

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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IN THE MATTER OF:

PUBLIC SERVICE  
COMMISSION

THE PETITION OF WINDSTREAM )  
KENTUCKY EAST, LLC FOR ARBITRATION )  
OF AN INTERCONNECTION AGREEMENT )  
WITH NEW CINGULAR WIRELESS PCS, LLC )  
D/B/A/ AT&T MOBILITY PURSUANT TO )  
SECTION 252 OF THE TELECOMMUNICATIONS )  
ACT OF 1996 )

CASE NO.  
2009-00246

**CONTINGENT JOINT MOTION TO DISMISS WITH PREJUDICE**

Windstream Kentucky East, LLC ("Windstream") and New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and its wireless operating affiliates, (collectively, "AT&T Mobility") file this Contingent Joint Motion to Dismiss with Prejudice. In support of this motion, AT&T Mobility and Windstream state that the Parties have settled their disputes in this matter and have entered into a negotiated interconnection agreement, which is being filed simultaneously with this joint motion. Based on the resolution of all issues in this case, there is no need for the case to move forward with this arbitration, contingent upon the Commission's approval of the parties' negotiated interconnection agreement.

WHEREFORE, AT&T Mobility and Windstream, respectfully request that the Commission enter an Order granting their Joint Motion to Dismiss with Prejudice as described herein, contingent upon the Commission's approval of the parties' negotiated interconnection agreement.

Respectfully submitted,



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