

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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MAR 24 2006

CASE NO. 2005-0554
PUBLIC SERVICE
COMMISSION

In the Matter of:
APPLICATION FOR APPROVAL OF)
THE TRANSFER OF CONTROL OF)
ALLTEL KENTUCKY, INC. AND)
KENTUCKY ALLTEL, INC. AND FOR)
AUTHORIZATION TO GUARANTEE)
INDEBTEDNESS)

**RESPONSE TO MOTION OF INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS FOR FULL INTERVENOR STATUS**

Kentucky Alltel, Inc., Alltel Kentucky, Inc., Alltel Communications, Inc., Alltel Holding Corp., Valor Communications Group, Inc. and Alltel Holding Corporate Services, Inc. ("Applicants") state as follows in support of their Response to the Motion of the International Brotherhood of Electrical Workers ("IBEW") requesting full intervention in this matter:

1. On March 23, 2006, IBEW untimely filed its Motion seeking full intervention in this proceeding pursuant to 807 KAR 5:001(8). IBEW states that it will not engage in discovery requests but does express its intent to file testimony which places an additional and undue burden on Applicants. IBEW's Motion should be denied.
2. The Commission rule relied upon by IBEW requires that in "any formal proceeding, any person who wishes to become a party to a proceeding before the commission may by timely motion request that he be granted leave to intervene." (Emphasis supplied.) Further, 807 KAR 5:001(8)(b) states in pertinent part that such a timely person shall be granted full intervention if that person's intervention will not unduly complicate or disrupt the proceedings.
3. IBEW's Motion is untimely, and IBEW's intervention would unduly complicate and disrupt the proceedings and existing procedural schedule, which itself already exceeds the maximum time allowed by law.

4. In its Motion, IBEW recognizes that it has exceeded the time allowed by the Commission's rules for intervention. Yet, IBEW then attempts to excuse the untimeliness of its filing by relying on the Commission's procedural schedule set forth in this proceeding. As discussed below, the existing procedural schedule in this case does not provide an excuse for an untimely intervention by IBEW.

5. On March 2, 2006, the Commission issued an Order ("March 2nd Order") establishing a procedural schedule and indicating that it "will enter a decision within 120 days of February 16, 2006, or by no later than June 16, 2006." The Commission's schedule set forth in the March 2nd Order exceeds the maximum time frame allowed by law by 24 days.

6. Specifically, KRS 278.020(6) and 278.300(2) require that the Commission process an application within 60 days of the date the application is filed and may continue the application for an additional 60 days based upon facts fully demonstrating good cause. The March 2nd Order incorrectly assesses the statutory time periods from February 16, 2006, which is the date on which Applicants filed their testimony – not their application. Applicants' filed their application ("Restated and Amended Application") on January 23, 2006. To act within the maximum 120 days, the Commission's schedule should have reflected that it would issue a final order no later than May 23, 2006 (or 120 days from the date the Restated and Amended Application was filed).¹

7. Considering that the procedural schedule set forth in the Commission's March 2nd Order is inconsistent with Kentucky law, it does not provide grounds for IBEW to justify an untimely

¹ The time logically cannot commence upon the filing of testimony since applicable Commission rules do not require that a party file any testimony in cases requesting a change of control or issuance of a debt guaranty. (*See e.g.*, 807 KAR 5:001, Sections 6, 8, 9, and 11.) While there still may be additional fact finding to be undertaken after the filing of an application, such action must fit within the statutorily prescribed time periods.

intervention in this proceeding. Applicants should not be forced to endure further undue prejudice and procedural disruptions brought about by untimely interventions.

8. Practically, IBEW should not be allowed to claim insufficient notice of the intervention period in this proceeding. IBEW shares counsel with CWA, which has been an active participant in this proceeding from its inception.

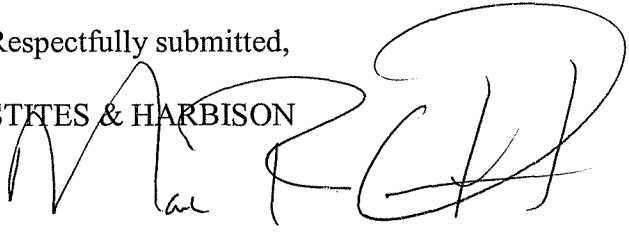
9. Applicants are statutorily entitled to a prompt adjudication of the Amended and Restated Application. Resolution of this matter already has been complicated by a procedural schedule at odds with this statutory entitlement. The Commission should not compound that complication by allowing IBEW to intervene untimely.

Wherefore, Kentucky Alltel, Inc., Alltel Kentucky, Inc., Alltel Communications, Inc., Alltel Holding Corp., Valor Communications Group and Alltel Holding Corporate Services, Inc. respectfully request that the Commission deny and dismiss with prejudice IBEW's Motion for Full Intervention and provide all other necessary and proper relief to which Applicants are entitled.

Dated: March 24, 2006.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via United States Postal Service, First Class Mail, postage prepaid, and electronic transmission upon the following:

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on this the 24th day of March, 2006.

A handwritten signature in black ink, appearing to read "Mark R. Overstreet". The signature is written in a cursive style with a large, stylized "M" and "R".

Mark R. Overstreet