



Ernie Fletcher
Governor

Mark David Goss
Chairman

Teresa J. Hill, Secretary
Environmental and Public
Protection Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

John W. Clay
Commissioner

Christopher L. Lilly
Commissioner
Department of Public Protection

October 5, 2006

PARTIES OF RECORD

Re: Case No. 2005-00482

Attached is a copy of the memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact Amy Dougherty at 502/564-3940, Extension 257.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Beth O'Donnell".


Beth O'Donnell
Executive Director

Attachment.

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Case File

FROM: Amy E. Dougherty, Staff Attorney 

DATE: October 5, 2006

SUBJECT: 2005-00482 Informal Conference Memo

Those persons whose names appear on the attached sign-in sheet met in person or via teleconference on September 26, 2006. Touchtone d/b/a ALEC presented information about their complaint. Tim Sefton indicated that the amount in dispute was growing monthly by minutes of use and by interest due. ALEC's attorney Kris Twomey summarized the legal issues at stake.

Mark Overstreet, on behalf of Kentucky Alltel, Inc., now Windstream Kentucky East ("Windstream"), reminded the participants that Windstream has a pending motion to dismiss. He asserted that IntraLATA toll payments were made to ALEC prior to November 2002. Moreover, Mr. Overstreet argued that Windstream owed nothing until there was a final binding non-appealable FCC order regarding ISP compensation.

The parties agreed to the following procedural schedule:

1. The documents presented at the informal conference by ALEC would be reviewed by Windstream and officially filed by ALEC no later than September 29, 2006. Windstream also agreed to submit the exhibits that were missing from its previously filed motion to dismiss.
2. The parties agreed to file a letter by no later than September 29, 2006, indicating when their respective subject matter experts would meet to discuss in detail the issues in dispute in this complaint.
3. By October 6, 2006, the parties agreed to file written responses to the questions raised at the informal conference. These include (a) an updated tally of amounts ALEC asserts are due from Windstream; and, (b) whether Windstream had paid any amounts due to ALEC regarding the issues in question in this proceeding.
4. The parties agreed to update the motion to dismiss as necessary and submit responses thereto no later than October 13, 2006.

5. The parties agreed to file replies to the updated responses to the motion to dismiss by no later than October 20, 2006.

6. By October 27, 2006, parties will submit a motion for an evidentiary hearing should one be desired. With any motion for a hearing the facts in dispute should be itemized and a proposed schedule for discovery should be submitted.

Attachment

