

COMMONWEALTH OF KENTUCKY

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BEFORE THE PUBLIC SERVICE COMMISSION

APR 25 2006

In the Matter of:

PUBLIC SERVICE
COMMISSION

APPLICATION FOR APPROVAL OF)
THE TRANSFER OF CONTROL OF)
ALLTEL KENTUCKY, INC. AND)
KENTUCKY ALLTEL, INC. AND FOR)
AUTHORIZATION TO GUARANTEE)
INDEBTEDNESS)

CASE NO. 2005-00534

MOTION TO STRIKE TESTIMONY OF MARK I. HAYES

Kentucky Alltel, Inc., Alltel Kentucky, Inc., Alltel Communications, Inc., Alltel Holding Corp., Valor Communications Group and Alltel Holding Corporate Services, Inc. ("Applicants") move the to strike the testimony of Mark I. Hayes filed on behalf of ALEC, Inc. In support thereof, Applicants state:

1. On April 21, 2006 Alec, Inc. filed the testimony of Mark I. Hayes on behalf of ALEC, Inc. Mr. Hayes' testimony relates to a dispute between ALEC and the Alltel's two Kentucky ILECs concerning the parties rights and duties under federal law. As such, ALEC's claims are irrelevant to the question of whether the Windstream can satisfy the requirements of KRS 278.020(5) and KRS 278.020(6).

2. More fundamentally, ALEC's claims are the subject of an action pending before this Commission. In that action, *Touchstone d/b/a ALEC, Inc v. Alltel Communications, Inc.*, Case No. 2005-00482, there currently is pending a motion by Alltel to dismiss the complaint.

Dated: April 25, 2006.

Respectfully submitted,

STITES & HARBISON

A handwritten signature in black ink, appearing to read 'MRO', is written over a horizontal line. The signature is stylized and cursive.

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by delivery in open hearing and by U.S. Mail, Postage Prepaid upon:

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on this the 25th day of April, 2006.


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