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July 22, 2011

RECEIVED

JUL 22 2011

PUBLIC SERVICE  
COMMISSION

Mr. Jeffrey DeRouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40601

**RE: *Bowers v. Windstream; Case No. 2010-00447***

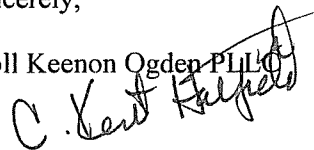
Dear Mr. DeRouen:

This firm is counsel for the Petitioner, Dana A. Bowers, in the above-referenced matter. This letter is in reference to the Commission's procedural schedule entered in this case on May 12, 2011 (the "May 12 Order") prescribing the filing of initial briefs on July 22, 2011 if no hearing is granted. The Defendant has requested a hearing to which Petitioner has objected, and no hearing decision has been rendered. It is our understanding that the due date for briefs is tolled pending decision on the request for hearing. Accordingly, Petitioner will not file her brief today and will await further Commission instruction on the schedule.

However, Petitioner urges the Commission to expedite this case to the extent possible. In its May 12 Order, this Commission found that the federal court's September 12 due date for dispositive motions was "sufficient cause" to shorten its own procedural schedule so that the Commission could answer the questions sent to it by the court before the September 12 due date. *Id.* at 2-3. Windstream filed, on June 22, a motion for summary judgment in the parties' federal court proceeding, *Bowers et al v. Windstream Kentucky East, LLC*, Docket No. 3:09-CV-440 (W.D. Ky.), to which Plaintiffs have responded with a cross-motion for partial summary judgment. Windstream's dispositive motion was filed almost three months *before* the court's September deadline for such motions. Windstream's early filing, together with its contention in that filing that no material facts are in dispute, is cause to streamline this docket rather than to extend it.

Sincerely,

Stoll Keenon Ogden PLLC

  
C. Kent Hatfield

CKH: jms

Cc: Service List  
Jeb Pinney, Esq.