you obtained all minutes for such usage and provide all supporting documentation showing, at a minimum, the source of the data, the time periods covered, and the type of minutes included (*e.g.*, area calling service minutes, toll minutes, etc.).

**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence.

**DATA REQUEST NO. 3** Provide the detail and all supporting documentation of your billing and collection with respect to carrier common line ("CCL") charges by month from 2000 to 2005. With respect to your billing detail, provide the following carrier:

- a. Rate charge;
- b. Billing minutes-of-use; and
- c. Revenue collected.

**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence.

**DATA REQUEST NO. 4** Provide the access line counts you used to calculate your CCL revenue requirement for each year from 2000 to 2005.

**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, and without waiving same, Mountain Rural states see attachment for access line counts in 2004, 2005 and 2006.

**DATA REQUEST NO. 5** Explain in detail and provide all supporting documents related to how you calculated your CCL per minute rate for each year from 2000 to 2005. Identify the type of minutes you included in your per minute CCL calculation and the sources thereof (e.g., a BellSouth report, your CAB report, etc.), specifically whether the minutes were ACS, ITORP, or some other kind of minutes, and provide all supporting documents.

**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, and without waiving same, Mountain Rural states see attachment for CCL-related information for 2004, 2005 and 2006.

**REQUEST NO. 6** Explain in detail and provide all supporting documents related to the process you use to calculate your annual CCL true-up.

- a. If you perform the calculation monthly, provide supporting documents for twelve (12) months; or
- b. If you perform the calculation annually, provide supporting documents for three (3) years.

**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, and without waiving same, Mountain Rural states see response to Data Request Number 5.

**REQUEST NO. 7** Provide all data you supplied to the Kentucky Public Service Commission ("Commission") or otherwise relied upon to satisfy the Commission's 1990 Supplement to the Joint Motion of a Coalition of Local Exchange Companies and Interchange Carriers in Administrative Case 323 to establish your per line CCL rate. Indicate which of those data have changed since 1990 and identify what the current values of those data are:

**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 8** Provide all data indicated on Attachment A, including the following for years ending 2000, 2001, 2002, 2003, 2004, and 2005:

- a. 32.5000 Basic Area Revenue;
- b. 32.5081 End User Revenue;
- c. 32.5082 Switched Access Revenue - intrastate;
- d. 32.5082 Switched Access Revenue - interstate;
- e. 32.5083 Special Access Revenue - intrastate;
- f. 32.5083 Special Access Revenue - interstate;
- g. 32.5100 Long Distance Message Revenue - intrastate;
- h. 32.5100 Long Distance Message Revenue - interstate;
- i. 32.5200 Miscellaneous Revenue - intrastate;
- j. 32.5200 Miscellaneous Revenue - interstate;
- k. 32.5230 Directory Revenue;
- l. 32.5300 Uncollectible Revenue - intrastate;
- m. 32.5300 uncollectible Revenue - interstate;
- n. Plant specific Operations Expense;
- o. Plant non-specific Operations Expense;
- p. Customer Operations Expense;
- q. Corporate Operations Expense;
- r. Depreciation & Amortization;
- s. Other Operating Income/Expense;
- t. 36.631 Expense Adjustment;
- u. 32.2001 Telecom Plant in Service;
- v. 32.2002 Property Held for Future Use;
- w. 32.2003 Telecom Plant Under Construction;
- x. 32.2005 Telecommunications Plant Adjustment;
- y. 32.2001 TPIS Additions (per general ledger);
- z. 32.2001 TPIS Retirements (per general ledger);
- aa. 32.2001 Broadband Specific Property Additions;
- bb. 32.1120 Cash & Equivalent;
- cc. 32.1170 Account Receivables;
- dd. 32.1406 Nonregulated Investments;
- ee. Message toll - intrastate;
- ff. Message toll - interstate;
- gg. Private line - intrastate;
- hh. Private line - interstate; and
- ii. Exchange.

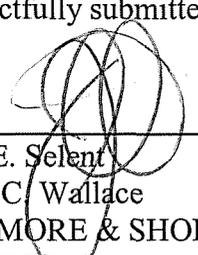
**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, harassing, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 9** Provide a copy of all agreements, releases, exhibits, memoranda, records, or other documents between you and BellSouth or prepared internally by you that relate to the dispute referenced in Paragraphs 14 and 15 of your Formal Complaint received by the

Commission on May 12, 2006 and also identify all payments or other compensation received by you from BellSouth related to such agreements or documents.

**RESPONSE:** Mountain Rural objects on the grounds that the request is overbroad, unduly burdensome, not relevant to the subject matter involved in the present action, and not reasonably calculated to lead to the discovery of admissible evidence. Mountain Rural further objects on the grounds that the data request seeks confidential information. Subject to these objections and without waiving same, Mountain Rural states it will comply with any Commission order requiring it to produce relevant, confidential information.

Respectfully submitted,



---

John E. Selent  
Holly C. Wallace  
DINSMORE & SHOHL LLP  
1400 PNC Plaza  
500 W. Jefferson Street  
Louisville, Kentucky 40202  
(502) 540-2300  
(502) 585-2207 (fax)  
Counsel to Mountain Rural  
Telephone Cooperative Corporation

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing was served on the following this 21<sup>st</sup> day of September, 2006:

*Via U.S. First Class Mail*  
*Postage Prepaid*  
*and via Electronic Mail*

Mark R. Overstreet  
STITES & HARBISON, PLLC  
421 West Main Street  
P.O. Box 634  
Frankfort, KY 40602-0634  
moverstreet@stites.com  
Counsel to Windstream Kentucky East, Inc.

