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February 19, 2014

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PUBLIC SERVICE
COMMISSION

Via Hand Delivery

Hon. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

Re: *In the Matter of AT&T Corp. v Mountain Rural Telephone Cooperative Corp., and Thacker Grigsby Telephone Co., Inc., Case No. 2013-00392*

Dear Mr. Derouen:

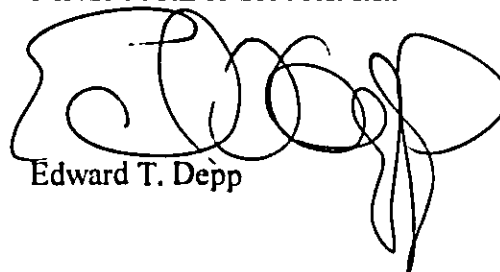
With this letter I am enclosing one (1) original and eleven (11) copies of Defendants' Motion to Reconsider the Commission's Order Rejecting Defendants' Counterclaim for Filing or, in the Alternative, Motion for Deviation in the above-referenced matter.

Please return a file stamped copy to our courier.

Thank you, and if you have any questions, please call me.

Sincerely,

DINSMORE & SHOHL LLP



Edward T. Depp

ETD/kwi.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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FEB 19 2014

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

AT&T CORP.

COMPLAINANTS

v.

MOUNTAIN RURAL TELEPHONE
COOPERATIVE CORP.

DEFENDANT

v.

THACKER-GRIGSBY TELEPHONE CO., INC.

DEFENDANT

CASE No. 2013-00392

**DEFENDANTS' MOTION TO RECONSIDER THE COMMISSION'S ORDER
REJECTING DEFENDANTS' COUNTERCLAIM FOR FILING OR, IN THE
ALTERNATIVE, MOTION FOR DEVIATION**

Defendants Mountain Rural Telephone Cooperative Corporation, Inc. ("Mountain Rural") and Thacker-Grigsby Telephone Co., Inc. ("Thacker-Grigsby") (collectively, the "Rural Carriers"), by counsel and pursuant to KRS 278.400¹, move the Public Service Commission of the Commonwealth of Kentucky ("the Commission") to reconsider its February 3, 2014 Order rejecting Defendants' counterclaim for filing. In the alternative, the Rural Carriers request that the Commission permit a deviation from its rules pursuant to 807 KAR 5:001, Section 21. As grounds for this motion, the Rural Carriers state as follows.

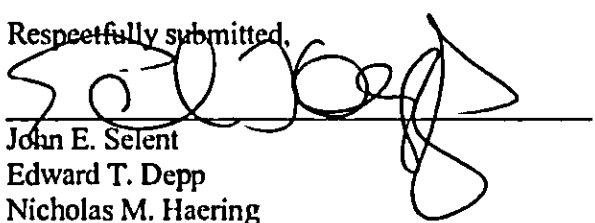
¹ "Motions to reconsider Commission rulings are governed by KRS 278.400." Case No. 2004-00507, *Joint Application of Louisville Gas & Electric Company and Kentucky Utilities Company* (Ky. PSC April 19, 2005).

The Commission has allowed counterclaims in the past.² Therefore, the Rural Carriers respectfully request that the Commission treat their counterclaim as a formal complaint and order AT&T Corp. to answer or satisfy the Rural Carriers' claims.

To the extent that the Commission is adopting a new interpretation of its rules and changing its prior practice of allowing counterclaims, the Rural Carriers request that, in the alternative, the Commission permit a deviation³ from its procedural rules and accept the counterclaim as of the date it was originally filed.⁴ The Rural Carriers believe that a deviation is proper due to the Commission's precedent allowing counterclaims. Furthermore, administrative efficiency will be better served by a counterclaim in the instant case rather than a separate complaint in a separate proceeding adjudicating the same issues of law and fact.

The Rural Carriers file this motion to preserve the timeliness of their claims and realize that the instant motion may be moot since the Rural Carriers have filed a complaint independently, pursuant to the Commission's instruction. Therefore, in lieu of an order granting the relief sought herein, the Rural Carriers request that the Commission accept its complaint and motion to consolidate and deem both to be filed as of the date of the filing of the counterclaim.

Respectfully submitted,



John E. Selent
Edward T. Depp
Nicholas M. Haering

² See e.g. Case No. 2002-00247, *In the Matter of: Rattlesnake Ridge Water District v. City of Grayson and Grayson Utilities Commission* (Ky. PSC Sept. 13, 2002) (Defendant Grayson asserted two counterclaims in addition to answering a complaint); See also Case No. 2006-00413, *In the Matter of: Wispnet, LLC v. Xspedius Communications* (Ky. PSC Jan. 17, 2007) (The Commission ordered Complainant Wispnet, LLC to answer a counterclaim); Case No. 2002-00383, *In the Matter of Brandenburg Telecom LLC v. AT&T Communications of the South Central States, Inc.* (Ky. PSC May 1, 2003) (The Commission allowed Defendant AT&T to present a counterclaim in its response and ruled in AT&T's favor on part of that counterclaim.)

³ 807 KAR 5:001, Section 21 ("In special cases, for good cause shown, the commission may permit deviations from these rules.")

⁴ Case No. 2003-00056, *In the Matter of: Kentucky Cable Telecommunications Association v. Jackson Purchase Energy Corporation* (Ky. PSC May 20, 2003) (The Commission granted Defendant Jackson Purchase's motion to file a counterclaim, accepted the counterclaim, and ordered Kentucky Cable to answer the counterclaim.)

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*Counsel to Mountain Rural Telephone Cooperative,
Corporation, Inc. and Thacker-Grigsby Telephone
Company, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by U.S. mail this 19th day of February, 2014, on the following:

Mark Overstreet
Stites & Harbison PLLC
West Main Street
P.O. Box 634
Frankfort, KY 40602
Counsel to AT&T



*Counsel to Mountain Rural Telephone Cooperative,
Corporation, Inc. and Thacker-Grigsby Telephone
Company, Inc.*

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