

Steve Gatto, P.C.

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July 12, 2006

Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way, P.O. Box 30221
Lansing, MI 48909

Re: In the Matter of the Petition of Ace Telephone Company, Allendale Telephone Company, Barry County Telephone Company, Blanchard Telephone Company, Bloomingdale Telephone Company, Chippewa County Telephone Company, Deerfield Farmers' Telephone Company, Hiawatha Telephone Company, Kaleva Telephone Company, Midway Telephone Company, Ogden Telephone Company, Ontonagon Telephone Company, Pigeon Telephone Company, the Upper Peninsula Telephone Company, Waldron Telephone Company, and Winn Telephone Company, For the Arbitration of Interconnection Rates, Terms, and Conditions and Related Arrangements with Alltel Communications, Inc., Pursuant to Section 252(b) of the Federal Telecommunications Act of 1996
Case No. U-14889.

Dear Ms. Kunkle:

Enclosed for filing are (1) Petitioners' Response to Alltel Communications, Inc.'s Request For An Order Requiring Petitioners to Produce Additional Data, Information, And Documents and Proof of Service of same.

Please call if you have any questions regarding the enclosures.

Yours truly yours,

Steve Gatto, P.C.

 Steve Gatto
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by Steve Gatto
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Gatto, o=Steve
Gatto, P.C., c=US
Date: 2006.07.12
16:43:10 -0400
Steve Gatto

Enclosures:

cc: Michael S. Ashton
Anne-Marie Clark
Wendy Thelen
Sharon Feldman, Administrative Law Judge

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the Matter of the Petition of Ace Telephone)
Company, Allendale Telephone Company,)
Barry County Telephone Company,)
Blanchard Telephone Company, Bloomingdale)
Telephone Company, Chippewa County)
Telephone Company, Deerfield Farmers')
Telephone Company, Hiawatha Telephone)
Company, Kaleva Telephone Company, Midway)
Telephone Company, Ogden Telephone Company,)
Ontonagon Telephone Company, Pigeon Telephone)
Company, the Upper Peninsula Telephone)
Company, Waldron Telephone Company, and)
Winn Telephone Company, For the Arbitration)
of Interconnection Rates, Terms, and Conditions)
and Related Arrangements with Alltel)
Communications, Inc., Pursuant to Section 252(b))
of the Federal Telecommunications Act of 1996)
_____)

Case No. U-14889

**PETITIONERS' RESPONSE TO ALLTEL COMMUNICATIONS,
INC.'S REQUEST FOR AN ORDER REQUIRING PETITIONERS
TO PRODUCE ADDITIONAL DATA, INFORMATION AND
DOCUMENTS**

Petitioners hereby respond to Alltel Communications, Inc.'s ("Alltel's") requests that the Arbitration Panel (the "Panel") submit data requests to Petitioners and order Petitioners to provide additional data, information and documents to Alltel and the Panel within five (5) business days.

Alltel's request to have the Panel Order Petitioners to produce information requested in the Data Requests should be denied because (a) only a small portion of the information requested in the Data Requests seeks relevant information (e.g., cost study results, and mapping information based upon Commission-approved cost studies in MPSC Case Nos. U-11996, U-12149, U-12261, U-12471, and U-13191, and Petitioners

have already provided that information to Alltel;¹ and (b) the remainder of the Data Requests seek information irrelevant to the issues in this arbitration case, as they seek information that (1) has no bearing on whether the rates Petitioners propose are supported by results of the Commission-approved cost studies and the mapping of the costs derived from those rates, or (2) is aimed at challenging the information underlying the Commission-approved cost studies.

Argument

THE PANEL SHOULD DENY ALLTEL'S REQUEST FOR ADDITIONAL INFORMATION SINCE THEY SEEK INFORMATION THAT THEY HAVE ALREADY BEEN PROVIDED OR INFORMATION THAT IS ENTIRELY IRRELEVANT TO ANY ISSUES IN THIS ARBITRATION MATTER.

Alltel's requests seek to have the Panel order Petitioners to provide the information requested in the Data Requests. Alltel's request should be denied.

A. The Panel Should Deny Alltel's Request to have the Panel Order Petitioners to Provide the Data, Information and Documents Sought in the Discovery Requests.

Based on the Commission's Arbitration Procedure Orders, either party to an arbitration matter may request the panel to order the production of additional information from the other party. See Order, MPSC Case No. U-11134 (July 16, 1996), p.2; Order, MPSC Case No. U-13774 (May 18, 2004), p. 4. Alltel attempts to use the above reference to ask for an alternative form of relief to have the Panel order Petitioners to provide the information requested of them in the Data Requests. The Panel should reject this relief request for the reasons set forth below.

