

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 RESPONSES 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 responses 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.

Subject to and without waiving said objection, the data is confidential and has been provided as attachments, see ATT_DISC_1_D_1_2008, ATT_DISC_1_D_1_2009, ATT_DISC_1_D_1_2010, and ATT_DISC_1_D_1_2011.

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

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.

Subject to and without waiving said objection, the feature whereby a subscriber can use his or her telephone to access information via the web is provided pursuant to all provisions of our customer contracts. Tariff provisions do not apply to this service.

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.

Big River does not possess information sufficient to admit or deny this request and, therefore, denies same. AT&T provided only one week's worth of traffic data in reply to Big River's request for documentation to support AT&T's bill.

2. The traffic at issue in this case did not originate in Internet Protocol format at the end-users' premises.

Big River does not possess information sufficient to admit or deny this request and, therefore, denies same. AT&T provided only one week's worth of traffic data in reply to Big River's request for documentation to support AT&T's bill.

3. The traffic at issue in this case did not originate using a broadband connection at the end-users' premises.

Big River does not possess information sufficient to admit or deny this request and, therefore, denies same. AT&T provided only one week's worth of traffic data in reply to Big River's request for documentation to support AT&T's bill.

4. The traffic at issue in this case originated in time division multiplexed pulse code modulated (TDM-PCM) format.

Big River does not possess information sufficient to admit or deny this request and, therefore, denies same. AT&T provided only one week's worth of traffic data in reply to Big River's request for documentation to support AT&T's bill.

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.

Big River does not possess information sufficient to admit or deny this request and, therefore, denies same. AT&T provided only one week's worth of traffic data in reply to Big River's request for documentation to support AT&T's bill.

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.

Big River does not possess information sufficient to admit or deny this request and, therefore, denies same. AT&T provided only one week's worth of traffic data in reply to Big River's request for documentation to support AT&T's bill.

7. The traffic at issue in this case was originated by and terminated to end-user customers located in different local calling areas.

Big River does not possess information sufficient to admit or deny this request and, therefore, denies same. AT&T provided only one week's worth of traffic data in reply to Big River's request for documentation to support AT&T's bill.

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.

Admitted.

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.*

Admitted.

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.*

Admitted.

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.

Denied.

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.

Admitted.

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.

Denied.

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.

Admitted.

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.

Admitted.

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.

Denied.

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.

Big River does not possess information sufficient to admit or deny this request and, therefore, denies same. AT&T provided only one week's worth of traffic data in reply to Big River's request for documentation to support AT&T's bill.

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.

Subject to and without waiving said objection, denied.

Dated: August 20, 2012

Respectfully submitted,

BIG RIVER TELEPHONE COMPANY, LLC

/s/ Brian C. Howe

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