

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|-------------------------------|---|------------|
| TERA BLUE, INC. |) | |
| |) | |
| COMPLAINANT |) | |
| |) | CASE NO. |
| V. |) | 2009-00058 |
| |) | |
| WINDSTREAM KENTUCKY EAST, LLC |) | |
| |) | |
| DEFENDANT |) | |

O R D E R

On February 9, 2009, Tera Blue, Inc. ("Tera Blue") filed a Complaint against Windstream Kentucky East, LLC ("Windstream"). On March 5, 2009, Windstream filed its Answer to the Complaint. On August 18, 2009, an informal conference was held in this matter. Since the informal conference, the parties have been negotiating a resolution of the issues contained in the Complaint.

On February 22, 2009, Tera Blue filed a Motion to Dismiss the Complaint against Windstream, stating that "the issues have been fully and finally settled."¹

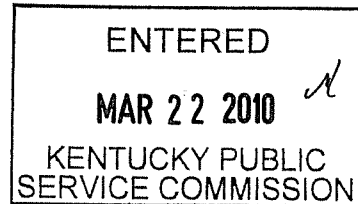
The Commission, having reviewed the record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. The Motion to Dismiss is granted.

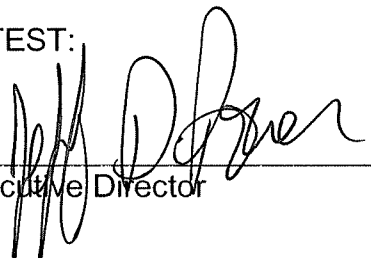
¹ See Motion to Dismiss at 1.

2. This case is dismissed with prejudice and removed from the Commission's docket.

By the Commission



ATTEST:



Executive Director

Stephen G Amato
McBrayer, McGinnis, Leslie & Kirkland
201 East Main Street, Suite 1000
Lexington, KY 40507

Jeremy R Morgan
PO Box 1268
Hazard, KY 41702

Sondra Oliver
Owner
Tera Blue, Inc.
304 Winterberry Drive
Winchester, KY 40391

Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KY 40602-0634

Jeanne Shearer
VP - State Government Affairs
Windstream Communications
124 E. Main Street
P. O. Box 458
Ephrata, PA 17522-0458