¹ In his testimony on behalf of Alltel, W. Craig Conwell acknowledged that Petitioners had provided Alltel this cost study information. Conwell, p. 20, lines 8-12.

1. Any relevant information sought in the Data Request has already been provided to Alltel.

Petitioners have proposed rates for their interconnection agreements with Alltel based upon the cost studies approved by the Commission in MECA's 2nd TSLRIC Study (Case No. U-12261), Chippewa County Telephone Company's TSLRIC Study (Case No. U-12149), Hiawatha Telephone Company's TSLRIC Study (Case No. 11996), Upper Peninsula Telephone Company's TSLRIC Study (Case No. U-12471), and Winn Telephone Company's TSLRIC Study (Case No. U-13191). The relevant material for the issue of Petitioners' proposed rates consists of those cost studies, and Petitioners' mapping analysis.

Petitioners have already provided Alltel with MECA's 2nd TSLRIC study, Chippewa County Telephone Company's TSLRIC study, Hiawatha Telephone Company's TSLRIC study, Upper Peninsula Telephone Company's TSLRIC study, and Winn Telephone Company's TSLRIC study, along with the results and mapping explanations, for each of the above referenced cost studies. Alltel is entitled to nothing more and there is no basis to order Petitioners to provide any additional information through Data Requests.

2. The remainder of the information sought in the Data Requests is entirely irrelevant and not at issue in this arbitration case.

The majority of the Data Requests seeks information already provided or entirely irrelevant to this interconnection agreement arbitration case. The key issue in this arbitration case is whether Petitioners' (Mr. McCartney's) mapping of the results from the Commission-approved TSLRIC studies supports the rates Petitioners propose. In order to access Petitioners' position, one need only have at their disposal the

Commission-approved results and Mr. McCartney's mapping explanation. Petitioners have provided this information to Alltel, and Mr. McCartney's mapping explanations are also provided in the exhibits to his testimony.

Alltel's Data Requests go beyond seeking the study results and the mapping information and explanation, which have already been provided to Alltel, and instead seek to delve into the study themselves and their underlying information. Because the Commission has already decided the appropriate TSLRIC costs in those cases, any attempt to challenge or contest that issue in the instant case is an unlawful collateral attack on the Commission's decisions and Orders in the Petitioners' cost study cases. See Champion's Auto Ferry, supra, 231 Mich App at 721; Senior Accountants, Analysis & Appraisers Ass'n, supra, 399 Mich at 457-458; Minicucci, supra, 243 Mich App at 36.

The Panel should find that Alltel's Data Requests seek information already provided to Alltel or information that exceeds the scope of this interconnection agreement arbitration, and the Panel should deny Alltel's Request for Additional Data, Information and Documents.

Respectfully submitted,

The signature block features a stylized red 'S' and a yellow question mark icon. To the left of the 'S' is the text 'Signature Not Verified'. To the right of the 'S' is the name 'Steve Gatto' in a large, bold, black font. Further to the right, in a smaller font, is the text 'Digitally signed by Steve Gatto DN: cn=Steve Gatto, o=Steve Gatto, P.C., c=US Date: 2006.07.12 16:43:48 -0400'.

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by Steve Gatto
DN: cn=Steve
Gatto, o=Steve
Gatto, P.C.,
c=US
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Date: July 12, 2006

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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the Matter of the Petition of Ace Telephone)
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Blanchard Telephone Company, Bloomington)
Telephone Company, Chippewa County)
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Telephone Company, Ogden Telephone Company,)
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Winn Telephone Company, For the Arbitration)
of Interconnection Rates, Terms, and Conditions)
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Communications, Inc., Pursuant to Section 252(b))
of the Federal Telecommunications Act of 1996)
_____)

Case No. U-14889

Proof of Service

STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

Steve Gatto, being first duly sworn, deposes and says that on this 12th day of July, 2006, he served a copy of Petitioners Response to Alltel Communications, Inc.'s Request For An Order Requiring Petitioners To Produce Additional Data, Information And Documents and Proof of Service for same on the following individuals by e-mail to the e-mail addresses listed below:

Wendy Thelen at wjthelen@michigan.gov
Ann-Marie Clark at clarka@michigan.gov
Sharon Feldman, Administrative Law Judge at slfeldman@michigan.gov

 Steve Gatto
Digitally signed by Steve Gatto
DN: cn=Steve Gatto, o=Steve Gatto, P=C, c=US
Date: 2006.07.12 16:44:12 -0400
Steve Gatto