Dinsmore&Shohl

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January 9, 2007

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PUBLIC SERVICE COMMISSION

Via Federal Express

Hon. Beth O'Donnell **Executive Director Public Service Commission** 211 Sower Blvd. Frankfort, KY 40601

> In the Matter of: Mountain Rural Telephone Cooperative Corporation, Inc. v. Re:

Kentucky Alltel, Inc. before the Kentucky Public Service Commission, Case No.

2006-00198

Dear Ms. O'Donnell:

I have enclosed for filing in the above-styled case the original and eleven (11) copies of Mountain Rural Telephone Cooperative Corporation, Inc.'s Reply in Support of its Motion to Schedule a Public Hearing. Please return a file-stamped copy in the self-addressed, postage prepaid envelope furnished herewith.

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

Sincerely,

DINSMORE & SHOHL LLP

Holly C. Wallace

HCW/rk **Enclosures**

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1400 PNC Plaza, 500 West Jefferson Street Louisville, KY 40202 502.540.2300 502.585.2207 fax www.dinslaw.com

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

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MOUNTAIN RURAL TELEPHONE)	RECEIVED
COOPERATIVE CORPORATION, INC. Complainant)	JAN 1 0 2007
)	PUBLIC SERVICE COMMISSION
V.)	Case No. 2006-00198
KENTUCKY ALLTEL, INC. Defendant)))	
)	

MOUNTAIN TELEPHONE'S REPLY IN SUPPORT OF ITS MOTION TO SCHEDULE A PUBLIC HEARING

Mountain Rural Telephone Cooperative Corporation, Inc., d/b/a Mountain Telephone ("Mountain Telephone"), by counsel, hereby submits its Reply in Support of its Motion to Schedule a Public Hearing.

Pursuant to 807 KAR 5:001, Section 4(1)(b), the Kentucky Public Service Commission (the "Commission") shall grant a hearing "[w]hen application has been made in a formal proceeding." Mountain Telephone properly moved for a public hearing pursuant to this regulation; therefore, the Commission should grant Mountain Telephone's motion.

The contention of Windstream Kentucky East, Inc. f/k/a Kentucky Alltel, Inc. ("Windstream") that the Commission should not schedule a hearing because of Windstream's pending motion to compel is without merit. The regulations do not provide that the Commission should grant a motion for a public hearing *only if* no other motions are pending. It is common practice for decision-making bodies such as the Commission to schedule a formal hearing while

other motions are pending. Establishing a hearing date does not prevent the Commission from considering Windstream's motion and resolving it.

Moreover, the information subject to Windstream's motion relates to time periods or issues outside of the scope of discovery. Therefore, Windstream has not been prejudiced by Mountain Telephone's objections to producing the information. Mountain Telephone, however, *is* prejudiced by Windstream's continuing refusal to pay Mountain Telephone's tariffed non-traffic sensitive revenue fees.

Accordingly, Mountain Telephone respectfully requests that the Commission grant its Motion to Schedule a Public Hearing.

Respectfully submitted,

John E. Selent Holly C. Wallace

Edward T. Depp

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COUNSEL TO MOUNTAIN RURAL TELEPHONE COOPERATIVE CORPORATION, INC.

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing was served by mailing a copy of the same by First Class United States mail, postage prepaid, to Mark R. Overstreet, Esq., Stites & Harbison, 421 W. Main Street, P.O. Box 634, Frankfort, KY 40602-0634, this 424 day of January, 2007.

COUNSEL TO MOUNTAIN RURAL TELEPHONE COOPERATIVE CORPORATION, INC.

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