

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Big River Telephone Company, LLC,)	
)	
Complainant,)	
)	Case No. TC-2012-0284
v.)	
)	
Southwestern Bell Telephone, L.P.,)	
d/b/a AT&T Missouri,)	
)	
Respondent.)	

**COMPLAINANT’S OBJECTIONS TO
AT&T MISSOURI’S FIRST SET OF DOCUMENT REQUESTS,
INTERROGATORIES, AND REQUESTS FOR ADMISSION TO BIG RIVER**

COMES NOW, Complainant Big River Telephone Company, LLC (“Big River”) and hereby submits its objections to AT&T Missouri’s first set of document requests, interrogatories, and requests for admission.

Requests for the Production of Documents

1. Please produce Big River’s annual reports filed with the Missouri Public Service Commission for the years 2008 through 2011.

OBJECTION: This request seeks information that is overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

2. Please produce all contracts and tariffs identified in your interrogatory responses.

OBJECTION: This request is overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

3. Please produce all contracts, tariff provisions, marketing materials, service guides, and other documents provided or made available to your customers describing the feature whereby a subscriber can activate a program to begin recording mid-call and store the recording for later access via phone or email. See Complaint ¶ 28. If no such documents exist, please indicate that in your response.

OBJECTION: This request is vague, overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

4. Please produce all contracts, tariff provisions, marketing materials, service guides, and other documents provided or made available to your customers describing the feature whereby a subscriber can configure the incoming call manager through a Big River web portal. *See* Complaint ¶ 29. If no such documents exist, please indicate that in your response.

OBJECTION: This request is vague, overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

5. Please produce all contracts, tariff provisions, marketing materials, service guides, and other documents provided or made available to your customers describing the feature whereby a subscriber can have a facsimile transmission converted into PDF format and forwarded to the subscriber's email address. *See* Complaint ¶ 30. If no such documents exist, please indicate that in your response.

OBJECTION: This request is vague, overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

6. Please produce all contracts, tariff provisions, marketing materials, service guides, and other documents provided or made available to your customers describing the feature whereby subscribers can use their telephones to access information via the web, such as dialing a number to access GoogleNews. *See* Complaint ¶ 31. If no such documents exist, please indicate that in your response.

OBJECTION: This request is vague, overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

7. Please produce all documents describing the enhanced services you provide to your telephone service customers.

OBJECTION: This request is vague, overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

8. Please produce all documents by which you inform your subscribers or potential subscribers that your service will enhance, remove, improve, or change the content of a voice communication made by the subscriber/potential subscriber. If no such documents exist, please indicate that in your response.

OBJECTION: This request is vague, overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

9. Please produce all communications with AT&T Missouri, or any employee, agent, attorney, or representative of AT&T Missouri, regarding the parties' prior dispute regarding access charges and settlement of that dispute, referenced in paragraphs 20-21 of your complaint.

OBJECTION: This request seeks information protected as confidential settlement negotiations that are not subject to disclosure under the terms of the settlement agreement between the parties and is, therefore, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

10. Please produce all communications to AT&T Missouri in which you indicated your percent enhanced usage (PEU) under the parties' interconnection agreement was 100%.

Interrogatories

1. Please identify the intrastate switched and non-switched local exchange and interexchange telecommunications services Big River provides in Missouri, as alleged in paragraph 2 of your complaint.

OBJECTION: This interrogatory seeks information that is irrelevant.

2. Please explain whether the communications services you provide your subscribers allowing them to place voice telephone calls are provided pursuant to tariff, non-tariffed contracts, or both.
3. Please identify the documents (*e.g.*, the particular tariffs, customer services agreements, contracts, etc.) that govern the terms and conditions pursuant to which you provide the service that allows your subscribers to place interexchange or long distance voice telephone calls to customers of AT&T Missouri.

OBJECTION: This interrogatory is overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

4. Please identify, on a monthly or quarterly basis from January 1, 2010 to the present, the number of customers to whom you provided service under your Missouri P.S.C. Tariff No. 1 (Intrastate Interexchange Telecommunications Services).

OBJECTION: This interrogatory is overbroad and burdensome and seeks information protected as CPNI, and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

5. Please identify, on a monthly or quarterly basis from January 1, 2010 to the present, the number of customers to whom you provided service under your Missouri P.S.C. Tariff No. 2 (Local Telecommunications Service).

OBJECTION: This interrogatory is overbroad and burdensome and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

6. Describe all “enhanced services capabilities” that Big River provides its customers. *See* Complaint ¶ 26.

OBJECTION: This interrogatory is vague.

7. Please describe all services provided by Big River that allow subscribers to use their telephones to access information via the web. *See* Complaint ¶ 31.

OBJECTION: This interrogatory is vague.

8. Referring to paragraph 27 of your complaint, please identify where in the call path a voice telephone call placed by a Big River customer is converted to Internet Protocol format.

OBJECTION: This interrogatory seeks information that is protected as intellectual property and trade secrets and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

9. Referring to paragraph 27 of your complaint, please describe the manner in which “the compression algorithms used by Big River change the format, content, code, protocol and other aspects of the subscribers’ transmitted information.”