*Via U.S. First Class Mail*  
*Postage Prepaid*

Daniel Logsdon, Esq.  
Alltel Kentucky, Inc.  
229 Lees Valley Road  
Shepherdsville, KY 40165

  
\_\_\_\_\_  
Counsel to Mountain Rural Telephone  
Cooperative Corporation



**I.T.G. NTSR RATE DEVELOPMENT**  
**PER MINUTE RATE METHOD**  
**PSC KY NO. 2A ACCESS TARIFF SECTION 3.9.3(B)**  
**2004**

| <b>COMPANY: MOUNTAIN TELEPHONE</b> |   | <b>AMOUNT</b>      |
|------------------------------------|---|--------------------|
| <b>NTS REVENUE REQUIREMENT:</b>    |   |                    |
| <b>Line</b>                        |   |                    |
| 1                                  | NTSR PER ACCESS LINE PER MONTH                    | \$10.88            |
| 2                                  | ACCESS LINES (AS OF 12/31/03)                     | 16,061             |
| 3                                  | MONTHLY NTS REVENUE REQUIREMENT                   | \$174,744          |
| 4                                  | <b>ANNUAL NTS REVENUE REQUIREMENT</b>             | <b>\$2,096,924</b> |
| <b>TERMINATING RATED MOU:</b>      |   |                    |
| 5                                  | 2003 TERMINATED RATED MOU PER TRUE-UP CALCULATION | 21,578,548         |
| 6                                  | GROWTH FACTOR                                     | 0.00%              |
| 7                                  | FORECASTED 2004 TERMINATED RATED MOU              | 21,578,548         |
| <b>NTSR FOR CABS:</b>              |   |                    |
| 8                                  | <b>2004 NTSR PER TERMINATING RATED MOU</b>        | <b>\$0.097176</b>  |

**I.T.G. NTSR RATE DEVELOPMENT  
PER MINUTE RATE METHOD  
PSC KY NO. 2A ACCESS TARIFF SECTION 3.9.3(B)**

**2005**

|                                    |               |
|------------------------------------|---------------|
| <b>COMPANY: MOUNTAIN TELEPHONE</b> | <b>AMOUNT</b> |
|------------------------------------|---------------|

| <b>NTS REVENUE REQUIREMENT:</b> |                                       |                    |
|---------------------------------|---------------------------------------|--------------------|
| <b>Line</b>                     |                                       |                    |
| 1                               | NTSR PER ACCESS LINE PER MONTH        | \$10.88            |
| 2                               | ACCESS LINES (AS OF 12/31/04)         | 16,111             |
| 3                               | MONTHLY NTS REVENUE REQUIREMENT       | \$175,287.68       |
| 4                               | <b>ANNUAL NTS REVENUE REQUIREMENT</b> | <b>\$2,103,452</b> |

| <b>TERMINATING RATED MOU:</b> |   |            |
|-------------------------------|---|------------|
| 5                             | 2005 TERMINATED RATED MOU PER TRUE-UP CALCULATION | 34,153,542 |
| 6                             | GROWTH FACTOR                                     | 0.00%      |
| 7                             | FORECASTED 2006 TERMINATING MINUTES               | 34,153,542 |

|                                 |                   |
|---------------------------------|-------------------|
| <b>NTSR FOR CABS: Jan - Jun</b> | <b>\$0.061588</b> |
|---------------------------------|-------------------|

|                              |                |
|------------------------------|----------------|
| Actual NTSR Jan - Jun        | \$1,431,865.57 |
| Annual Requirement           | \$2,103,452.16 |
| NTSR Requirement Aug - Dec   | \$671,586.59   |
| Forecasted Minutes Aug - Dec | 19,505,850     |

|                                 |                   |
|---------------------------------|-------------------|
| <b>NTSR FOR CABS: Aug - Dec</b> | <b>\$0.034430</b> |
|---------------------------------|-------------------|

**I.T.G. NTSR RATE DEVELOPMENT**  
**PER MINUTE RATE METHOD**  
**PSC KY NO. 2A ACCESS TARIFF SECTION 3.9.3(B)**

**2006**

| <b>COMPANY: MOUNTAIN TELEPHONE</b> |   | <b>AMOUNT</b>         |
|------------------------------------|---|-----------------------|
| <b>NTS REVENUE REQUIREMENT:</b>    |   |                       |
| <b>Line</b>                        |   |                       |
| 1                                  | NTSR PER ACCESS LINE PER MONTH                    | \$10.88               |
| 2                                  | ACCESS LINES (AS OF 12/31/05)                     | 15,881                |
| 3                                  | MONTHLY NTS REVENUE REQUIREMENT                   | \$172,785.28          |
| 4                                  | <b>ANNUAL NTS REVENUE REQUIREMENT</b>             | <u>\$2,073,423.36</u> |
| <b>TERMINATING RATED MOU:</b>      |   |                       |
| 5                                  | 2005 TERMINATED RATED MOU PER TRUE-UP CALCULATION | 38,911,813            |
| 6                                  | GROWTH FACTOR                                     | -7.00%                |
| 7                                  | FORECASTED 2006 TERMINATING MINUTES               | <u>36,187,986</u>     |
| <b>NTSR FOR CABS:</b>              |   | <u>0.0573</u>         |