OBJECTION: This interrogatory seeks information that is protected as intellectual property and trade secrets and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

10. Referring to paragraph 29 of your complaint, please describe how “Big River’s switching system employs computer processing that allows a subscriber to view, configure, and manage their call-handling options,” and list the call-handling options that your subscribers can configure and manage.

OBJECTION: This interrogatory seeks information that is protected as intellectual property and trade secrets and that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

11. Please identify the contract or tariff provisions pursuant to which you make available to your subscribers the feature whereby a subscriber can activate a program to begin recording mid-call and store the recording for later access via phone or email. *See* Complaint ¶ 28.

OBJECTION: This interrogatory is overbroad and burdensome and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

12. Please identify the contract or tariff provisions pursuant to which you make available to your subscribers the feature whereby a subscriber can configure the incoming call manager through a Big River web portal. *See* Complaint ¶ 29.

OBJECTION: This interrogatory is overbroad and burdensome and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

13. Please identify the contract or tariff provisions pursuant to which you make available to your subscribers the feature whereby a subscriber can have a facsimile transmission converted into PDF format and forwarded to the subscriber's email address. *See* Complaint ¶ 30.

OBJECTION: This interrogatory is overbroad and burdensome and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

14. Please identify the contract or tariff provisions pursuant to which you make available to your subscribers the feature whereby a subscriber can use his or her telephone to access information via the web, such as dialing a number to access GoogleNews. *See* Complaint ¶ 31.

OBJECTION: This interrogatory is overbroad and burdensome and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

15. If your response to any request for admission is not an unqualified admission, please explain the basis for your response.

OBJECTION: Complainant's responses to the requests for admission are governed by the Missouri Rules of Civil Procedure and the Rules of the Department of Economic Development.

Requests for Admission

A FAILURE TO TIMELY RESPOND TO REQUESTS FOR ADMISSIONS IN COMPLIANCE WITH RULE 59.01 SHALL RESULT IN EACH MATTER BEING ADMITTED BY YOU AND NOT SUBJECT TO FURTHER DISPUTE.

1. The traffic at issue in this case originated with Big River's end-user customers.

2. The traffic at issue in this case did not originate in Internet Protocol format at the end-users' premises.
3. The traffic at issue in this case did not originate using a broadband connection at the end-users' premises.
4. The traffic at issue in this case originated in time division multiplexed pulse code modulated (TDM-PCM) format.
5. The traffic at issue in this case was delivered by Big River to AT&T Missouri for completion or termination to AT&T Missouri's end-user customers, and/or to the end-user customers of third parties.
6. The traffic at issue in this case was converted by Big River from Internet Protocol format to time division multiplexing format before being handed off to AT&T Missouri.
7. The traffic at issue in this case was originated by and terminated to end-user customers located in different local calling areas.
8. A portion of the traffic you delivered to AT&T Missouri for termination since February 5, 2010, originated with customers to whom you provided service pursuant to your Missouri P.S.C. Tariff No. 1.
9. Big River's subscribers can place a non-local voice telephone call to AT&T Missouri's subscribers without activating the program to begin recording mid-call and store the recording for later access via phone or email. *See* Complaint ¶ 28.
10. Big River's subscribers can place a non-local voice telephone call to AT&T Missouri's subscribers without configuring their incoming call manager, or viewing, configuring, or managing their call-handling options. *See* Complaint ¶ 29.
11. The call-handling options described in paragraph 29 of your complaint do not involve outbound calls placed by Big River's subscribers to AT&T Missouri's subscribers.
12. When a Big River subscriber configures his or her incoming call manager through a Big River web portal, that communications session does not consist of a telephone call placed by the Big River subscriber to one of AT&T Missouri's subscribers.
13. Big River's subscribers can place a non-local voice telephone call to AT&T Missouri's subscribers without using the facsimile functionality described in paragraph 30 of your complaint.
14. When a facsimile is converted to PDF format and forwarded to a Big River subscriber's email address, that communications session does not consist of a telephone call placed by the Big River subscriber to one of AT&T Missouri's subscribers.

15. Big River's subscribers can place a non-local voice telephone call to AT&T Missouri's subscribers without accessing the latest GoogleNews from their telephone or obtaining other information via the web.
16. When a Big River subscriber uses his or her telephone to dial a number to access the latest GoogleNews from their telephone, that communications session does not consist of a telephone call placed by the Big River subscriber to one of AT&T Missouri's subscribers.
17. The access charges billed by AT&T Missouri on BAN 110 401 0113 803 that are in dispute in this case were properly charged to Big River if Big River's traffic is not enhanced services traffic within the meaning of Attachment 12, section 13.3 of the parties' interconnection agreement.
18. In connection with the parties' prior access charge dispute, settled on or about October 31, 2009, Big River referred to the traffic it delivered to AT&T Missouri as Voice over Internet Protocol or VoIP traffic.

OBJECTION: This request seeks information protected as confidential settlement negotiations that are not subject to disclosure under the terms of the settlement agreement between the parties and is, therefore, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

19. At no time prior to October 31, 2009, did Big River inform AT&T Missouri that the traffic Big River delivered to AT&T Missouri was not Voice over Internet Protocol or VoIP traffic.

OBJECTION: This request is complex and confusing. Further it is overbroad and irrelevant.

Dated: August 10, 2012

Respectfully submitted,

BIG RIVER TELEPHONE COMPANY, LLC

/s/ Brian C. Howe

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